

ORDINANCE NUMBER 19139 (NEW SERIES)

ADOPTED ON JAN 07 2003

AN ORDINANCE PURSUANT TO SAN DIEGO CHARTER
SECTION 99 AUTHORIZING AND ACCEPTING STATE
REVOLVING FUND LOAN PROGRAM CONTRACTS

WHEREAS, on March 17, 1997, the San Diego City Council adopted Resolution No. R-288425, authorizing the City Manager or, at his designation, the Metropolitan Wastewater Department Director or Assistant Director, to conduct all negotiations and submit all documents necessary to apply for and obtain loans from the State Water Resources Control Board [SWRCB] for the construction of wastewater infrastructure, pursuant to the SWRCB State Revolving Fund [SRF] Loan Program; and

WHEREAS, the City Manager and Metropolitan Wastewater Department Director have accordingly applied to the SWRCB and qualified the City to receive twenty-year zero percent interest SRF loans; and

WHEREAS, as a condition of making such loans, the SWRCB requires the recipient to certify a dedicated source of revenue for repayment of the loans; and

WHEREAS, on September 24, 2002, the San Diego City Council adopted Ordinance No. O-19106 authorizing the City to negotiate and enter into SRF loans for the Point Loma Fourth Sludge Pump Modifications Project in an amount not to exceed \$3,900,000;

WHEREAS, a SRF loan amount of \$4,800,000 is necessary to award the contract for construction of the Point Loma Fourth Sludge Pump Modifications Project due to additional project scope and actual bids received; NOW THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, that the City Manager and his duly designated representatives are hereby authorized to apply for, enter into, conduct all negotiations for, and execute and comply with all loan requirements regarding matching funding to fund zero-interest SRF loans, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the necessary matching funds are, or will be, on deposit in the City Treasury.

BE IT FURTHER ORDAINED, that Ordinance No. O-19106, adopted on September 24, 2002, be amended to increase the authorized SRF loan amount from \$3,900,000 to an amount not to exceed \$4,800,000 for the Point Loma Fourth Sludge Pump Modifications Project, CIP No. 41-925.0 pursuant to terms and conditions set forth in the form of the documents on file in the office of the San Diego City Clerk as Document Number OO- **19139**

BE IT FURTHER ORDAINED, that the Net System Revenues (as defined in the Master Installment Purchase Agreement, dated as of September 1, 1993, between the City and the Public Facilities Financing Authority of the City of San Diego, as originally executed and as it may from time to time be amended or supplemented in accordance with the provisions thereof), are hereby designated as the dedicated source of funds for repayment of the above SRF loans made by the SWRCB, and shall remain so until such time as the loans are fully repaid, unless change of such dedication is approved by the SWRCB.

BE IT FURTHER ORDAINED, that consistent with the authority granted by Resolution No. R-288425, the City Manager or his duly designated representatives may execute the documents for the loans accepted by this ordinance.

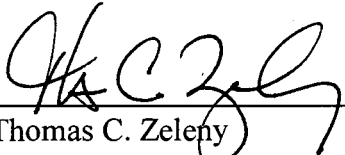
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BE IT FURTHER ORDAINED, that a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

BE IT FURTHER ORDAINED, that this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By  _____
Thomas C. Zelehy
Deputy City Attorney

TCZ:ccm
11/18/02
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Or.Dept:MWWD
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