

ORDINANCE NUMBER O- 20589 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 28 2016

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE THIRD AMENDMENT TO  
THE 2007 SAN DIEGO REGIONAL STORM WATER  
COPERMITTEES MEMORANDUM OF UNDERSTANDING.

WHEREAS, the San Diego Regional Water Quality Control Board (SDRWQCB) issued Order Nos. R9-2007-0001 and R9-2013-0001 (2007 and 2013 MS4 Permits) regulating discharges from the municipal separate storm sewer system; and

WHEREAS, the 2007 and 2013 MS4 Permits regulate MS4 discharges from the City of San Diego, the County of San Diego, the San Diego Unified Port District, the San Diego Regional Airport Authority, and the cities of Carlsbad, Chula Vista, Coronado, Escondido, Imperial Beach, La Mesa, San Marcos, Del Mar, El Cajon, Encinitas, Lemon Grove, National City, Oceanside, Poway, Santee, Solana Beach and Vista (Copermittees); and

WHEREAS, like the 2007 MS4 Permit, the 2013 MS4 Permit mandates that the Copermittees cooperate with respect to specified regional and watershed storm water pollution prevention activities; and

WHEREAS, the Copermittees entered into a Memorandum of Understanding (2008 MOU) to share the costs of shared watershed storm water compliance, which the City Council approved by Ordinance No. O-19699 on January 18, 2008; and

WHEREAS, the Copermittees entered into a First Amendment to the 2008 MOU, which the Mayor's designee approved on June 15, 2010; and

WHEREAS, on May 8, 2013, the SDRWQCB issued the 2013 Permit, which supersedes the 2007 MS4 Permit and requires the Copermittees to continue some programs under the 2007 Permit through 2015; and

WHEREAS, by ordinance O-20363 on May 15, 2014 the City and Copermittees entered into a Second Amendment to the 2008 MOU to extend the term to cover 2015 activities; and

WHEREAS, the Copermittees desire to enter into a Third Amendment to the 2008 MOU to extend the term until August 31, 2019; and

WHEREAS, the City desires to fund its Fiscal Year 2016 obligations under the Third Amendment at this time; NOW, THEREFORE,

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

Section 1. That the Mayor, or his designee, is authorized to execute a Third Amendment to the 2007 San Diego Regional Storm Water Copermittees Memorandum of Understanding, under the terms and conditions set forth in the Third Amendment to the 2007 MOU, on file in the Office of the City Clerk as Document No. OO- 20589.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$2,363,250, from Fund 100000 General Fund, Transportation & Storm Water Department – Storm Water Division operating budget, for the purpose of funding the City's Fiscal Year 2016 share of the costs under the Third Amendment to the 2008 MOU, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasury.

Section 3. That the Chief Financial Officer is authorized to expend an additional amount not to exceed \$5,502,115 from Fund 100000 General Fund, Transportation & Storm Water


Department – Storm Water Division operating budget, for the purpose of executing this amendment to the Memorandum of Understanding and funding the City’s Fiscal Year 2017 – Fiscal Year 2019 share of the costs under the Third Amendment to the 2008 MOU, contingent on Council adoption of the corresponding fiscal year’s appropriations ordinance, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 4. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 5. 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 6. 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   
Frederick M. Ortlieb  
Deputy City Attorney

FMO:mt  
11/20/2015  
Or.Dept:Transportation & Storm Water  
Doc No. 1115970

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 12 2016

ELIZABETH S. MALAND  
City Clerk

By Stacy Meacham  
Deputy City Clerk

Approved: 1/12/16  
(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 JAN 12 2016, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 28 2016.

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 Stacy Brady, 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

DEC 08 2015, and on JAN 28 2016.

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 Stacy Brady, Deputy

Office of the City Clerk, San Diego, California

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