

#55 6-25-24

(O-2024-121)

ORDINANCE NUMBER O- 21830 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 02 2024

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

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

WHEREAS, the 2007 MS4 Permit regulates municipal separate storm sewer system 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 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 to share the costs of storm water compliance (2007 MOU), which the City Council (Council) approved by San Diego Ordinance O-19699 on January 18, 2008; 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 San Diego Regional Water Quality Control Board issued Order No. R9-2013-0001, subsequently amended by R9-2015-0001 and R9-2015-0100 (2013 MS4 Permit), which superseded the 2007 MS4 Permit but requires the Copermittees to continue some programs under the 2007 MS4 Permit; and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, which the Council approved by San Diego Ordinance 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 Council approved by San Diego Ordinance O-20589 on January 28, 2016; and

WHEREAS, the Copermittees entered into a Fourth Amendment to the 2007 MOU to extend the term through August 31 2024, which the Council approved by San Diego Ordinance O-21126 on September 12, 2019; and

WHEREAS, the Copermittees desire to entire into a Fifth Amendment to the 2007 MOU to extend the term through August 2029; and

WHEREAS, under San Diego 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 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, for and on behalf of said City, a Fifth Amendment to the 2007 MOU to extend the term through August 2029 under the terms and conditions set forth in the Fifth Amendment to the 2007 MOU, on file in the office of the City Clerk as Document No. OO- 21830.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$12,877,838 from General Fund (100000), Storm Water Department (2114) operating budget, for the purpose of funding the City's portion of the costs for the programs identified under the Fifth Amendment to the 2007 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 Treasury.

Section 3. 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 4. 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 

William Tyler Smith
Deputy City Attorney

WTS:cm
May 23, 2024
Or.Dept: Stormwater
Doc. No. 3662543

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 25 2024.

DIANA J.S. FUENTES
City Clerk

By Krystle Medina
Deputy City Clerk

Approved: 7/1/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(NOTE: The date of final passage is July 2, 2024, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

JUN 25 2024

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage _____ JUL 02 2024 _____

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristelle Medina, 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

_____ JUN 11 2024 _____, and on _____ JUL 02 2024 _____.

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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristelle Medina, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21830