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C
CITY COUNCIL MEETING

October 27, 1982

AMENDMENT NO.
TWO TO MEMBER
AGREEMENT
(SECOND PHASE)
APPROVED

ORDINANCE NO.
1276 ADOPTED

Ordinance No. 1276 entitled - "Ordinance of the City Council of the City of Lodi approving the terms and conditions of amendment No. Two to the Member Agreement (Second Phase) for Financing and Development Activities of the Shell East Block Geothermal Project Between Northern California Power Agency and Certain Participating Members, and Authorizing the Execution of and Delivery of said Amendment by Officers of the City of Lodi" having been introduced at a regular meeting of the Council held October 6, 1982 was brought up for passage on motion of Mayor Pro Tempore Murphy, Reid second. Second reading was omitted after reading by title, and the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Olson, Murphy, Pinkerton, Snider, and Reid (Mayor)

Noes: Council Members - None

Absent: Council Members - None

LODI NEWS SENTINEL

CITY OF LODI

221 W. Pine Street

Lodi, California

ADVERTISING INSTRUCTIONS

Subject AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI, APPROVING THE TERMS AND CONDITIONS OF AMENDMENT NO. TWO TO THE MEMBER AGREEMENT (SECOND PHASE) FOR FINANCING AND DEVELOPMENT ACTIVITIES OF THE SHELL EAST BLOCK GEOTHERMAL PROJECT BETWEEN NORTHERN CALIFORNIA POWER AGENCY AND CERTAIN PARTICIPATING MEMBERS, AND AUTHORIZING THE EXECUTION OF AND DELIVERY OF SAID AMENDMENT BY OFFICERS OF THE CITY OF LODI

Publication Date: 11/8/82

Tear Sheets Wanted three

Affidavit and Bill To: ALICE M. REIMCHE, CITY CLERK, CITY HALL

DATE: Nov. 2, 1982

Ordered By: _____

ALICE M. REIMCHE
CITY CLERK

ORDINANCE NO. 1276

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI, APPROVING THE TERMS AND CONDITIONS OF AMENDMENT NO. TWO TO THE MEMBER AGREEMENT (SECOND PHASE) FOR FINANCING AND DEVELOPMENT ACTIVITIES OF THE SHELL EAST BLOCK GEOTHERMAL PROJECT BETWEEN NORTHERN CALIFORNIA POWER AGENCY AND CERTAIN PARTICIPATING MEMBERS, AND AUTHORIZING THE EXECUTION OF AND DELIVERY OF SAID AMENDMENT BY OFFICERS OF THE CITY OF LODI

WHEREAS, pursuant to the provisions of Chapter 5, Division 7, Title 1 of the Government Code of the State of California, as amended (the "Joint Powers Act"), the City of Lodi and certain other public agencies created pursuant to the laws of the State of California (collectively, the "Members"), have entered into a Joint Powers Agreement (the "Agreement"), as amended, creating the Northern California Public Agency (the "Agency"), a public entity separate and apart from the Members; and

WHEREAS, in accordance with the Agreement and the Joint Powers Act, the Agency and certain participating members of the Agency (the "Project Members") have entered into the Member Agreement (Second Phase) for Financing of Planning and Development Activities of the Shell East Block Geothermal Project, dated as of June 1, 1981, as amended by Amendment No. One thereto, dated June 1, 1981 (herein called the "Principal Agreement"); and

WHEREAS, pursuant to Section 6 of the Principal Agreement, each Project Member agreed to a total financing commitment for its respective percentage participation of a total sum, including payments and advances theretofore made, of up to \$5,500,000 in costs as authorized and approved by the Project Members; and

WHEREAS, pursuant to Section 6 of the Principal Agreement, the Project Members may, from time to time as needs arise, authorize an increased financial commitment above \$5,500,000 which can be shown to support the completion of the Project; and

WHEREAS, it has been determined by the Agency and the Project Members, that it is necessary to increase the financial commitment of each Project Member for its respective percentage participation of the total sum in order to complete the Project to the principal amount of \$30,000,000 plus amounts necessary to pay interest expense on such principal amount; and

WHEREAS, the Agency and the Project Members have determined to amend the Principal Agreement so as to clarify the definition of the term "Project" therein; and

WHEREAS, the Agency and the Project Members have determined to amend the Principal Agreement so as to clarify which "costs" are authorized by the Project Members; and

WHEREAS, the Agency and the Project Members have determined to amend the provisions of the Principal Agreement regarding the term of the Principal Agreement; and

WHEREAS, this City Council finds and determines that it is in the best interests of the customers of the electric system of the City of Lodi for the City of Lodi that the Principal Agreement be so amended:

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

1. The City Council hereby finds and determines that Amendment No. Two to the Principal Agreement be, and the same is hereby, approved.
2. The Mayor and City Clerk are authorized to execute and deliver said Amendment by and on behalf of the City of Lodi.
3. Pursuant to Section 54241 of the Government Code of the State of California, this Ordinance is subject to the provisions for referendum applicable to the city of Lodi.
4. The City Clerk shall certify to the enactment of this Ordinance and shall cause this Ordinance to be published in accordance with Section 54242 of the Government Code of the State of California.
5. Thirty (30) days from and after its enactment, this Ordinance shall take effect and be in full force, in the manner provided by law.

ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this 27th day of October, 1982.

Fred M. Reid
Mayor of the City of Lodi

Attest:

Alice M. Reimche
City Clerk of the City of Lodi

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1276 was introduced at a regular meeting of the City Council of the City of Lodi held October 6, 1982 and was thereafter passed, adopted and ordered to print at an adjourned regular meeting of said Council held October 27, 1982 by the following vote:

Ayes: Council Members - Murphy, Olson, Pinkerton,
Snider, and Reid (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1276 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to form

Ron M. Stein
City Attorney