

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 treatment 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:

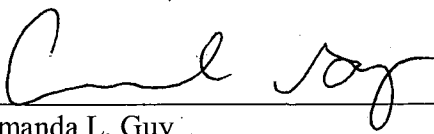
1. The Mayor, or his designee, to pay the sum of \$492,734 to settle all the claimed violations relating to NOV No. R9-2010-0135.
2. The Chief Financial Officer to appropriate and expend \$492,734 to satisfy the stipulated administrative civil liability penalty, with \$246,367 of that amount to be appropriated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


By

  
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.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 8/19/14  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

CC 3000007163  
 DEPT. NO.: 1611

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_

Purpose: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$246,367.00

Vendor: The San Diego Regional Water Quality Control Board (Regional Board)

Purpose: Notice of Violation R9-2010-0135

Date: Aug 13, 2014 By: Holly Hernandez  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
01	7200036			OTHR-00000000-DSE	512182	1611	1611130012		\$246,367.00
TOTAL AMOUNT									\$246,367.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000007163

AUG 18 2014

R-309194

**The City of San Diego  
COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

CC 3000007164  
DEPT. NO.: 9912

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_

Purpose: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$246,367.00

Vendor: The San Diego Regional Water Quality Control Board-(Reginal Board)

Purpose: Notice of Violation R9-2010-0135

Date: Aug 13, 2014

By: on behalf of Jayla Veng  
Holly Hernandez  
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
01	100000			OTHR-00000000-GG	512182	9912	9912001123		\$246,367.00
TOTAL AMOUNT									\$246,367.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000007164

AUG 18 2014

R-309194

Passed by the Council of The City of San Diego on AUG 18 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 AUG 19 2014

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

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

(Seal)

By *May Stenard*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309194