

EL PASO DE ROBLES PUBLIC FINANCING AUTHORITY

ORDINANCE NO. PF \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$13,000,000 PRINCIPAL AMOUNT OF 2002 INSTALLMENT SALE REVENUE BONDS RELATING TO IMPROVEMENTS TO THE CITY OF EL PASO DE ROBLES SEWER SYSTEM AND THE REFUNDING OF THE 1993 EL PASO DE ROBLES PUBLIC FINANCING AUTHORITY SEWER REVENUE BONDS, SERIES A, AUTHORIZING AND DIRECTING EXECUTION OF A RELATED INDENTURE OF TRUST, INSTALLMENT SALE AGREEMENT AND ESCROW DEPOSIT AND TRUST AGREEMENT, AUTHORIZING THE SALE OF 2002 INSTALLMENT SALE REVENUE BONDS (SEWER ENTERPRISE PROJECT), APPROVING AN OFFICIAL STATEMENT, AN OFFICIAL NOTICE OF SALE AND AN OFFICIAL BID FORM AND AUTHORIZING OFFICIAL ACTIONS

BE IT ORDAINED, by the El Paso de Robles Public Financing Authority (the "Authority"), as follows:

SECTION 1. General Provisions

Section 1.1. The City of El Paso de Robles, California (the "City"), and the El Paso de Robles Redevelopment Agency have heretofore entered into a Joint Exercise of Powers Agreement dated January 19, 1993, establishing the Authority.

Section 1.2. The Authority proposes at this time to issue its El Paso de Robles Public Financing Authority (San Luis Obispo County, California) 2002 Installment Sale Revenue Bonds (Sewer Enterprise Project) in an aggregate principal amount of not to exceed \$13,000,000 (the "Bonds"), for the purpose of refunding the Authority's \$5,600,000 Sewer Revenue Bonds, Series A (1993 Sewer System Refunding Project) (the "1993 Bonds"), currently outstanding in the principal amount of \$3,075,000, provide funds to finance the construction of certain improvements to the City's municipal sewer system (the "Improvements"), fund a Reserve Fund, and pay costs of issuance of the Bonds.

Section 1.3. The Bonds are to be issued pursuant to the Marks-Roos Local Bond Pooling Act of 1985, (the "Act") constituting Article 4 (commencing with section 6584) of Chapter 5 of Division 7 of Title 1 of the California Government Code, and pursuant to an Indenture of Trust dated as of October 1, 2002 (the "Indenture"), by and between the Authority and Union Bank of California, N.A., as trustee (the "Trustee").

Section 1.4. Foley & Lardner (the "Disclosure Counsel") has been directed to prepare a preliminary official statement containing information material to the offering and sale of the Bonds (the "Preliminary Official Statement") and bond counsel to the Authority has been directed to prepare a notice of sale (the "Official

Notice of Sale") and a bid form (the "Official Bid Form") relating to the sale of the Bonds.

Section 1.5. The Board has duly considered such transactions and wishes at this time to approve said transactions in the public interests of the Authority.

SECTION 2. Findings and Determinations. Pursuant to the Act, the Board hereby finds and determines that the issuance of the Bonds will result in savings in effective interest rates, bond underwriting and bond issuance costs and thereby results in significant public benefits to its members within the contemplation of section 6586 of the Act.

SECTION 3. Issuance of Bonds. The Board hereby authorizes the issuance of the Bonds under and pursuant to the Act and the Indenture in the aggregate principal amount of not to exceed \$13,000,000 for the purposes hereinbefore described. The Board hereby approves the Indenture in substantially the form on file with the Secretary together with any additions thereto or changes therein deemed necessary or advisable by the Executive Director or the Treasurer. The Chairman, the Executive Director or the Treasurer is hereby authorized and directed to execute, and the Secretary is hereby authorized and directed to attest and affix the seal of the Authority to, the final form of the Indenture for and in the name and on behalf of the Authority. The Board hereby authorizes the delivery and performance of the Indenture.

SECTION 4. Approval of Acquisition Agreement. The Board hereby authorizes and approves the sale of the Improvements to the Authority pursuant to and in accordance with the terms of the Acquisition Agreement, to be dated as of October 1, 2002, by and between the City and the Authority (the "Acquisition Agreement"). The Board hereby approves the Acquisition Agreement in substantially the form on file with the Secretary together with any additions thereto or changes therein deemed necessary or advisable by the Executive Director or the Treasurer. The Chairman, the Executive Director or the Treasurer is hereby authorized and directed to execute, and the Secretary is hereby authorized and directed to attest said signature to the final form of the Acquisition Agreement for and in the name and on behalf of the Authority. The Board hereby authorizes the delivery and performance of the Acquisition Agreement.

SECTION 5. Approval of Installment Sale Agreement. The Board hereby authorizes and approves the purchase of the Improvements from the Authority pursuant to and in accordance with the terms of the Installment Sale Agreement, dated as of October 1, 2002, by and between the Authority and the City (the "Installment Sale Agreement"). The Board hereby approves the Installment Sale Agreement in substantially the form on file with the Secretary together with any additions thereto or changes therein deemed necessary or advisable by the Executive Director or the Treasurer. The Chairman, the Executive Director or the Treasurer is hereby authorized and directed to execute, and the Secretary is hereby authorized and directed to attest said signature to the final form of the Installment Sale Agreement for and in the name and on behalf of the Authority. The Board hereby authorizes the delivery and performance of the Installment Sale Agreement.

SECTION 6. Approval of Escrow Deposit and Trust Agreement. The Board hereby authorizes and approves the provision of payment for the 1993 Bonds pursuant to and in accordance with the terms of the Escrow Deposit and Trust Agreement, dated the date of

delivery of the Bonds, by and among the Authority and Union Bank of California, N.A., as escrow bank (the "Escrow Agreement"). The Board hereby approves the Escrow Agreement in substantially the form on file with the Secretary together with any additions thereto or changes therein deemed necessary or advisable by the Executive Director or the Treasurer. The Chairman, the Executive Director or the Treasurer is hereby authorized and directed to execute, and the Secretary is hereby authorized and directed to attest said signature to the final form of the Escrow Agreement for and in the name and on behalf of the Authority. The Board hereby authorizes the delivery and performance of the Escrow Agreement.

SECTION 7. Approval of Preliminary Official Statement. The Board hereby approves the Preliminary Official Statement describing the financing, in substantially the form on file with the Secretary, together with any changes therein or additions thereto deemed advisable by the Chairman, the Executive Director or the Treasurer. The Board authorizes and directs the Executive Director or the Treasurer, on behalf of the Authority, to deem "final" pursuant to Rule 15c2-12 under the Securities Exchange Act of 1934 (the "Rule") the Preliminary Official Statement prior to its distribution by the Financial Advisor.

SECTION 8. Distribution of Preliminary Official Statement, the Official Notice of Sale and the Official Bid Form. The Financial Advisor, on behalf of the Authority, is authorized and directed to cause the Preliminary Official Statement, the Official Notice of Sale and the Official Bid Form to be distributed to such municipal bond broker-dealers, to such banking institutions and to such other persons as may be interested in purchasing the Bonds therein offered for sale.

SECTION 9. Sale of the Bonds. The Secretary is authorized and directed to execute the Official Notice of Sale on behalf of the Authority and to call for bids for the sale of the Bonds. The Chairman, the Executive Director or the Treasurer, on behalf of the Authority, is hereby delegated the authority to accept the best responsible bid for the purchase of the Bonds, determined in accordance with the Official Notice of Sale. The Chairman, the Executive Director or the Treasurer is hereby authorized and directed to accept such bid, for and in the name of the Authority, by notice to the successful bidder. In the event two or more bids setting forth identical interest rates and premium, if any, are received, the Chairman, the Executive Director or the Treasurer, on behalf of the Authority, may exercise his own discretion and judgment in making the award and may award the Bonds on a pro rata basis in such denominations as he shall determine. The Chairman, the Executive Director or the Treasurer, on behalf of the Authority, may, in his discretion, reject any and all bids and waive any irregularity or informality in any bid. The Chairman, the Executive Director or the Treasurer, on behalf of the Authority, shall award the Bonds or reject all bids not later than 26 hours after the expiration of the time prescribed for the receipt of proposals unless such time of award is waived by the successful bidder.

SECTION 10. Final Official Statement. The Chairman, the Executive Director or the Treasurer is authorized and directed to cause the Preliminary Official Statement to be brought into the form of a final official statement (the "Final Official Statement") and to execute said Final Official Statement, dated as of the date of the sale of the Bonds, and a statement that the facts contained in the Final Official Statement, and any supplement or amendment thereto (which shall be deemed an original part thereof for the purpose of such

statement) were, at the time of sale of the Bonds, true and correct in all material respects and that the Final Official Statement did not, on the date of sale of the Bonds, and does not, as of the date of delivery of the Bonds, contain any untrue statement of a material fact with respect to the Authority or omit to state material facts with respect to the Authority required to be stated where necessary to make any statement made therein not misleading in light of the circumstances under which it was made. The Chairman, the Executive Director or the Treasurer shall take such further actions prior to the signing of the Final Official Statement as are deemed necessary or appropriate to verify the accuracy thereof. The execution of the Final Official Statement, which shall include such changes and additions thereto deemed advisable by the Chairman, the Executive Director or the Treasurer and such information permitted to be excluded from the Preliminary Official Statement pursuant to the Rule, shall be conclusive evidence of the approval of the Final Official Statement by the Authority.

The Final Official Statement, when prepared, is approved for distribution in connection with the offering and sale of the Bonds.

SECTION 11. Purchase of Municipal Bond Insurance. If it is determined that the purchase of municipal bond insurance for the Bonds will result in a net interest rate savings to the Authority (after consideration of the premium associated with such insurance), the Authority hereby approves such purchase by the Chairman of the Authority, or his designee.

SECTION 12. Retention of Trustee. The designation of Union Bank of California, N.A., as trustee for the Bonds, is hereby approved.

SECTION 13. Official Actions. The Chairman, the Treasurer, the Secretary and any and all other proper officers of the Authority are hereby authorized and directed, for and in the name and on behalf of the Authority, to do any and all things and take any and all actions, including execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and sale of the Bonds.

SECTION 14. Effective Date. This Ordinance shall be in full force and effect upon the expiration of thirty (30) days of the adoption and shall remain in effect until rescinded or amended by the Board of Directors of the Authority.

INTRODUCED for first reading at a regular meeting of the City Council of the City of El Paso de Robles on this 17<sup>th</sup> day of September, 2002, by the following vote:

AYES:

NOES:

ABSENT:

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Chairman

ATTEST:

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Secretary

CITY OF EL PASO DE ROBLES, CALIFORNIA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE INSTALLMENT PURCHASE OF CERTAIN SEWER IMPROVEMENTS FROM THE EL PASO DE ROBLES PUBLIC FINANCING AUTHORITY, AUTHORIZING AND DIRECTING EXECUTION OF AN ACQUISITION AGREEMENT AND AN INSTALLMENT SALE AGREEMENT, APPROVING THE SALE OF 2002 INSTALLMENT SALE REVENUE BONDS (SEWER ENTERPRISE PROJECT) BY THE AUTHORITY AND AUTHORIZING OFFICIAL ACTIONS

BE IT ORDAINED, by the City Council of the City of El Paso de Robles, California (the "City"), as follows:

SECTION 1. General Provisions.

Section 1.1. The City and the El Paso de Robles Redevelopment Agency have heretofore entered into a Joint Exercise of Powers Agreement dated January 19, 1993, establishing the El Paso de Robles Public Financing Authority (the "Authority").

Section 1.2. The Authority proposes at this time to issue its El Paso de Robles Public Financing Authority (San Luis Obispo County, California) 2002 Installment Sale Revenue Bonds (Sewer Enterprise Project) in an aggregate principal amount of not to exceed \$13,000,000 (the "Bonds"), for the purpose of refunding the Authority's \$5,600,000 Sewer Revenue Bonds, Series A (1993 Sewer System Refunding Project), currently outstanding in the principal amount of \$3,075,000, provide funds to finance the construction of certain improvements to the City's municipal sewer system (the "Improvements"), fund a Reserve Fund, and pay costs of issuance of the Bonds.

Section 1.3. The documents below specified have been filed with the City and the members of the City Council, with the aid of its staff, have reviewed said documents.

SECTION 2. Approval of the Bonds. The issuance of the Bonds by the Authority is hereby approved.

SECTION 3. Approval of Acquisition Agreement. The City Council hereby authorizes and approves the sale of the Improvements to the Authority pursuant to and in accordance with the terms of the Acquisition Agreement, to be dated as of October 1, 2002, by and between the City and the Authority (the "Acquisition Agreement"). The City Council hereby approves the Acquisition Agreement in substantially the form on file with the City

Clerk together with any additions thereto or changes therein deemed necessary or advisable by the City Manager or the Administrative Services Director. The Mayor, the City Manager or the Administrative Services Director is hereby authorized and directed to execute, and the City Clerk is hereby authorized and directed to attest and affix the seal of the City to, the final form of the Acquisition Agreement for and in the name and on behalf of the City. The City Council hereby authorizes the delivery and performance of the Acquisition Agreement.

SECTION 4. Approval of Installment Sale Agreement. The City Council hereby authorizes and approves the purchase of the Improvements from the Authority pursuant to and in accordance with the terms of the Installment Sale Agreement, dated as of October 1, 2002, by and between the Authority and the City (the "Installment Sale Agreement"). The City Council hereby approves the Installment Sale Agreement in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by the City Manager or the Administrative Services Director. The Mayor, the City Manager or the Administrative Services Director is hereby authorized and directed to execute, and the City Clerk is hereby authorized and directed to attest and affix the seal of the City to, the final form of the Installment Sale Agreement for and in the name and on behalf of the City. The City Council hereby authorizes the delivery and performance of the Installment Sale Agreement.

SECTION 5. Official Actions. The Mayor, the City Manager, the Administrative Services Director, the City Clerk and any and all other proper officers of the City are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions, including execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and sale of the Bonds.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect upon the expiration of thirty (30) days of the adoption and shall remain in effect until rescinded or amended by the City Council of the City of El Paso de Robles.

INTRODUCED for first reading at a regular meeting of the City Council of the City of El Paso de Robles on this 17<sup>th</sup> day of September, 2002, by the following vote:

~~PASSED AND ADOPTED by the City Council of the City of El Paso de Robles, this \_\_\_\_\_ day of \_\_\_\_\_, 2002, on the following vote:~~

AYES:

NOES:

ABSENT:

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Mayor

ATTEST:

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City Clerk



ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING THE ZONING AND BUILDING TITLES OF THE MUNICIPAL CODE  
REGARDING ALLOWING DRIVE THROUGH USES WITHIN  
THE C-1 ZONING DISTRICT WITH A CONDITIONAL USE PERMIT  
(CODE AMENDMENT 02-010)

WHEREAS, Newlin Hastings on behalf of Elizabeth Hastings have applied for a code amendment that would allow drive-through uses within the C1 zone with a Conditional Use Permit; and

WHEREAS, Section 21.16.200.I.1 currently does not allow drive-through uses within the C1 zoning district; and

WHEREAS, the proposed Code Amendment 02-010, which would amend Section 21.16.200 to allow drive-through uses within the C1 zone with a Conditional Use Permit; and

WHEREAS, a resolution was adopted by the City Council approved a Negative Declaration status for this project, and a Negative Declaration was prepared for the proposed Planned Development application in accordance with the California Environmental Quality Act; and

WHEREAS, at its meeting of August 13, 2002, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommend that the City Council adopt a Negative Declaration for the Code Amendment;
- d. Recommended that the City Council adopt the proposed ordinance;

WHEREAS, at its meeting of August 20, 2002, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Considered the recommendation of the Planning Commission regarding this code amendment;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- d. Considered the content of the Environmental Initial Study and adopted a negative declaration status for the Code Amendment.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

Table 21.16.200 of the Municipal Code is hereby amended to read as shown on Exhibit A of this ordinance.

SECTION 1. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 2. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 3. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on August 20, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on the 1<sup>st</sup> day of October 2002 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING SECTION 14.04.020 OF THE CITY OF EL PASO DE ROBLES  
MUNICIPAL CODE TO ADJUST SEWER AND WATER USER FEES

WHEREAS, the City Council determined that certain wastewater collection and treatment infrastructure improvements are required; and

WHEREAS, the City has identified long-term financing as the only means to pay for said improvements; and

WHEREAS, the former ordinance amendment provided for annual Consumer Price Index adjustments for sewer user fees beginning July 1, 2005; and

WHEREAS, it is desirable to provide additional assurances to bond rating agencies, the bond trustee and bond holders that the City has the resources to make long-term financing debt service payments; and

WHEREAS, accelerating the CPI adjustment from July 1, 2005 to July 1, 2004 would provide the desired assurances of available resources.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

SECTION 1. Subdivision C of Section 14.04.020 of the Paso Robles Municipal Code is hereby amended to read as follows:

SECTION 2. Section 14.16.020 of the Paso Robles Municipal Code is hereby amended to read as follows:

“14.16.020 Sewer charges

Every person whose premises are served by a connection with the system of sewerage of the city, whereby the sewage or industrial wastes, or either or both, are disposed of by the city through the sewage treatment plant, or otherwise, shall pay a sewer service charge established by ordinance of the city council. Other than as expressly provided herein, the rates for such sewer service fee shall only be established or amended by a two-thirds vote of the city council in favor of such establishment or amendment of sewer service rates.

Effective March 1, 2002, the base sewer service fee for all customers shall be \$30.00 per two-month billing period. Effective January 1, 2003, the base sewer service fee shall be increased to \$35.30 per two-month billing period. Effective January 1, 2004, the base sewer service charge for all customers shall be increased to \$40.86 per billing period. Residential customers shall pay only the base sewer service charge. Nonresidential customers shall pay the base sewer service charge for 1,000 cubic feet of metered water and shall pay an additional charge of \$1.07 for each additional 100 cubic feet of metered water used by said nonresidential customer. Metered landscape water is not included in the determination of sewer service charges.

[Effective July 1, 2004, the sewer service charges established in this section shall be modified annually each July 1 by the increase in the Consumer Price Index for the San Francisco-Oakland-San Jose Region as reported by the Bureau of Labor Statistics for the year ending April of each year.]

The sewer service charges shall further be reviewed no less than bi-annually in conjunction with the update of the City's budget to ensure that the sewer service fees then in existence do not exceed the costs of providing sewer service within the City.”

SECTION 3. Severability

If any action, subsection, sentence, clause or phrase of this ordinance is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Introduced at a regular meeting of the City Council held on September 17, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on the 1<sup>st</sup> day of October 2002 by the following roll call vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT: