

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AUTHORIZING AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH FOR A STATE REVOLVING FUND LOW INTEREST LOAN FOR CONSTRUCTION OF A 6MG FINISHED WATER RESERVOIR AT THE SURFACE WATER TREATMENT FACILITY IN NORTHEAST FRESNO AND AUTHORIZING THE EXECUTION OF DOCUMENTS

WHEREAS, during 1996, Congress adopted amendments to the Safe Drinking Water Act that included grants to states to establish a State Revolving Fund program. The objective of this program is to provide low interest loans and other types of assistance to public drinking water systems to make necessary improvements to those systems; and

WHEREAS, the California State Water Resources Control Board (Board) has been delegated the responsibility for the administration of the Safe Drinking Water State Revolving Fund Loan Program (Cal. Health & Saf. Code 11676 et. seq.) within the state, setting up necessary guidelines for water systems under the program; and

WHEREAS, the City of Fresno Department of Public Utilities (City) has submitted a General Construction Pre-Application Package to the Board as an expression of interest for a State Revolving Fund low interest loan to carry out construction of a 6-million gallon Finished Water Reservoir at the City's Northeast Surface Water Treatment Facility in northeast Fresno (Project), in order to improve water quality and enhance the sustainability and reliability of the City's potable water system; and

WHEREAS, the Board now encourages submission of a complete loan Application for consideration of funding said Project; and

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Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

WHEREAS, the City Department of Public Utilities is desirous of submitting a loan Application to fund said Project; and

WHEREAS, the Board requires that the governing body of the applicant submit a resolution designating an authorized representative or his designee to execute the Application to the state.

NOW, THEREFORE, BE IT RESOLVED BY THE Council of the City of Fresno as follows:

1. The Council of the City of Fresno, California, authorizes the submittal of an Application to the Board for a Safe Drinking Water State Revolving Fund (Fund) low interest loan in the amount of \$12,000,000 for the Project provided that, (i) the City shall not be bound under the Application, nor shall City accept or be deemed to have accepted the Fund loan referenced in the Application, absent City Council approval of loan terms and conditions that are consistent with Fund Program requirements and all constitutional and local law requirements, which terms and conditions shall be contained in written contract prior to approval as to form by the Office of the City Attorney, (ii) the Application does not and shall not be deemed to constitute a certification or opinion by the Office of City Attorney as to any matter embraced therein, (iii) the City's legal authority, liability and obligation under any program loan agreement is subject to constitutional and local law requirements, this resolution and pledged, segregated revenue sources identified and appropriated under the agreement.

2. The City of Fresno Director of Public Utilities designee(s) thereof are authorized and empowered to execute the Application in the name of the City of Fresno.

3. The Office of City Attorney is authorized to execute program related certifications, assurances and opinions.

4. Subject to the foregoing provisions, the City certifies it has legal authority to participate in the loan program with the state.

5. Nothing in this resolution binds or obligates the City's general fund, taxing authority, or borrowing power.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

YVONNE SPENCE, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Brandon M. Collet                      Date  
Deputy