

RESOLUTION NUMBER R- 303157

DATE OF FINAL PASSAGE NOV 20 2007

A RESOLUTION AUTHORIZING EXECUTION OF  
PROPOSITION 50 GRANT FUNDING AGREEMENT;  
AUTHORIZING THE EXPENDITURE OF FUNDS; AND  
TAKING RELATED ACTIONS.

WHEREAS, in September 2004, under the Proposition 50 Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 [Proposition 50], the California Department of Public Health [CDPH] solicited projects for drinking water source protection, water security and for the reduction of demand on Colorado River water; and

WHEREAS, on April 19, 2006, based upon a favorable ranking by CDPH, the City of San Diego Water Department submitted a full project application for the Miramar Water Treatment Plant Upgrade and Expansion Project [Project] to aid in meeting the State of California's commitment to the reduction of demand on Colorado River water; and

WHEREAS, on June 14, 2007, a Letter of Commitment [LOC] designated P50-3710020-019 for \$20,000,000 in Proposition 50 grant funds was issued by CDPH for the Project, subject to terms and conditions; and

WHEREAS, City adopted a Project budget totaling \$44,713,791, with the remaining \$24,713,791 of Project costs to be funded by, through, or with water rates, charges and assessments, bond proceeds and financing; and

WHEREAS, prior to the State issuing a Proposition 50 Funding Agreement for the Project [Funding Agreement], City is required to adopt a resolution dedicating a source of revenues for matching funds, authorizing an officer to execute said Proposition 50 Funding Agreement and

amendments, and designating persons to approve claims and sign Project related forms; NOW,  
THEREFORE,

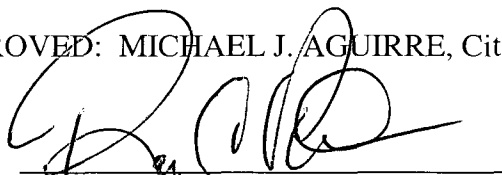
BE IT RESOLVED, by the Council of the City of San Diego:

1. That the Mayor or his designee is authorized and empowered to execute, for and on behalf of said City, a Proposition 50 Funding Agreement for the Project, any Amendments and Claims for Reimbursement, and Final Release for the Project, as set forth in the Proposition 50 Funding Agreement on file in the office of the City Clerk as Document No. RR **303156**
2. That the City Engineer or other registered engineer as designated by the Mayor, is authorized to execute the Budget and Expenditure Summary and Certificate of Project Completion forms for the Project.
3. That the City Council hereby designates revenues from the Water Fund, Fund No. 41500, and from water rates, charges and assessments, bond proceeds and financing as the dedicated source of revenue for matching funds for the Project as required under the Funding Agreement in an amount not to exceed \$24,713,791, and this dedication shall remain in full force and effect until such Funding Agreement is fully discharged unless modification or change of such dedication is approved by the State of California.
4. That the City Auditor and Comptroller is authorized to accept, appropriate, and expend up to \$20,000,000 in grant funds solely and exclusively for Project purposes, contingent upon first furnishing one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.
5. That the City Auditor and Comptroller, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

6. That this activity is covered under the Miramar Water Treatment Plan Upgrade (LDR 99-0704) Environmental Impact Report, that this activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review and that the prior environmental documents adequately covered this activity as part of a previously approved project, thus this activity is not a separate project for purposes of review under the California Environmental Quality Act [CEQA] per CEQA Guidelines Sections §15060(c)(3) and 15378(c).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

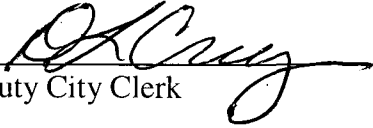
By

  
Raymond C. Palmucci  
Deputy City Attorney

RCP:js  
10/25/2007  
Or.Dept: Water  
R-2008-370

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 13 2007.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 11-20-07  
(date)

  
JERRY SANDERS, Mayor

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

\_\_\_\_\_  
JERRY SANDERS, Mayor