

RESOLUTION NUMBER R- 315490

DATE OF FINAL PASSAGE APR 22 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING APPROPRIATION AND EXPENDITURE OF WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT (WIFIA) LOAN AND DEBT FUNDED GENERAL FUND CAPITAL IMPROVEMENT PROGRAM FUNDS, AND AUTHORIZATION OF CONSOLIDATED BUDGET ADJUSTMENTS FOR STORMWATER CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, the WIFIA program is a federal credit program established by the Water Infrastructure Finance and Innovation Act (WIFIA) of 2014 and administered by the Environmental Protection Agency (EPA); and

WHEREAS, the program is designed to promote improved water, wastewater, and stormwater infrastructure and funds are sourced from the United States Treasury and utilize the EPA as the conduit lender; and

WHEREAS, the maximum amount EPA finances through a WIFIA loan is 49% of the eligible programmatic costs of \$733 million, which results in \$359.2 million in project proceeds with the City of San Diego (City) being obligated to fund the remaining 51%, which equals \$364 million, through other means such as pay-go funds, grants, loans, lease revenue bonds, and commercial paper; and

WHEREAS, the Council of the City of San Diego (City Council) passed San Diego Ordinance O-21445 (April 5, 2022) authorizing a WIFIA Credit Facility in a principal amount not to exceed \$359.2 million; and

WHEREAS, on August 9, 2022, the City and EPA executed a WIFIA Master Loan Agreement for an amount of \$359.2 million and the first credit loan agreement in the amount of \$225 million; and

WHEREAS, in earlier City Council authorizations, \$152,882,384.80 under the WIFIA first credit loan agreement and \$104,950,804.26 from the Debt Funded General Fund Capital Improvement Program had been appropriated and budgeted for various stormwater CIP projects; and

WHEREAS, a remaining \$72,224,841.20 under the WIFIA first credit loan agreement and \$153,782,277.34 from the Debt Funded General Fund Capital Improvement is needed for projects identified under the first credit loan agreement; and

WHEREAS, when the first credit loan agreement was executed, 82 projects were included across five stormwater asset categories: Corrugated Metal Pipes; Green Infrastructure; Revitalization and Restoration of Natural Waterways; Pump Station Upgrades; and Rehabilitation of Stormwater Features; and

WHEREAS, at the time the loan agreement was executed, project cost estimates were not validated, and some were based on conceptual designs and updated schedules and cost estimates have been developed; and

WHEREAS, several factors including project viability and cost increases have necessitated modifications to the original WIFIA project list to ensure total program costs remain within the WIFIA loan amount and to ensure the loan timeline can be met; and

WHEREAS, \$18,882,658.52 of WIFIA funds were diverted to non-WIFIA projects, primarily to respond to emergency needs; and

WHEREAS, on January 22, 2024, the City and surrounding areas experienced an unprecedented storm event that brought record level rainfalls in a short period of time causing significant damage to the City's stormwater system; and

WHEREAS, the City continues to assess the damage of the storm and is in the process of submitting for storm recovery reimbursement from the Federal Emergency Management Agency and Natural Resources Conservation Services; and

WHEREAS, this process is lengthy and emergency repairs needs to occur immediately; and

WHEREAS, \$10.3 million is needed to move forward with stormwater emergency projects that occurred because of the storm; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff including information provided by affected third parties and verified by City staff with the understanding that this information is complete, true, and accurate;

NOW, THEREFORE,

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

1. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP ACA00001, Flood Resilience Infrastructure, and to appropriate and expend \$68,996,364.07 from Fund 400884, GF WIFIA Loan-Const, for the purposes of design and/or construction activities of WIFIA projects.
2. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S24011, Beta St Channel and SD Improvement, and to appropriate and expend \$1,642,493.00 from Fund 400884, GF WIFIA Loan-Const, and \$678,196.00 from Fund 400881, Debt Funded GF CIP, for the purpose of design and/or construction activities.
3. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S24006, Pump Station G & I7 Full Improvement, and to

appropriate and expend \$1,585,984.13 from Fund 400884, GF WIFIA Loan-Const, and \$396,496.00 from Fund 400881, Debt Funded GF CIP, for the purpose of design and/or construction activities.

4. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP ACA00001, Flood Resilience Infrastructure, and to appropriate and expend \$18,500,000 from Fund 400881, Debt Funded GF CIP, for the purpose of design and/or construction activities until State Revolving Fund Loan becomes available.
5. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP ACA00001, Flood Resilience Infrastructure, and to appropriate and expend \$18,028,690.26 from Fund 400881, Debt Funded GF CIP, for the purpose of design and/or construction activities.
6. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP ACC00001, Stormwater Green Infrastructure, and to appropriate and expend \$8,500,000.00 from Fund 400881, Debt Funded GF CIP, for the purpose of design and/or construction activities until State Revolving Fund Loan becomes available.
7. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S22015, Pump Station D Upgrade, and to appropriate and expend \$664,000.00 from Fund 400881, Debt Funded GF CIP, for the purpose of design and/or construction activities.
8. The Chief Financial Officer is authorized to transfer appropriations of up to \$5,254,468.00 from CIP S20003, Maple Canyon Storm Drain Upgrade, within


Fund 400884, GF WIFIA Loan-Const, to CIP ACA00001, Flood Resilience Infrastructure, Fund 400884, GF WIFIA Loan-Const.

9. The Chief Financial Officer is authorized to transfer appropriations of up to \$120,159.47 from CIP S20003, Maple Canyon Storm Drain Upgrade, within Fund 400881, Debt Funded GF CIP, to CIP ACA00001, Flood Resilience Infrastructure, Fund 400881, Debt Funded GF CIP.
10. The Chief Financial Officer is authorized to transfer appropriations of up to \$3,842,909.00 from CIP S22008, Upper Auburn Creek Revitalization, within Fund 400884, GF WIFIA Loan-Const, to CIP ACA00001, Flood Resilience Infrastructure, Fund 400884, GF WIFIA Loan-Const.
11. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S22008, Upper Auburn Creek Revitalization and expend \$853,968.26 from Fund 400881, Debt Funded GF CIP, for the purpose of design and/or construction activities.
12. The Chief Financial Officer is authorized to transfer appropriations of up to \$3,630,094.00 from CIP S24005, Sunshine Bernardini Restoration, within Fund 400884, GF WIFIA Loan-Const, to CIP ACA00001, Flood Resilience Infrastructure, Fund 400884, GF WIFIA Loan-Const.
13. The Chief Financial Officer is authorized to transfer appropriations of up to \$450,000.00 from CIP S24005, Sunshine Bernardini Restoration, within Fund 400881, Debt Funded GF CIP, to CIP ACA00001, Flood Resilience Infrastructure, Fund 400881, Debt Funded GF CIP.
14. The Chief Financial Officer is authorized to transfer appropriations of up to

\$1,129,987.00 from CIP S22009, Chollas Creek Restn 54th & Euclid, within Fund 400884, GF WIFIA Loan-Const, to CIP ACA00001, Flood Resilience Infrastructure, Fund 400884, GF WIFIA Loan-Const.

15. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP ACC00001, Stormwater Green Infrastructure, and to appropriate and expend \$1,354,810.00 from Fund 400881, Debt Funded GF CIP, for the purpose of funding the match portion of design and/or construction activities.
16. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP ACA00001, Flood Resilience Infrastructure, and to appropriate and expend \$123,688,775.34 from Fund 400881, Debt Funded GF CIP, for the purpose of funding the match portion of design and/or construction activities.
17. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP ACA00001, Flood Resilience Infrastructure, and to appropriate and expend \$10,300,000.00 from Fund 400881, Debt Funded GF CIP, for the purpose of design and construction of January 2024 stormwater emergency projects.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
\_\_\_\_\_  
William Smith  
Deputy City Attorney

WTS:lmj  
02/21/2024  
Or.Dept: Storm Water  
Doc. No. 3569536

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 09 2024.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 4/22/24  
(date)

  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on APR 09 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 APR 22 2024.

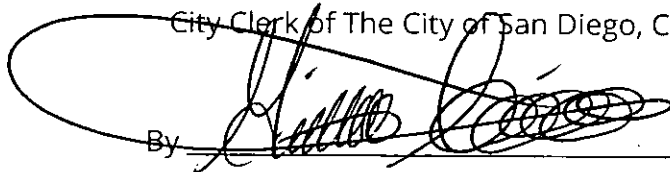
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

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

(Seal)

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

By  Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- **315490**