

# 56  
SUB-A 7-28-15  
(O-2015-107)  
(COR.COPY)

ORDINANCE NUMBER O- 20549 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 03 2015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE APPROVAL OF THE  
CLEAN WATER STATE REVOLVING FUND FINANCING  
PROGRAM LOW INTEREST FINANCING FOR PUMP  
STATION 2 POWER RELIABILITY AND SURGE  
PROTECTION PROJECT.

WHEREAS, the City of San Diego and the City of San Diego Public Utilities Department (Department) have participated in the Clean Water State Revolving Fund (CWSRF) financing Program since 1999, and utilizing the SRF 20-year financing program for this project will result in significant debt service savings when compared to financing with 30-year fixed rate bonds; and

WHEREAS, Resolution R-304316, adopted November 13, 2008, authorized the Mayor or his representative to sign and submit applications for financial assistance from the CWSRF; and

WHEREAS, the Department staff submitted an application for CWSRF financing for the Pump Station 2 Power Reliability and Surge Protection Project, in an amount not to exceed \$43,000,000, and it is anticipated that this financing request will be approved for funding; NOW, THEREFORE,

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

Section 1. That the Mayor and/or his designee is authorized to enter into an CWSRF financing agreement, conduct all negotiations, execute and comply with CWSRF financing requirements for financial assistance from the CWSRF to fund the Pump Station 2 Power Reliability and Surge Protection Project, WBS S-00312 in an amount not to exceed \$43,000,000.

Section 2. That this Ordinance is authorized by the City of San Diego to hereby dedicate and pledge the net revenues of the Wastewater Enterprise Fund and the Wastewater Enterprise Fund as a source of revenue for payment of any and all CWSRF financing on the Pump Station 2 Power Reliability and Surge Protection Project, CWSRF Project Loan #C-06-8032-110, which is the same source of repayment for other outstanding parity and subordinate obligations of the wastewater system, and this pledged source of revenue shall remain in effect throughout the term of such financing unless modification or change of such pledge is approved in writing by the CWSRF, and so long as the financing agreements are outstanding, the City's pledge hereunder shall constitute a lien in favor of the CWSRF on the foregoing funds and revenues without any further action necessary, and so long as the financing agreements are outstanding, the City commits to maintaining the funds and revenues at levels sufficient to meet its obligations under the financing agreements.

Section 3. That the City hereby states its intention and reasonably expects to reimburse expenditures paid prior to the issuance of the obligations or the approval by the CWSRF of the Project Funds.

Section 4. The reasonably expected maximum principal amount of the Project Funds is \$ 43,000,000. City's SRF financing agreement will not exceed this amount under any circumstances.

Section 5. That this Ordinance is being adopted no later than 60 days after the date on which the City will expend monies for the construction portion of the Project costs to be reimbursed with Project Funds.

Section 6. That each City expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

Section 7. That to the best of our knowledge, the City is not aware of the previous adoption of official intents by the City that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

Section 8. That this Ordinance is adopted as the official intent of the City in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

Section 9. That all the recitals in this Ordinance are true and correct and this City so finds, determines and represents.

Section 10. That the Chief Financial Officer is authorized to apply for, accept, appropriate and expend up to \$43,000,000 in CWSRF financing for reimbursement to the Wastewater Enterprise Fund, contingent upon the City Comptroller certifying that the funds are available and contingent upon the financing being secured.

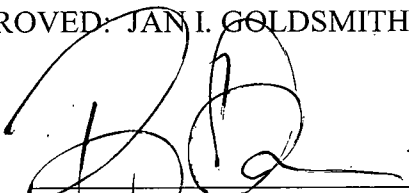
Section 11. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 12. 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 13. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
\_\_\_\_\_  
Raymond C. Palmucci  
Deputy City Attorney

RCP:mt  
06/12/2015  
07/7/2015 (COR.COPY)  
Or.Dept:Public Utilities-Water  
O-2015-107  
Doc. No.: 1055209

JUL 28 2015

ELIZABETH S. MALAND  
City Clerk

By *Mary Kennedy*  
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
Sherri 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 Fernandez*, 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 Fernandez*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O-20549