

ORDINANCE NUMBER O- 20546 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 03 2015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE CITY TO ENTER INTO LOW INTEREST FINANCING THROUGH THE DRINKING WATER STATE REVOLVING FUND WITH THE STATE WATER RESOURCES CONTROL BOARD TO FUND THE 69TH STREET AND MOHAWK PUMP STATION PROJECT.

WHEREAS, the San Diego Public Utilities Department (Department) will be submitting an application for construction funding to the State Water Resources Control Board (State Water Board) for the 69th Street & Mohawk Pump Station Project (Project) with the estimated total Project cost of \$18,800,000 to be fully funded by the State Water Board; and

WHEREAS, the State Water Board provides low interest financing through the Drinking Water State Revolving Fund (DWSRF) program to provide public water systems the opportunity to utilize subsidized funding to correct infrastructure problems, to assess and protect source water, and to improve technical, managerial and financial capability; and

WHEREAS, the Project will replace old pipelines and new pipelines that are proposed along Mohawk, 67th, 68th, and 69th Streets, El Cajon Boulevard, and College Grove Drive within both the College Area and the Mid-City Eastern Area; 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 to execute and file, for and on behalf of the City of San Diego, a DWSRF financial assistance application, funding agreements, amendments thereto, reimbursement claims, final release forms, and to take related actions for the financing agreement from the State Water Board for the Project and any

amendments thereto, and provide the assurances, certifications and commitments required therefor.

Section 2. That the Mayor or his designee is authorized to dedicate and pledge its net water revenues and its water enterprise fund to payment of the DWSRF financing for the Project. The City commits to collecting such revenues and maintains such funds throughout the term of such financing and until the City has satisfied its repayment obligation thereunder unless modification or change of such dedication is approved in writing by the State Water Board. So long as the financing agreements are outstanding, the City's pledge hereunder shall constitute a lien in favor of the State Water Board on the foregoing funds and revenues without any further action necessary. So long as the financing agreement(s) are outstanding, the City commits to maintaining the fund and revenues at levels sufficient to meet its obligations under the financing agreements. If for any reason, said source of revenues proves insufficient to satisfy the debt service of the DWSRF obligation, sufficient funds shall be raised through increased water rates, user charges, or assessments or any other legal means available to meet the City's DWSRF obligation and to operate and maintain the Project.

Section 3. That the City Engineer or designee is hereby authorized to represent the Department in carrying out the Department's responsibilities under the financing agreement, including approving and submitting disbursement requests (including Claims for Reimbursement) or other required documentation, to execute the Budget and Expenditure Summary, Claim Reimbursement and Certificate of Project Completion forms, to certify that the project is complete and ready for final inspection, and to ensure compliance with applicable state and federal laws, and making any other necessary certifications.

Section 4. That the Chief Financial Officer is authorized to apply for, accept, appropriate and expend up to \$18,800,000 in DWSRF Loan funds for reimbursement to the Water Fund, contingent upon the City Comptroller certifying that the funds are available and contingent upon the loan being secured.

Section 5. That the authority granted hereunder shall be deemed retroactive and all acts authorized hereunder and performed prior to the date of this Ordinance are hereby ratified and affirmed. The State Water Board is authorized to rely upon this Ordinance until written notice to the contrary, executed by each of the undersigned, is received by the State Water Board. The State Water Board shall be entitled to act in reliance upon the matters contained herein, notwithstanding anything to the contrary contained in the formation documents of the City of San Diego Public Utilities Department or in any other document.

Section 5. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 6. That a full reading of this Ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 7. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JANI GOLDSMITH, City Attorney

By


Raymond C. Palmucci
Deputy City Attorney

RCP:mt
6/12/2015
Or.Dept:Public Utilities
Document Number: 10142160

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 28 2015.

ELIZABETH S. MALAND
City Clerk

By *Wendy Tunney*
Deputy City Clerk

Approved: 8/3/15
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUL 28 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 03 2015

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Mary Stenard, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 14 2015, and on AUG 03 2015

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Mary Stenard, Deputy

Office of the City Clerk, San Diego, California

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