

RESOLUTION NUMBER R- 315368

DATE OF FINAL PASSAGE FEB 15 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO REGARDING SETTLEMENT OF *CLIMATE ACTION CAMPAIGN V. CITY OF SAN DIEGO*, SAN DIEGO SUPERIOR COURT CASE NO. 37-2022-00036430-CU-TT-CTL AND *COASTAL ENVIRONMENTAL RIGHTS FOUNDATION V. CITY OF SAN DIEGO*, SAN DIEGO SUPERIOR COURT CASE NO. 37-2023-0006754-CU-TT-CTL.

WHEREAS, petitioners Climate Action Campaign and Coastal Environmental Rights Foundation (Petitioners) filed related actions against respondent City of San Diego (City) entitled *Climate Action Campaign, et al. v. City of San Diego*, San Diego Superior Court Case. No 37-2022-00036430-CU-TT-CTL and *Coastal Environmental Rights Foundation v. City of San Diego*, San Diego Superior Court Case No. 37-2023-00006754-CU-TT-CTL (collectively “the Litigation”); and

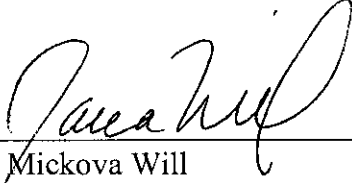
WHEREAS, in Closed Session on January 22, 2024, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 5, 6, 8 and 9; Nays, None; Absent, District 7; and Vacant, District 4; authorized settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the 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 \$120,000.00 from Public Liability Fund No. 720045, in settlement of each and every claim including all attorneys’ fees, costs, any interest of any type, against the City of San Diego, its agents and employees, arising from the Litigation.

2. Authorize the Chief Financial Officer to expend an amount not to exceed \$120,000.00 from Public Liability Fund No. 720045, for the purpose of settling the Litigation.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Jana Mickova Will  
Senior Deputy City Attorney

JMW:msb  
January 26, 2024  
Or. Dept: City Attorney  
CC No. 3000016468  
Doc. No. 3541557

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 13 2024.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 2/15/24  
(date)

  
TODD GLORIA, Mayor

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

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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

CC 3000016468  
DEPT. NO.: 1211

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: \$120,000.00

Purpose: Settlement of Climate Action Campaign, et al. v. City of San Diego, San Diego Superior Court Case. No 37-2022-00036430 - CU-TT-CTL and Coastal Environmental Rights Foundation v. City of San Diego, San Diego Superior Court Case No. 37-2023-00006754-CU-TT-CTL, Claim No's. 30636 & 31798

Date: February 2, 2024

Lauren Rehkopf *Lauren Rehkopf*

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
I	720045	NON-PROGRAM		OTHR-00000000-GG	512007	1515	1515000011		\$120,000.00
TOTAL AMOUNT									\$120,000.00

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: \_\_\_\_\_

Vendor: \_\_\_\_\_

Purpose: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

COMPTROLLER'S DEPARTMENT

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

FUND OVERRIDE

Passed by the Council of The City of San Diego on FEB 13 2024, 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"/>
District 4 - vacant	<input 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 FEB 15 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 J.S. FUENTES  
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy  
For Gonnie Patterson

Office of the City Clerk, San Diego, California  
**315368**  
Resolution Number R-\_\_\_\_\_