

RESOLUTION NUMBER R- 316123

DATE OF FINAL PASSAGE MAR 19 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.

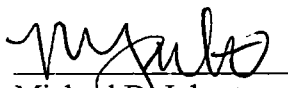
ACTION ITEMS

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

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

  
\_\_\_\_\_  
Michael 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

By Connie Patterson  
Deputy City Clerk

Approved: 3/19/25  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor



Passed by the Council of The City of San Diego on MAR 18 2025, 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 MAR 19 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 Linda Irwin, Deputy  
For Connie Patterson

Office of the City Clerk, San Diego, California  
Resolution Number R- 316123