

ORDINANCE NUMBER O- 21895 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 15 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING FINANCING THROUGH THE
DRINKING WATER STATE REVOLVING FUND
AND TAKING RELATED ACTIONS IN CONNECTION
WITH THE LEAD SERVICE LINE INVENTORY AND
INVESTIGATION PROJECT.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

A. The City of San Diego (City) desires to utilize the Drinking Water State Revolving Fund (DWSRF) financing program to finance the cost of the Lead Service Line Inventory and Investigation Project (Project) because the DWSRF is offering zero percent interest financing.

B. On March 20, 2017, by San Diego Resolution No. R-310991, the San Diego City Council (City Council) authorized the Mayor or representative to sign and submit applications for loans and other financial assistance from the State Water Resources Control Board (Water Board) for water projects.

C. The City intends to finance the identification, planning, and design costs of the Project with moneys (Project Funds) provided by the State of California, acting by and through the Water Board's DWSRF financing program in a principal amount that is currently expected not to exceed \$8 million.

D. Under San Diego Charter section 99, no contract, agreement or obligation where the City incurs debt extending for a period of more than five years may be authorized except by ordinance adopted by a two-thirds majority vote of the City Council.

E. The Office of the City Attorney has drafted this ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate.

ACTION ITEMS

Be it ordained, by the Council of the City of San Diego:

Section 1. The Mayor or designee (Authorized Representatives) are hereby authorized and directed to sign and file, for and on behalf of the City, a financial assistance application for a financing agreement from the Water Board for the identification, planning, and design of the Project. The Authorized Representatives, or designee, are designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the Water Board in a principal amount that is currently expected not to exceed \$8 million, and any amendments or changes thereto necessary to fulfill the purpose of the Project and the financing thereof. The Authorized Representatives are designated to represent the City in carrying out the City's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the City and compliance with applicable State and federal laws.

Section 2. The City hereby dedicates and pledges the net system revenues (Net System Revenues) of the Water Utility Fund (700011) for the repayment of the DWSRF financing for the Project, 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 Water Board. So long as the financing agreements are outstanding, the City's pledge hereunder shall constitute a lien in favor of the Water Board on the foregoing Net System Revenues without any further action necessary, and so long as

the financing agreements are outstanding, the City commits to maintaining the Net System Revenues at levels sufficient to meet its obligations under the financing agreements.

Section 3. The Chief Financial Officer is authorized to create a new fund(s), including the Lead Service Line Inventory and Investigation SRF Fund, to receive and hold the Project Funds, contingent upon the execution of a financial assistance agreement.


Section 4. The Chief Financial Officer is authorized to appropriate and expend from the Water Utility Fund (700011), IO 11004929 (or other IO for tracking purposes, as appropriate), up to the total amount of Project Funds received pursuant to the financial assistance agreement for the purpose of funding the Project.

Section 5. All the recitals in this Ordinance are true and correct and the City so finds, determines, and represents.

Section 6. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

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

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Bret A. Bartolotta
Chief Deputy City Attorney

BAB:jdf
10/15/2024
Or.Dept: DoF
Doc. No. 3699507

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on NOV 12 2024.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 11/15/24
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 12 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 15 2024.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

(Seal)

By Linda Irwin, 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

OCT 29 2024, and on NOV 15 2024.

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.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

(Seal)

By Linda Irwin, Deputy
For Krystell Medina

Office of the City Clerk, San Diego, California
Ordinance Number O- 21895