

RESOLUTION NO. 1688

RESOLUTION PROVIDING FOR THE BORROWING
OF FUNDS AND THE ISSUANCE AND SALE OF
A TEMPORARY NOTE THEREFOR -
FISCAL YEAR 1972-73

WHEREAS, the City Council of the City of El Paso de Robles, a municipal corporation duly organized and existing under the Constitution and laws of the State of California, in the County of San Luis Obispo, State of California (which City is hereinafter sometimes called the "City"), has found and does hereby find and determine that funds in the amount of \$200,000.00 are needed by the City in the fiscal year 1972-73 for purposes for which the City is authorized to expend funds (which funds are needed before the receipt by the City of taxes, income and revenue for said fiscal year), to wit: For salaries, City Street, Sewer and Water Department expenses and obligations; and

WHEREAS, the City is authorized by Sections 53850 to 53858, both inclusive, of the California Government Code (being Article 7.6, Chapter 4, Part 1, Division 2, Title 5 of said Code) to borrow money for such purposes by the issuance of a temporary note, and desires to avail itself of the provisions of said Article of said Code for the purpose of borrowing said amount of needed funds; and

WHEREAS, the estimated amount of the uncollected taxes, income and revenue of the City which will be available in the fiscal year 1972-73 for the payment of said note and the interest thereon amounts to \$2,570,500.00; and

WHEREAS, no money has heretofore been borrowed by or on behalf of the City on tax anticipation notes or temporary notes in anticipation of the receipt of, or payable from or secured by taxes, income, revenue, cash receipts or other monies for or during the fiscal year 1972-73; and

WHEREAS, the amount herein provided to be borrowed, when added to the interest payable thereon, does not exceed 85% of the estimated amount of the now uncollected taxes, income, revenue, cash receipts and other monies of the City which will

Statement of No Significant Environmental Effects

Conclusions

Place a check in the appropriate box.

- It has been determined that the project will not have significant environmental effects.
- It has been determined that the project could have significant environmental effects. An environmental impact statement will be submitted on _____ (approximate date).

By _____
(Planning Director, Building
Official, etc.)

INTERIM GUIDELINES

Private Projects Requiring Environmental Impact Reports

Responsibility:

The applicant requesting approval of a project requiring an Environmental Impact Report shall submit such information on the environment and the proposed project necessary for the City to evaluate and make a determination on the environmental effect, its magnitude and importance.

Scope of Required Information:

- A. Description of present land characteristics of site to be developed and surrounding area:
 1. Existing development and prior man-made alterations to the natural environment.
 2. Physical characteristics.
 3. Natural vegetation.
 4. Wildlife/aquatic life.
 5. Other values (historical, geological, aesthetic, etc.)
- B. Description of proposed project:
 1. Description of project:
 - a. Purpose (use).
 - b. Objective.
 - c. Structures or other alterations to the natural environment.
 - d. Number of employees and anticipated visitors.
 - e. Phasing of development.
 2. Need for project.
 3. Construction methods and phasing to minimize possible adverse effects on the environment during construction.
 4. Relationship to surrounding area:
 - a. Present zoning.
 - b. Present land use.
 - c. Adopted general plans.
 - d. Access.
- C. Other information:

Additional data and comments which may aid the City in evaluating the project and its effect as noted in the following section.

Evaluation:

The Planning Department shall evaluate and report to the Planning Commission and/or City Council on the information submitted by the applicant or his agent. The Department may solicit from other departments, agencies and persons aid, as may be necessary and available. The evaluation and report shall deal with:

PROCESSING APPLICATIONS FOR
PROJECTS REQUIRING CITY PERMITS

1. Any application presented to the Planning and Building Departments for a City Permit shall be evaluated to determine if an Environmental Impact Report is required. This determination will be made utilizing the standards and guidelines established by Attachments "A" and "B".
2. If it is determined that the project is one which falls within the exempted categories of projects, i.e., Attachment "A", or if the project is considered to have no significant environmental impact, Attachment "B", a negative declaration will be made and attached to the project application by the reviewing officer.
3. If the project requires Planning Commission review and action, the Planning Commission will evaluate the project, utilizing the same guidelines as referred to above prior to granting the requested permit.
4. The applicant for any project shall, if requested to do so, supply to the Planning and Building Departments or the Planning Commission any and all information considered necessary to properly evaluate the environmental aspects of the project. Such information shall be provided at no cost to the City. Attachment "C" will be used as a guide for providing the necessary information.
5. If the project is determined to be one which falls within the exempted categories or if a "negative determination" is made, this determination shall be posted on the City Hall bulletin board. Any project not on Attachment "A", which has no environmental impact pursuant to Attachment "B", shall be posted, placed on the agenda and presented to the City Council for approval. A permit will not be granted until ten (10) days after the date of approval by the City Council, in order to provide an opportunity for the filing of public objections and/or appeals. Such objections or appeals shall be presented in writing to the Planning and Building Departments and must be received within the ten day notification period. Upon receipt of a public appeal, the project application will be referred to the City Council for hearing and determination.
6. If a project is determined to require an Environmental Impact Report, the project applicant shall be required to provide the Planning Department with any and all information necessary to prepare such report. The Planning Department shall be the primary agency responsible for the preparation of an Environmental Impact Report.
 - a. The Planning Department shall publish, in a newspaper of general circulation within the City of Paso Robles, a notification that the project under consideration requires an Environmental Impact Report and shall notify the public of their right to review and comment on this report. Any comments must be in writing and will be attached to and included in the report prepared by the Planning Department. Comments must be received by the Planning Department within ten (10) days after the publication date of notification.
 - b. Upon completion of the Environmental Impact Report, and after passage of the ten day period for public review, the project application will be presented to the Planning Commission and then to the City Council for hearing and final determination. Notice of such hearing shall be placing the matter on the agenda of the Planning Commission and City Council.

7. The City Council shall review the application and Environmental Impact Report and shall determine if the permit shall be issued and the City Council shall have the right to impose any necessary terms and conditions.
8. Applicant shall pay all costs to City of processing such application.
9. Any person, including the applicant, aggrieved by a decision of the Planning Department, Planning Commission or other City Department pursuant to matters relating to these sections, may appeal to the City Council from such determination by written appeal filed with the City Clerk within ten (10) days after such determination has been made.
10. Any person, including an applicant for a permit, aggrieved by a decision of the City Council relating to these sections, may appeal from such Council determination and request a redetermination by the Council by written application filed with the City Clerk within ten (10) days after final Council action.
11. The Council shall hear and determine all matters from which an appeal has been taken under these sections within forty-five (45) days after such appeal date.
12. Any person, including an applicant for a permit, aggrieved by the decision or action of the City Council shall have a right to judicial review of such a decision or action provided such legal action is filed within thirty (30) days after such decision has become final.

INFORMATION TO BE SUPPLIED REGARDING
SIGNIFICANT ENVIRONMENTAL IMPACT

All projects having a significant effect on the environment will require the preparation of an Environmental Impact Statement. However, on many projects it will not be necessary to prepare an Environmental Impact Statement. The applicant shall prepare a brief statement, to be supplied with any approval request, supplying the following information regarding his proposed project:

FOR DEPARTMENTAL USE ONLY

Conclusions of Department Head:

Place a check in the appropriate box.

- It has been determined that the project will not have significant environmental effects.
- It has been determined that the project could have significant environmental effects.

_____ Department

By: _____

(If additional space is needed, attach separate sheet.)

1. Slopes:

2. Unique or significant natural features to be altered:

3. Trees to be removed:

4. Archeological, cultural, historical or scenic sites or qualities to be affected:

5. Contribution to any pollution problem:

6. Grading or disruption in establishing the use:

7. Improvements or alterations to existing facilities:

8. Relationship to any Conditional Use Permit, Special Permit, Zone Change, Tentative Subdivision, or Building Permit:

9. Effect upon rare or endangered plant or animal species:

Applicant

DEPARTMENT OF MUNICIPAL SERVICES

APPLICANT: _____	YES	NO	NEEDS FURTHER STUDY	CHECK COMMENT ATTACH
1. Proper utilities design re: <u>Water</u> <u>Sewer</u> <u>Power</u> <u>Gas</u> <u>Telephone</u> <u>CATV</u>				
2. Are there provisions for proper drainage?				
3. Are plans for excavation, fill and compaction covered by appropriate Permits and approved by Dept. of Municipal Services?				
4. Is there proper design and construction of: <u>Roads</u> <u>Curbs, gutters & sidewalks</u> Explanation of any deviation from the norm, w/Dept. of Municipal Services recommendation: _____ _____ _____				
5. Engineering approval of: <u>Structures</u> <u>Signs</u>				
6. Easements required: _____ _____				
7. Approved location and placement of: <u>Street signs</u> <u>Fireplugs</u> <u>Street lights</u> Dept. recommendations: _____ _____ _____				
8. Fire Department items: _____ _____				
9. Parks Dept. items: _____ _____				
10. Any other items deemed advisable by Municipal Services Dept for Planning Commission to take into consideration: _____ _____				

DEPT. OF PLANNING, PROGRAMMING & COMMUNITY DEVELOPMENT

APPLICANT: _____	YES	NO	NEEDS FURTHER STUDY	CHECK IF COMMENTS ATTACHED
1. Does the request fit into the Master Plan?				
2. Will proposed roads and existing roads properly control and handle anticipated traffic flow?				
3. Do proposed lot sized meet subdivision and lot split policies? In case of deviations from these policies, Planning Dept. recommends: _____ _____ _____				
4. Do plot plans show <u>setbacks</u> proper: <u>ingress & egress</u> In case of deviations, Planning Dept. recommends: _____ _____ _____				
5. Is the proposal in the proper Zone? Zone No. _____ Is it proper use in that Zone?				
6. Are there adequate provisions for: <u>Parks</u> <u>Trees</u>				
7. Should the Architectural Committee approve the plans?				
8. Do any proposed signs meet the Ordinance on: <u>Zoning</u> <u>Setback</u>				
9. Approval of proposed new street names that they do not conflict with existing street names either in spelling or phonetics.				
10. Other items deemed advisable for the Committee to take into consideration, such as: <u>Sound barriers</u> <u>Fencing</u> <u>Rear yard access</u> <u>Effects on ecology</u> <u>Police Dept. (Safe Pedestrian lighting)</u> <u>Are schools available:</u>				

be available in said fiscal year for the payment of said note and the interest thereon; and

WHEREAS, Bank of America, National Trust & Savings Association has offered to and is willing to loan the City said amount of \$200,000.00 to be evidenced by a temporary note of the City as hereinafter described in this resolution;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso de Robles as follows:

1. All of the above recitals are true and correct, and this City Council so finds, determines and represents.

2. The City, pursuant to the provisions of said Article of the California Government Code and for the purpose of obtaining said funds needed by the City in said fiscal year 1972-73, hereby determines to and shall borrow of and from Bank of America, National Trust & Savings Asso., the principal amount of \$200,000.00 by the issuance of one temporary note to be dated the date of Delivery thereof, and to be numbered, to be in the principal amount, to mature and to bear interest (payable at maturity unless redeemed prior thereto), as follows:

<u>Number</u>	<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate (per annum)</u>
1	\$200,000.00	January 29, 1973	2.50%, plus 11.00

Both the principal of and interest on said note shall be payable in lawful money of the United States of America, only upon presentation and surrender thereof to the Treasurer of the City at his office in Paso Robles, San Luis Obispo County, California. Said note shall be subject to call and redemption, at the option of the City, at any time prior to its fixed maturity date at the principal amount thereof and accrued interest thereon to date of redemption upon five days' written notice thereof to the holder of the note. After the date fixed for such redemption, if the City shall have duly given notice of such redemption and shall have provided funds available for the payment of the principal of and interest on the note so called for redemption, interest on such note shall thereafter cease. Said note when and as issued shall be and hereby is sold to said bank at the

principal amount thereof and shall be repaid from taxes during or allocable to the fiscal year 1972-73 and all other income, revenue, cash receipts and monies of the City lawfully available therefor.

3. For the payment of the principal of and interest on said note the City hereby pledges all of the income and revenue of the City received from taxes for the fiscal year 1972-73 and all other income, revenue, cash receipts and monies of the City lawfully available in said fiscal year for the payment of said note and the interest thereon and said note shall constitute a first lien and charge thereon and shall be paid from the first such income, revenue, cash receipts and monies received by the City.

4. Said note shall be issued without coupons and shall be substantially in the following form, the blanks in said form to be filled in with appropriate words or figures, to wit:

TEMPORARY NOTE

CITY OF EL PASO DE ROBLES
FISCAL YEAR 1972-73

Number 1

November 15, 1972

On the 29th day of January 1973 (subject to any right of prior redemption hereinafter in this note expressly reserved), the City of El Paso de Robles, in San Luis Obispo County, State of California, a municipal corporation, organized and existing under and by virtue of the Constitution and laws of the State of California, for value received, acknowledges itself indebted to and promises to pay to the bearer hereof, at the office of the Treasurer of said City in El Paso de Robles, San Luis Obispo County, California, the principal sum of \$200,000.00 in lawful money of the United State of America, with interest thereon at the rate of 12.50% per annum from the date hereof until payment in full of said principal sum. Interest shall cease to accrue on said date unless this note is presented for payment on said date and is not paid on said date. Both the principal of and interest on this note shall be payable only upon surrender of this note as the same shall become due.

This note shall be subject to call and redemption, at the option of said City, at any time prior to its fixed maturity date at the principal amount thereof and accrued interest thereon to date of redemption upon five days' written notice thereof to the holder thereof.

It is hereby certified, recited and declared that this note is issued in strict conformity with the Constitution and laws of the State of California and with the provisions of Article 7.6, Chapter 4, Part 1, Division 2 of Title 5 (Sections 53850-53858, both inclusive) of the California Government Code; and the proceedings of the City Council of said City, including a resolution duly and regularly passed and adopted by said City Council on November 10, 1972, authorizing the same, and that all acts, conditions and things required to exist, happen and be

performed precedent to and in the issuance of this note have existed, happened and been performed in regular and due time, form and manner as required by law, and that this note, together with all other indebtedness and obligations of said City, does not exceed any limit prescribed by the Constitution or statutes of the State of California.

For the payment of the principal of and interest on this note and all notes of said authorized issue, all of the income and revenue of said City received from taxes for the fiscal year 1972-73 and all other income, revenue, cash receipts and monies of said city lawfully available therefor are hereby pledged, and this note shall constitute a first lien and charge thereon.

IN WITNESS WHEREOF, the City of El Paso de Robles has caused this note to be executed by its Mayor and to be countersigned by its Treasurer and its Clerk, and its official seal to be affixed hereto this 15th day of November, 1972.

CITY OF EL PASO DE ROBLES

Barney Schwartz
MAYOR

COUNTERSIGNED:

TREASURER

CITY CLERK

5. The Mayor of the City is hereby authorized and directed to execute said note for and on behalf of the City, and the City Treasurer and the City Clerk of the City are hereby authorized and directed to countersign said note for and on behalf of the City. The City Clerk shall affix the seal of the City to said note. Said signing, countersigning and sealing shall constitute a valid and sufficient execution of said note.

6. Said note when and as issued shall be and is hereby sold to Bank of America, National Trust & Savings Association, for the principal amount thereof, all in accordance with the provisions of said Article of said Government Code, and shall be repaid from income and revenues of the City received by the City from taxes received during or allocable to the fiscal year 1972-73 and all other income, revenue, cash receipts and monies of the City lawfully available in said fiscal year for the payment of said note and the interest thereon; and the proceeds of sale of said note shall be applied exclusively for the purposes specified in the first recital of this resolution.

7. It is hereby covenanted and warranted by the City Council of the City that all representations and recitals contained in this resolution are true and correct, and that the City, and its appropriate officials, and any and all other appropriate officials for and on its behalf, have duly taken all proceedings and action necessary to be taken by them, and will take any additional proceedings and action necessary to be taken by them, for the levy, collection and enforcement of the taxed pledged hereunder in accordance with law for carrying out the provisions of this resolution and any pledge hereunder and said note.

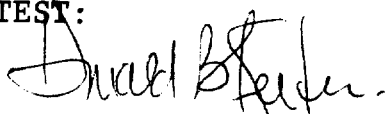
PASSED AND ADOPTED this 10th day of November, 1972 by the following vote:

AYES: BARNHART, MINSHULL, STOCKDALE AND SCHWARTZ

NOES: NONE

ABSENT: HANSON.

ATTEST:



CITY CLERK


MAYOR

CLERK'S CERTIFICATE

I, Donald B. Keefer, City Clerk of the City of El Paso de Robles, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a Resolution duly adopted by the City Council of said City, at a regular adjourned meeting of said City Council duly and regularly and legally held at the regular meeting place thereof on November 10, 1972, of which meeting all of the members of said City Council had due notice and at which a majority thereof was present.

At said meeting said resolution was introduced by Councilman Barnhart and was thereupon, upon motion by Councilman Barnhart seconded by Councilman Stockdale, adopted by the following vote:

AYES: BARNHART, MINSHULL, STOCKDALE AND SCHWARTZ

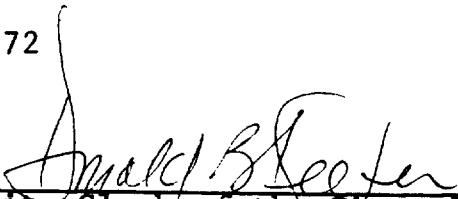
NOES: NONE

ABSENT: HANSON

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

The original resolution has not been amended, modified or recinded since the date of its adoption and the same is now in full force and effect.

Dated: November 10, 1972



City Clerk of the City of El Paso de
Robles, California

	Yes	No
15. Could the project serve to encourage development of presently undeveloped areas or intensify development of already developed areas?	_____	_____
16. Will the project require a variance from established environmental standards (air, water, noise, etc.), and/or adopted plans?	_____	_____
17. Will the project require certification, authorization or issuance of a permit by any local, state or federal environmental control agency?	_____	_____
18. Will the project require issuance of a variance or conditional use permit?	_____	_____
19. Will the project involve the application, use, or disposal of hazardous materials?	_____	_____
20. Will the project involve construction of facilities in a flood plain?	_____	_____
21. Will the project involve construction of facilities in the area of a known active fault?	_____	_____
22. Could the completed project result in the generation of significant amounts of noise?	_____	_____
23. Could the construction of the project result in the generation of significant amounts of dust?	_____	_____
24. Could the completed project result in the generation of significant amounts of dust?	_____	_____
25. Will the project involve the burning of brush, trees, construction materials, etc.?	_____	_____
26. Could the project result in a significant change in the quality of any portion of the City's air or water resources? (Should note surface, ground water, offshore.)	_____	_____

Statement of No Significant Environmental Effects

If you have answered yes to one or more of the questions above, but still think the project will have no significant environmental effects, indicate your reasons below.

- A. The environmental impact of the proposed action.
- B. Any adverse environmental effects which cannot be avoided if the proposal is implemented.
- C. Mitigation measures proposed to minimize the impact.
- D. Alternative to the proposed action.
- E. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long term productivity.
- F. Any irreversible environmental changes which would be involved in the proposed action should it be implemented.

Processing

The Planning Department shall submit its evaluation and report to the Planning Commission for all projects except unrelated building permits at the time the Commission would otherwise be considering the project (zoning, Conditional Use Permit, subdivision, etc.). All departmental reviews and parcel maps shall be referred to the Commission when an Environmental Impact Report is required. All projects requiring an Environmental Impact Report shall then be referred to the City Council for consideration at a public hearing. Building permits requiring an Environmental Impact Report will be referred directly to the City Council.