

ORDINANCE NUMBER O- 20412 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 14 2014

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING TO EXECUTE THE FIRST AMENDMENT TO AND RESTATEMENT OF THE MARCH 17, 1998, AGREEMENT (OO-18474) BETWEEN THE CITY OF SAN DIEGO, THE SAN DIEGUITO WATER DISTRICT AND SANTA FE IRRIGATION DISTRICT FOR THE STORAGE AND OPERATION OF THE LAKE HODGES RESERVOIR.

WHEREAS, on March 17, 1998, the City of San Diego (City), a municipal corporation, Santa Fe Irrigation District (Santa Fe), a California irrigation district, and San Dieguito Water District (San Dieguito), a California irrigation district, entered into an agreement that rescinded all previous agreements between the Parties and restated their respective rights with respect to the operation and storage of the Lake Hodges Reservoir (City of San Diego Document No. 00-18474) (1998 Agreement); and

WHEREAS, by agreement dated May 26, 1998, as City Document No. 00-18521-2 (City-CWA Agreement), the City entered into an agreement with SDCWA to provide emergency water storage at Lake Hodges Reservoir as a part of the SDCWA's Emergency Water Storage Project; and

WHEREAS, in 2008, the Parties had a disagreement regarding the interpretation of the 1998 Agreement and the City-CWA Agreement which resulted in the Districts filing a lawsuit against the City. In the lawsuit, the Districts alleged, among other claims, that the City-CWA Agreement infringed upon the Districts' rights and interests in Lake Hodges which the City denied each of those claims; and

WHEREAS, after the lawsuit was filed, the Districts and the City began renegotiating the 1998 Agreement to clarify the agreement's terms. These negotiations lead the Districts to dismiss their lawsuit without prejudice on or about November 18, 2010; and

WHEREAS, the new agreement will clarify issues that were previously not well defined in the 1998 Agreement and provide the City access to move water out of the Lake Hodges Reservoir; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor, or designee, is authorized to execute, for and on behalf of the City, the First Amendment to and Restatement to the March 17, 1998 Agreement (OO-18474) between the City of San Diego, the San Dieguito Water District and Santa Fe Irrigation District to clarify the respective rights concerning the water supply operation and storage of water in Lake Hodges Reservoir, under the terms and conditions set forth in the Agreement on file in the Office of the City Clerk as Document No. 00 - 20412 together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement.

Section 2. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Mark M. Mercer
Mark M. Mercer
Deputy City Attorney

MMM:cw
07/29/14
Or.Dept: Public Utilities
CC: N/A
Doc. No. 797066_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 30 2014.

ELIZABETH S. MALAND
City Clerk

By Elizabeth Maland
Deputy City Clerk

Approved: 10/14/14
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on SEP 30 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 14 2014

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

SEP 16 2014

, and on

OCT 14 2014

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

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