109 3-18-25 (R-2025-447)

# RESOLUTION NUMBER R- 316123

## DATE OF FINAL PASSAGE MAR 1 9 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE CITY OF SAN DIEGO'S SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R9-2025-0010 WITH THE REGIONAL WATER QUALITY CONTROL BOARD AND AUTHORIZING A RELATED SETTLEMENT PAYMENT OF \$11,419,608.

### **RECITALS**

The Council of the City of San Diego (Council) adopts this Resolution based on the following:
A. On February 22, 2023, the San Diego Regional Water Quality Control Board
(Regional Board) issued Notice of Violation No. R9-2023-0052 to the City of San Diego (City)
for a sanitary sewer overflow that occurred on January 16, 2023, and flowed into the San Diego
River and San Diego Bay.

B. In closed session on November 18, 2023, the Council approved the City's settlement of the Notice of Violation in the sum of \$11,419,608 by the following votes: Yeas: Districts 1, 2, 3, 4, 5, 6, 7, 8; 9; Nays: None; Absent: None. Based on the Council's direction, the City negotiated the terms of a proposed Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R9-2025-0010 (Settlement Agreement), included in the docket materials accompanying this Resolution.

C. The Office of the City Attorney prepared this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete and accurate.

## ACTION ITEMS

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

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1. The Council approves the Settlement Agreement.

2. The Mayor, or designee, is authorized to sign and deliver the Settlement Agreement on the City's behalf.

3. The Mayor, or designee, is authorized to pay \$11,419,608 to the State Water Resources Control Board from Metropolitan Sewer Fund 700001, in settlement of Notice of Violation No. R9-2023-0052, under the terms of the Settlement Agreement, if the Settlement Agreement is approved by the Regional Board.

4. The Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$11,419,608 from Metropolitan Sewer Fund 700001 to settle these claims, contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: HEATHER FERBERT, City Attorney

By nael D.\Johnston

Deputy City Attorney

MDJ:cw 2/27/25 Or. Dept: Public Utilities Department CC No.: 3000017587 Doc. No.: 3976553 I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on MAR 18 2025\_\_\_\_\_.

DIANA J.S. FUENTES City Clerk

Deputy City Clerk By

TODD GLORIA, Mayor

Approved:

Vetoed:

(date)

TODD GLORIA, Mayor

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

#### CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

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CC 3000017587

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.

Amou	nt:	\$11,419,608.00									
Purpose:		To authorize fiscal year 2025 expenditure of funds, not to exceed \$11,419,608.00 for the settlement of January 2023 Sanitary Sewer Overflow, Regional Water Quality Control Board Notice of Violation No. R9-2025-0010.									
Date:			•			Ву:	Vicki Tran The Comptroller's Department				
ACCOUNTING DATA											
Doc.		Funded				Business	Fund Center or Cost	Internal Order or			
Item	Fund	Program	Grant Number	G/L Account	Functional Area	Area	Center	WBS Element	Original Amount		
1	700001	Non-Program		512182	OTHR-00000000-SU	2000	200000001	N/A	\$11,419,608.00		
								TOTAL AMOUNT	\$11,419,608.00		

#### **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.

Date:

Ву:\_\_\_\_\_

COMPTROLLER'S DEPARTMENT

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

CC 3000017587

CC-361 (REV 7-09)

Passed by the Council of The C	ity of San Dieg	o on	MAR 1 8 2025	, by the following vote:	
Councilmembers	Yeas	Nays	Not Present	Recused	
Joe LaCava	$\square$				
Jennifer Campbell	Ø				
Stephen Whitburn	Z				
Henry Foster, III	Z				
Marni von Wilpert					
Kent Lee	Ĭ				
Raul A. Campillo				· ·	
Vivian Moreno	Ξ,		<u> </u>		
Sean Elo-Rivera	Z				

Date of final passage \_\_\_\_\_ MAR 1 9 2025

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

By <u>Jinda frein</u> For Connie Patterson Deputy

Office of the City Clerk, San Diego, California

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