

RESOLUTION NO. 2024-064

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, REQUIRING IMMEDIATE ACTION FROM SANDAG TO ESTABLISH A LONG-TERM ENVIRONMENTAL MITIGATION FUND FROM THE OTAY MESA EAST PORT OF ENTRY TO SPECIFICALLY MITIGATE POLLUTION IMPACTS FROM TRANSBOUNDARY SEWAGE FLOWS FROM THE TIJUANA RIVER VALLEY

WHEREAS, the City of Imperial Beach has been the continual and unwilling recipient of the negative impacts of air, water, and other unhealthy environmental conditions from transboundary pollution from Mexico, which continues to be exacerbated by the increasing trade and unmitigated expansion within Mexico; and

WHEREAS, the negative impacts from transboundary pollution and associated environmental conditions have progressively worsened and are possibly irreversible in some cases; and

WHEREAS, the California State Route 11/Otay Mesa East Port of Entry project, managed by the San Diego Association of Governments (SANDAG), will jointly construct a new, modern land port of entry for the San Diego-Baja California region intended to improve mobility and air quality in the border region, and fuel economic growth and binational trade; and

WHEREAS, although the increase in the international trade relationship with Mexico may provide a regional economic benefit, the negative impacts continue to accrue and continue to lower the daily environmental quality of life for those closest to the U.S. Southwestern Border; and

WHEREAS, the increasing degradation of environmental and public health conditions represents unacceptable and untenable living conditions for many of the approximately 27,000 residents of the Imperial Beach beachfront community and adjacent communities; and

WHEREAS, prior to the final project operational approvals and opening of the Otay Mesa East Port of Entry, a plan for equitable redistribution of SANDAG-collected tolls, tariffs, and/or associated fees should be prepared to help indemnify the long-term negative environmental impacts to the region recognized as the Tijuana River Valley of San Diego County; and

WHEREAS, at the SANDAG Board of Directors meeting on July 12, 2024, each of the represented and participating regional agencies unanimously passed a motion to create a SANDAG Working Group (to include a minimum of one City of Imperial Beach elected representative) to align themselves with the City of Imperial Beach's unwavering request for Environmental Equity & Mitigation; and

WHEREAS, the Imperial Beach City Council demands that a long-term Tijuana River Valley Mitigation Fund and Management Board (to include a minimum of one City of Imperial Beach elected representative) be created and that collected revenues generated by the on-going management of the Otay Mesa East Port of Entry be ear-marked for the mitigation and restoration of the Tijuana River Valley and adjoining lands for the long-term benefit of the residents of Imperial Beach, Nestor, and San Ysidro; and

WHEREAS, the Tijuana River Valley Mitigation Fund should be regularly evaluated and fully financed at a minimum of one percent of the total toll revenues, or \$25 million (USD) dollars per year, whichever is greater, with annual increases to account for inflation and any pertinent market-based increases; and

WHEREAS, the Imperial Beach City Council enjoins SANDAG to codify this proposal and provide the proper legal authority to ensure compliance with all State and Federal funding mechanisms; and

WHEREAS, the City of Imperial Beach is also requesting modifications to California State legislation language and provisions to allow for a long-term mitigation fund collected from revenues generated by the Otay Mesa East Port of Entry to be ear-marked for Environmental mitigation and restoration of the Tijuana River Valley and adjoining lands by way of wastewater infrastructure and related projects to address the sewage crisis and benefit of the residents of Imperial Beach and adjacent areas.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. That the City Manager, or designee, deliver this resolution and any associated correspondence to the SANDAG Chief Executive Officer.
2. That the City's SANDAG representative convey this information to the SANDAG Board of Directors.
3. That the Mayor is authorized to sign a letter on behalf of the City Council to California State representatives requesting timely legislative amendments to facilitate the creation of a long-term mitigation fund collected from revenues generated by the Otay Mesa East Port of Entry to be ear-marked for Environmental mitigation and restoration of the Tijuana River Valley and adjoining lands by way of wastewater infrastructure and related projects to address the transboundary sewage crisis.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 4th day of September 2024, by the following vote:

AYES:	COUNCILMEMBERS:	LEYBA-GONZALEZ, FISHER, SEABURY, MCKAY, AGUIRRE
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE



PALOMA AGUIRRE, MAYOR

ATTEST:



**JACQUELINE M. KELLY, MMC
CITY CLERK**