

RESOLUTION NUMBER R- 309458

DATE OF FINAL PASSAGE JAN 30 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING EXPENDITURES RELATED
TO SETTLEMENT AGREEMENTS WITH NATIONAL STEEL
AND SHIPBUILDING COMPANY AND WITH BAE SYSTEMS
IN UNITED STATES DISTRICT COURT CASE
NO 09-CV-02275-AJB (BGS)

WHEREAS, the San Diego Regional Water Quality Control Board Cleanup and Abatement Order No. R9-2-12-0024 (Order) requires cleanup of polluted sediments in San Diego Bay near the shipyards now operated by National Steel and Shipbuilding Company (NASSCO) and BAE Systems; and

WHEREAS, the Order names the City of San Diego as one of several responsible parties;
and

WHEREAS, the City has been in litigation with other responsible parties over the costs of the cleanup in United States District Court Case No. 09-CV-02275-AJB(BGS); and

WHEREAS, after due public notice the San Diego City Council discussed the litigation in its closed session of December 16, 2014, at which time the City Council authorized settlements with NASSCO and BAE Systems; NOW, THEREFORE,

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

1. The Mayor or his designee is hereby authorized to execute settlement agreements with NASSCO and with BAE Systems in United States District Court Case No. 09-CV-02275-AJB (BGS).

2. All reservations on payments made or to be made to the San Diego Bay Environmental Restoration Trust - South (South Trust) from the \$6 million appropriation made by San Diego Resolution R-308451 (October 8, 2013) for the remediation of the NASSCO shipyard sediments are hereby released, and future payments required under the NASSCO settlement are hereby authorized to be paid from that same prior appropriation.

3. The Chief Financial Officer or his designee are hereby authorized to pay NASSCO by check the sum of \$1,070,204 from the remainder of the \$6 million prior appropriation made by Resolution R-308451, at a time required by the terms of the settlement with NASSCO.

4. All reservations on payments made or to be made to the San Diego Bay Environmental Restoration Trust - North (North Trust) from the \$9 million appropriation made by San Diego Resolution R-309143 (July 28, 2014) for the remediation of the BAE Systems shipyard sediments are hereby released, and future payments required under the BAE Systems settlement are hereby authorized to be paid from that same prior appropriation.

5. The Chief Financial Officer or his designee are hereby authorized to pay BAE Systems by check the sum of \$792,880 from the remainder of the \$9 million prior appropriation made by Resolution R-309143, at a time required by the terms of the settlement with BAE Systems.

6. The Mayor or his designee are hereby authorized to reallocate prior appropriations made by R-308451 and R-309143 between the South Site and North Site as necessary to meet the requirements of the settlements and to maintain compliance with San Diego Regional Water Quality Control Board Order No. R9-2012-0024.

7. The Chief Financial Officer or his designee shall deposit all insurance settlement proceeds received from claims arising from the Shipyard Sediments Cleanup and Abatement Order into Fund No. 720045 to re-compensate the City of San Diego for payments it has made toward the cleanup.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Frederick M. Ortlieb
Frederick M. Ortlieb
Deputy City Attorney

FMO:mt
12/16/2014
Or.Dept: City Attorney
Doc. No. 921781

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 13 2015.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 1/28/2015
(date)

[Signature]
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JAN 13 2015, 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"/>
Lorie Zapf	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<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 JAN 30 2015

(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 , Deputy

Office of the City Clerk, San Diego, California

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