

ORDINANCE NUMBER O- 19837 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 20 2009

AN ORDINANCE AUTHORIZING EXECUTION OF FUNDING AGREEMENTS FOR A PUBLIC WORKS CONSTRUCTION LOAN UNDER THE SAFE DRINKING WATER FUND LAW; FOR EXPENDITURE OF FUNDS; AND TAKING RELATED ACTIONS.

WHEREAS, in January 2008, the Water Department submitted a Safe Drinking Water State Revolving Fund [SRF] loan application to the California Department of Public Health [CDPH] for the Alvarado Water Treatment Plant Upgrade and Expansion Phase IV Project [Project]; and

WHEREAS, on May 30, 2008, the City Council adopted Resolution No. R-303743 which authorized the execution of a \$20,000,000 Proposition 50 Grant Funding Agreement and authorized expenditure of funds for the Project; and

WHEREAS, on September 29, 2008, CDPH determined that the Project was eligible for a construction loan in the amount of \$12,000,000 and a Safe Drinking Water State Revolving Fund Notice of Acceptance of Application [NOAA] was sent to the Water Department indicating that funds were reserved for the Project; NOW, THEREFORE:

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

Section 1. That the Mayor or his designee is hereby authorized by ordinance to execute, for and on behalf of the City of San Diego, a Safe Drinking Water State Revolving Fund Loan, Funding Agreement, Amendments, Reimbursement Claims, and Final Release form for the Project.

Section 2. That the Mayor or his designee is hereby authorized by ordinance to designate revenues from Water Fund rates, charges and assessments, and financing proceeds as the dedicated source of revenue required under the Funding Agreement in an amount not to exceed \$33,275,113, 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.

Section 3. That the City Engineer, or other registered engineer designated by the Mayor, is authorized to execute the Budget and Expenditure Summary and Certificate of Project Completion forms.

Section 4. That the City Auditor and Comptroller is authorized to accept, appropriate, and expend an amount not to exceed \$12,000,000 for reimbursement by a State Revolving Fund loan and certifying that funds are available contingent upon the loan being secured.

Section 5. That the City Auditor and Comptroller is authorized, upon advice from the administering department, to transfer excess funds, if necessary, to appropriate reserves.


Section 6. That the \$12,000,000 loan is authorized to be repaid over 20 years at a 2.3086 percent rate.

Section 7. That this activity is covered under the Alvarado Water Treatment Plant Upgrade & Expansion Environmental Impact Report LDR No. 98-0130, that there is no change in circumstance, additional information or project changes to warrant additional environmental review and that this project 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).

Section 8. 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 9. That this Ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Raymond C. Palmucci
Deputy City Attorney

RCP:sc
02/10/2009
Or.Dept: Water Dept.
O-2009-93

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 10 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3-20-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor