MON Aug 18,2014 Special meeting (R-2015-74) #600

RESOLUTION NUMBER R- 309194

DATE OF FINAL PASSAGE AUG 19 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING PAYMENT OF A STIPULATED ADMINISTRATIVE CIVIL PENALTY TO IMPLEMENT THE SETTLEMENT WITH THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD REGARDING NOTICE OF VIOLATION NO. R9-2010-0135.

WHEREAS, on October 1, 2010, the San Diego Regional Water Quality Control Board (Regional Board) issued Notice of Violation (NOV) No. R9-2010-0135 to the City of San Diego (City), alleging the City's failure to properly implement the storm water treatement control requirements for development projects under the 2001 and 2007 Municipal Separate Storm Sewer System Permits; and

WHEREAS, the City Council in Closed Session on May 12, 2014 authorized a settlement with the Regional Board to satisfy all of the claimed violations described in NOV No. R9-2010-0135 by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6 and 7; Nays, None; and Absent, Districts 8 and 9, for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the settlement agreement; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council authorizes:

- 1. The Mayor, or his designee, to pay the sum of \$492,734 to settle all the claimed violations relating to NOV No. R9-2010-0135.
- 2. The Chief Financial Officer to appropriate and expend \$492,734 to satisfy the stipulated administrative civil liability penalty, with \$246,367 of that amount to be appropriated from the Development Services Department, Planning & Development Enterprise Fund 700036,

and the remaining \$246,367 to be appropriated from the General Fund 100000, contingent upon the Chief Financial Officer first furnishing one or more certificates that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

3. The City Comptroller to issue a check in the amount of \$492,734 payable to the State Water Board Cleanup and Abatement Account within 30 days from the date the Regional Board issues an Order approving the settlement agreement. The Comptroller shall indicate "Order R9-2014-0017" on the check and shall send to State Water Resources Control Board, Accounting Office, Attn: ACL Payment, P.O. Box 1888, Sacramento, CA 95812-1888, with a copy sent to Ms. Chiara Clemente, San Diego Regional Water Quality Control Board, 2375 Northside Drive, Suite 100, San Diego, CA 92108.

APPROVED: JAN I. GOLDSMITH, City Attorney

Ву

Amanda L. Guy
Deputy City Attorney

ALG:js 08/06/14

Or.Dept: Transportation & Storm Water Dept.

CC No.: 3000007163; 3000007164

Doc. No.: 842060

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 8/18/14.

The City of San Diego COMPTROLLER'S CERTIFICATE

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R-309194

Passed by the Council of T	he City of San Diego on	AUG 1	8 2014	by the following vote:
Councilmembers	Yeas	Nays	Not Presen	t Recused
Sherri Lightner	. Z			
Ed Harris	\mathbf{Z}			
Todd Gloria				
Myrtle Cole				
Mark Kersey				
Lorie Zapf			Z	
Scott Sherman	\square			
David Alvarez	$ ot\!\!\!/$			
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Date of final passage	AUG 1 9 2014		·	•
AUTHENTICATED BY:		M		. FAULCONER y of San Diego, California.
(Seal)		City		TH S. MALAND ity of San Diego, California.
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		Office of	the City Clerk,	San Diego, California
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