

RESOLUTION NUMBER R- 313342

DATE OF FINAL PASSAGE NOV 24 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN PETITIONER, UNION OF MEDICAL MARIJUANA
PATIENTS, INC., AND THE CITY OF SAN DIEGO.

WHEREAS, on April 29, 2014, Petitioner, Union of Medical Marijuana Patients, Inc. (UMMP), filed suit against the City of San Diego and Real Party in Interest California Coastal Commission, challenging the City's determination that the 2014 Medical Marijuana Consumer Cooperative Ordinance O-20356 was not a "project" requiring California Environmental Quality Act (CEQA) review. The suit is entitled *Union of Medical Marijuana Patients, Inc. v. City of San Diego et al.*, Superior Court Case No. 37-2014-00013481-CU-TT-CTL (hereinafter "UMMP's CEQA action"); and

WHEREAS, on August 1, 2014, UMMP filed suit against the California Coastal Commission and the City as a Real Party in Interest, challenging the California Coastal Commission's approval of the City's Local Coastal Plan (LCP) amendment related to the 2014 Medical Marijuana Consumer Cooperative Ordinance O-20356. The suit is entitled *Union of Medical Marijuana Patients, Inc. v. California Coastal Commission et al.*, Superior Court Case No. 37-2014-00026004-CU-WM-CTL (hereinafter "UMMP's LCP action"); and

WHEREAS, in closed session on September 15, 2020, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, none; Absent, none, approved the settlement of UMMP's CEQA action and UMMP's LCP action for an amount consistent with the amount set forth below and pursuant to such other terms more fully set forth in a settlement agreement; NOW, THEREFORE,

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

1. Authorizes the Mayor or his designee to pay the sum of \$332,751.00 from Public Liability Fund No. 720045, in settlement of each and every claim to costs and fees of any type, including attorneys' fees, against the City of San Diego, its agents and employees, arising from *Union of Medical Marijuana Patients, Inc. v. City of San Diego et al.*, Superior Court Case No. 37-2014-00013481-CU-TT-CTL and *Union of Medical Marijuana Patients, Inc. v. California Coastal Commission et al.*, Superior Court Case No. 37-2014-00026004-CU-WM-CTL.

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$332,751.00 from Public Liability Fund No. 720045, for the purpose of settling these claims.

APPROVED: MARA W. ELLIOTT, City Attorney

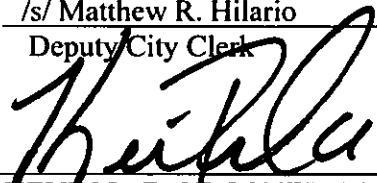
By /s/ M. Travis Phelps
M. Travis Phelps
Chief Deputy City Attorney

MTP:msb
October 23, 2020
Or.Dept: City Attorney
CC No. 3000013625
Doc. No.: 2497252

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 11/17/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Matthew R. Hilario
Deputy City Clerk


KEVIN L. FAULCONER, Mayor

Approved: 11/23/20
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on 11/17/2020, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 NOV 24 2020.

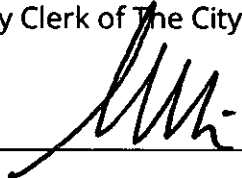
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

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