

ORDINANCE NO. 1295

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, APPROVING THE TERMS AND CONDITIONS OF A MEMBER AGREEMENT BETWEEN NORTHERN CALIFORNIA POWER AGENCY AND CERTAIN PARTICIPATING MEMBERS AND AUTHORIZING THE EXECUTION OF AND DELIVERY OF SAID AGREEMENT 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 (the "City") 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") creating the Northern California Power Agency (the "Agency"), a public entity separate and apart from the Members; and

WHEREAS, in accordance with the Agreement and the Joint Powers Agreement, the Agency proposes to acquire and construct or cause to be acquired and constructed and to operate or cause to be operated a project (the "Project") consisting of (i) 230KV double circuit tower line from Castle Rock Junction in Sonoma County to the Lakeville Substation of Pacific Gas and Electric Company, (ii) a 230KV transmission line from the Geysers Geothermal Resources Area to the first point of interconnection with the existing transmission grid in Northern California and a transmission collection system, and (iii) a central dispatch facility; and all other associated facilities, rights, properties and improvements appurtenant thereto as provided and necessary therefor including any right to capacity or ownership interest in the foregoing; 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 for the City to contract with the Agency the Project for transmission service available from the Project pursuant to an Agreement For Construction, Operation and Financing of Transmission Project Number One (the "Member Agreement") in substantially the form submitted to this City Council and dated for convenience as of July 1, 1983; and

WHEREAS, payments by the City pursuant to the Member Agreement will be used in part by the Agency for payment of principal of and interest on its bonds, notes or other evidences of indebtedness issued in connection with the construction, operation and financing of the Project;

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

1. The City Council hereby finds and determines that the terms and conditions of the Member Agreement (including the Transmission Service Share of the City set forth in Appendix A thereto) in substantially the form submitted to this City Council be, and the same are hereby, approved.

2. The Transmission Service Share of the City as set forth in Appendix A to said Member Agreement may be increased to such percentage, not to exceed 21.3255 percent (21.3255%), as shall be determined by the Council of the City. (NOTE - This percentage is to be revised downward by Northern California Power Agency to reflect the City's reduced participation in Geothermal Project No. 3) .

3. The City is hereby authorized to enter into the Member Agreement and the Mayor and the City Clerk are hereby authorized to execute and deliver the Member Agreement by and on behalf of the City.

4. 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.

5. 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.

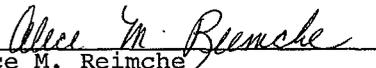
6. Thirty (30) days from and after its enactment, this Ordinance shall take effect and be in full force, in the manner provided by law.

ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this 7th day of September, 1983.



Evelyn M. Olson
Mayor

Attest:



Alice M. Reimche
City Clerk

(SEAL)