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(O-2007-117) ✓
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ORDINANCE NUMBER O- 19619 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 21 2007

AN ORDINANCE AMENDING ORDINANCE NO. O-19522 ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 2006-2007 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR," BY AMENDING CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEAR 2006-2007; AND TAKING RELATED ACTIONS.

WHEREAS, that on July 31, 2006, the Council of the City of San Diego ordained to adopt the Fiscal Year 2007 Capital Improvements Program Budget for CIP No. 73-083.0, Annual Allocation Water Main Replacement budget which appropriated \$8,000,000 for water main replacement projects; and

WHEREAS, that on November 28, 2006, a majority of the Council of the City of San Diego resolved through Resolution Number R-302124 to authorize the transfer of \$5,000,000 from CIP 75-926.0, Water CIP Reserve to CIP 73-328-0 Rancho Bernardo Reservoir Rehabilitation; and

WHEREAS, that on January 16, 2007, the Council of the City of San Diego authorized the issuance of Non-Transferable Subordinated Water Revenue Notes, Series 2007A in the principal amount not to exceed \$57,000,000 including reimbursement for eligible CIP expenses for past projects, and that on January 30, 2007, the City of San Diego obtained approval of interim financing of the Subordinated Water Revenue Notes, Series 2007A; and

WHEREAS, that on February 26, 2007, a majority of the Council of the City of San Diego resolved through Resolution Number R- 2007-810 and Resolution Number R-2007-811 to approve a water revenue increase and capacity fee increase; and

WHEREAS, the Water Department has identified specific Water CIP accounts that can be reimbursed and/or increased to achieve Water CIP project needs; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Fiscal Year 2007 Capital Improvements Program Budget for the Water Department is amended by increasing the budget amount by an amount not to exceed \$17,000,000.

Section 2. That the City Auditor and Comptroller is authorized to appropriate \$17,000,000 from the Water Department Un-appropriated Fund Balance in Water Fund 41500; of which \$12,000,000 is for CIP 73-083.0, Annual Allocation – Water Main Replacements; and \$5,000,000 in CIP 75-926.0, Water CIP Reserve.

Section 3. That the appropriation and expenditure of an amount not to exceed \$12,000,000 from the Water Department Un-appropriated Fund Balance in Water Fund 41500, contingent upon the approval and award of one or more contracts to perform such work, is authorized solely and exclusively for the purpose of accelerating the program for bid and award of projects to meet the State Department of Health services mandate for replacement of cast iron water mains.

Section 4. That the appropriation of an amount not to exceed \$5,000,000 from the Water Department Un-appropriated Fund Balance in Water Fund 41500, is authorized solely and exclusively for the purpose of replenishing CIP 75-926.0, the Water CIP Reserve.

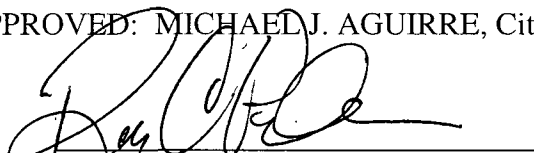
Section 5. That the Council of the City of San Diego finds that this activity is not a project subject to the California Environmental Quality Act [CEQA], because it is a government fiscal activity which is excluded from the definition of a project pursuant to State CEQA Guidelines Section 15378(b) (4), and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c) (3).

Section 5. 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.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Raymond C. Palmucci
Deputy City Attorney

RCP:js
03/14/07
Aud. Cert. 2700622
Or.Dept: Water Department
O-2007-117

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 15 2007.

ELIZABETH S. MALAND
City Clerk

By *Mary Zuma*
Deputy City Clerk

Approved: 5-21-07
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

AC 2700622

ORIGINATING

DEPT. NO.:

760

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: \$17,000,000.00 Fund: 41500

Purpose: Authorizing the appropriation from Water Department Unappropriated Fund Balance in Water Fund 41500 for CIP 73-083.0 Annual Allocation-Water Main Replacements and CIP 75-926.0 Water CIP Reserve.

Date: March 15, 2007

By:  **AUDITOR AND COMPTROLLER'S DEPARTMENT**

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	41500			9544					\$17,000,000.00
TOTAL AMOUNT										\$17,000,000.00

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: _____ **AUDITOR AND COMPTROLLER'S DEPARTMENT**

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										\$17,000,000.00

FUND OVERRIDE

AC 2700622

0-19619

MAY 15 2007