

ORDINANCE NUMBER O- 21126 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 12 2019

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

WHEREAS, on January 24, 2007, the San Diego Regional Water Quality Control Board (RWQCB) issued Order No. R9-2007-0001 (2007 MS4 Permit) regulating discharges from the municipal separate storm sewer system (MS4); and

WHEREAS, the 2007 MS4 Permit regulates 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, the 2007 MS4 Permit mandated 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 to share the costs of shared watershed storm water compliance, which the City Council approved by Ordinance No. O-19699 on January 18, 2008 (2007 MOU); and

WHEREAS, the Copermittees entered into a First Amendment to the 2007 MOU, which the Mayor's designee approved on June 15, 2010; and

WHEREAS, on May 8, 2013, the RWQCB issued Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100, (2013 MS4 Permit) which superseded the 2007 MS4 Permit and which is still in effect, but requires the Copermittees to continue some programs under the 2007 MS4 Permit; and

WHEREAS, the Copermittees entered into a Second Amendment to the 2007 MOU to extend the term through August 31, 2015, such that the term of the 2007 MOU exceeded seven years, and which Second Amendment to the 2007 MOU the City Council approved by Ordinance No. O-20363 on May 15, 2014; and

WHEREAS, the Copermittees entered into a Third Amendment to the 2007 MOU to extend the term through August 31, 2019, which the City Council approved by Ordinance No. 20589 on January 28, 2016; and

WHEREAS, the Copermittees desire to enter into a Fourth Amendment to the 2007 MOU to extend the term through August 2024; and

WHEREAS, under San Diego City Charter section 99, no contract, agreement, or obligation extending for a period of more than five years may be authorized except by ordinance approved by a two-thirds majority vote of the City Council; 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 Fourth Amendment to the 2007 San Diego Regional Stormwater Copermittees Memorandum of Understanding to extend the term through August 2024, under the terms and conditions set forth in the Fourth Amendment to the 2007 MOU, on file in the Office of the City Clerk as Document No. OO-21126.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$2,555,027, from Fund 100000 – General Fund, Transportation and Storm Water Department – Storm Water Division operating budget, for the purposes of executing the Fourth Amendment to the 2007 MOU and funding the City’s Fiscal Year 2020 share of the costs under the Fourth Amendment to the 2007 MOU, contingent on the Chief Financial Officer first


furnishing one or more certificates certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer.

Section 3. That the Chief Financial Officer is authorized to expend an additional amount not to exceed \$7,910,658, from Fund 100000 – General Fund, Transportation and Storm Water Department – Storm Water Division operating budget, for the purposes of executing the Fourth Amendment to the 2007 MOU and funding the City’s Fiscal Year 2021 to Fiscal Year 2024 share of the costs under the Fourth Amendment to the 2007 MOU, contingent on City Council adoption of the corresponding fiscal year’s appropriations Ordinance, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer.

Section 4. That a full reading of this Ordinance is dispensed with prior to 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 5. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Davin A. Widgerow  
Deputy City Attorney

DAW:nja  
07/18/19  
Or. Dept: Transportation & Storm Water Department  
CC: 3000012275  
Doc. No.: 2056410

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 10 2019.

ELIZABETH S. MALAND  
City Clerk

By *Linda Irwin*  
Deputy City Clerk

Approved: 9/12/19  
(date)

*Kevin L. Faulconer*  
KEVIN L. FAULCONER, Mayor

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

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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

DEPT. NO. 3000012275  
2116

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: \$2,555,027.00 Fund: 100000

Purpose: Authorize a Fourth Amendment to the 2007 San Diego Regional Storm Water Copermitees Memorandum of Understanding with other regional jurisdictions. The five-year amendment will allow the City to share costs for mandated programs until the end of August 2024.

Date: May 28, 2019 By: Justin Byko

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	100000			OTHR-00000000-SH	512059	2116	2116121217		\$2,555,027.00
TOTAL AMOUNT									\$2,555,027.00

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: \_\_\_\_\_

Vendor: \_\_\_\_\_

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

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

COMPTROLLER'S DEPARTMENT

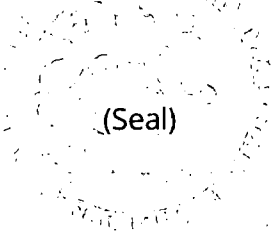
ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

Passed by the Council of The City of San Diego on SEP 10 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 12 2019.

AUTHENTICATED BY:



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

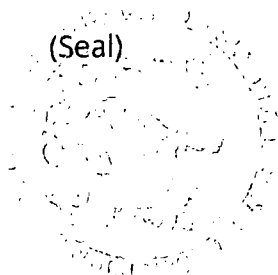
ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Ginda Brown, 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

AUG 06 2019, and on SEP 12 2019.

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.



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

By Ginda Brown, Deputy

Office of the City Clerk, San Diego, California  
**21126**  
Ordinance Number O-\_\_\_\_\_