

RESOLUTION NUMBER R- 315862

DATE OF FINAL PASSAGE NOV 06 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
THE SAN DIEGO COUNTY AIR POLLUTION CONTROL
DISTRICT AND CITY OF SAN DIEGO

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. On June 27, 2022, the San Diego County Air Pollution Control District (APCD) issued Notice of Violation No. APCD2022-NOV-000430 to the City of San Diego, alleging violations of District Rule 10 (operating without a permit) and Rule 51 (nuisance) for alleged emissions of air pollutants at the Police Pistol Range at 4008 Federal Blvd.

B. In closed session on September 23, 2024, the City Council, by the following votes: Yeas, Districts 1, 3, 4, 5, 6, 7, and 8; Nays, None; Absent, District 2; and Recused District 9, authorized a settlement of the penalty for the Notice of Violation consistent with the amounts below and terms more fully set forth in the Settlement Agreement.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

I. The Mayor or his designee is authorized to pay the sum of \$700,000.00 from General Fund No. 100000 Police Department, in full settlement of every San Diego County Air Pollution Control District claim for penalties and relief arising from Notice of Violation APCD2022-NOV-000430 issued on June 27, 2022.

2. The Chief Financial Officer is authorized to expend an amount not to exceed \$700,000.00 from General Fund No. 100000 Police Department, for the purpose of settling this Notice of Violation, with \$200,000.00 payable to the San Diego County Air Pollution Control District, and the remaining \$500,000.00 payable in support of the Supplemental Environmental Project.

APPROVED: MARA W. ELLIOTT, City Attorney

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

FMO:cw
September 25, 2024
October 24, 2024 COR. COPY
Or. Dept: City Attorney
CC No: 3000017217
CC No:3000017216
Doc. No.: 3832496_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 29 2024

DIANA J.S. FUENTES
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 11/4/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000017217
 DEPT. NO. 1914

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: _____

Purpose: _____

Date: _____ By: _____
 COMPTROLLER'S DEPARTMENT

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

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: \$500,000.00

Vendor: San Diego Association of Governments

Purpose: To authorize the expenditure of funds in the amount of \$500,000 to San Diego Association of Governments to support Supplemental Environmental Project arising from Notice of Violation APCD 2022-NOV-000430 that was issued on June 27, 2022. Relief is a portion of the not-to-exceed amount of \$700,000 for penalties and relief arising from violation.

Date: October 15, 2024 By: Leana Chan *Leana Chan*
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center	IO or WBS Element	Original Amount
001	Non-Program	100000	N/A	512182	OTHR-00000000-PO	1914	1914161112	N/A	\$500,000.00
TOTAL AMOUNT									\$500,000.00

FUND OVERRIDE

CC _____

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000017216
 DEPT. NO.: 1914

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: _____

Purpose: _____

Date: _____ By: _____
 COMPTROLLER'S DEPARTMENT

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

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: _____ \$200,000.00

Vendor: San Diego County Air Pollution Control District

Purpose: To authorize the expenditure of funds in the amount of \$200,000 to San Diego County Air Pollution Control District for purpose of settling Notice of Violation APCD 2022-NOV-000430 that was issued on June 27, 2022. Penalty fee is a portion of the not-to-exceed amount of \$700,000 for penalties and relief arising from violation.

Date: October 15, 2024 By: Leana Chan *Leana Chan*
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center	IO or WBS Element	Original Amount
001	Non-Program	100000	N/A	512182	OTHR-00000000-PO	1914	1914161112	N/A	\$200,000.00
TOTAL AMOUNT									\$200,000.00

FUND OVERRIDE

CC _____

OCT 29 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Date of final passage NOV 06 2024

(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:

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

(Seal)

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

By Kristell Medina, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Resolution Number R- <u>315862</u></p>
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