

**FULL TEXT FOR MEASURE V**

**ORDINANCE NO. O-10-18**

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF COLTON  
AUTHORIZING A CONTINUED TRANSFER FROM THE CITY'S ELECTRIC  
SYSTEM REVENUE FUND TO THE CITY'S GENERAL FUND IN AN  
AMOUNT NOT TO EXCEED 20% OF ELECTRIC SYSTEM GROSS  
REVENUES.**

(NOTE: additions are highlighted in *bold italics* and deletions are highlighted in ~~strikeout~~)

THE PEOPLE OF THE CITY OF COLTON, CALIFORNIA DO HEREBY ORDAIN  
AS FOLLOWS:

**Section 1.** Clause (i) of paragraph (iii) of Section 3.44.030 of Chapter 3.44 of  
Title 3 of the Colton Municipal Code is hereby amended to read as follows:

**"3.44.030 – Flow of Gross Revenues.**

The Treasurer shall deposit the Gross Revenues of the Electric System as  
received in the Revenue Account into a bank account separate and apart from other  
accounts of the City. On or before the 20th day of each calendar month, the Treasurer  
shall withdraw the entire amount on deposit in the Revenue Account and shall allocate  
and deposit such amount in the indicated priority to the following accounts, sub-  
account and fund:

- (i) First, there shall be transferred to the M&O Account an amount sufficient for  
the payment of Maintenance and Operation Expenses for the following  
month;
- (ii) Second, there shall be transferred to the Qualified Obligations Account the  
amount of Qualified Obligation Service necessary to be deposited (assuming  
equal monthly deposits) such that all Qualified Obligations may be made as  
scheduled (to the extent not already transferred to such Account in such  
month or not otherwise on deposit in such Account) or, if less, the entire  
amount of Gross Revenues then available for transfer, to such Account; and
- (iii) Third, all moneys remaining in the Revenue Account after the above transfers  
have been made shall be transferred to the Surplus Revenue Account.  
Moneys in the Surplus Revenue Account at any time shall be used in the  
following order of priority:
  - (a) For the payment of all Additional Installment Payments (as defined in the  
1997 Installment Sale Agreement) that have accrued or been incurred or  
that are then due and payable.

....

- (i) For transfer to the City's general fund, on a monthly basis, in an amount  
set by the City Council, but not greater than the following: ~~Until June 30,~~  
~~2024,~~ *One-twelfth (1/12th)* of twenty percent of the Electric System's  
Gross Revenues of the preceding Fiscal Year (less (x) the costs and  
expenses relating to sales of electricity for resale during such Fiscal  
Year, (y) contributions in aid of construction during such Fiscal Year and  
(z) the public benefit charge collected pursuant to Assembly Bill 1890) or

all available moneys in the Surplus Revenue Account if less than such amount. After June 30, 2021, the maximum allowed monthly transfer shall revert to one twelfth (1/12th) of twelve point thirty nine (12.39%) percent of the Electric System's Gross Revenues of the preceding Fiscal Year (less those costs, expenses, contributions in aid, and public benefit charge identified above) or all available moneys in the Surplus Revenue Account if less than such amount;

..."

**Section 2. Effective Date.** This ordinance is subject to a vote of the citizens of Colton and shall take effect, if approved by a majority of the voters voting at such election, ten (10) days following certification of the election results.

**Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The People of the City of Colton hereby declare that they would have adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 4. Certification/Summary.** Following certification that the citizens of Colton have approved this Ordinance, the Mayor shall sign this Ordinance and the City Clerk shall cause the same to be entered in the book of original ordinances of said City; and shall cause the same, or a summary thereof, to be published as required by law.

I hereby certify that the forgoing ordinance was PASSED, APPROVED and ADOPTED by the People of the City of Colton on the 6th day of November, 2018.

\_\_\_\_\_  
RICHARD A. DELAROSA, Mayor

ATTEST:

\_\_\_\_\_  
CAROLINA R. PADILLA, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
CARLOS CAMPOS, City Attorney  
Best Best & Krieger

