

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AUTHORIZING THE DIRECTOR OF PUBLIC UTILITIES TO SIGN FINANCING AGREEMENT, AMENDMENTS, AND CERTIFICATIONS FOR FUNDING UNDER THE DRINKING WATER STATE REVOLVING FUND (DWSRF); AUTHORIZING THE DIRECTOR OF PUBLIC UTILITIES TO APPROVE CLAIMS FOR REIMBURSEMENT; AUTHORIZING THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE BUDGET AND EXPENDITURE SUMMARY; AUTHORIZING THE DIRECTOR OF PUBLIC UTILITIES TO SIGN THE FINAL RELEASE FORM; AUTHORIZING THE DIRECTOR OF PUBLIC UTILITIES TO SIGN THE CERTIFICATION OF PROJECT AND COMPLETION; AND TO PLEDGE REVENUES AND FUND(S) TO SATISFY REPAYMENT OBLIGATIONS FOR FINANCIAL ASSISTANCE AGREEMENT WITH THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD FOR A 4.5 MILLION GALLON WATER STORAGE TANK AT THE CITY OF FRESNO'S NORTHEAST SURFACE WATER TREATMENT FACILITY

WHEREAS, City of Fresno (City) seeks financing from the State Water Resources Control Board for a project commonly known as the Northeast Surface Water Treatment Facility 4.5MG Finished Water Storage Reservoir Project (Project); and

WHEREAS, City intends to finance the construction and/or reconstruction of the Project, or portions of the Project, with moneys provided by the State of California, acting through the State Water Resources Control Board (State Water Board).

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

1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: BC

Resolution No.

1. The Director of Public Utilities (Director), or designee, is hereby authorized and directed to sign and file, for and on behalf of the City a financial assistance application for a financing agreement from the State Water Board for the Project.

2. The Director or designee is hereby authorized to sign the DWSRF program financing agreement for the Project and any amendments thereto, and provide the assurances, certifications, and commitments required therefor.

3. The Director, or designee, is hereby authorized to represent the City and is carrying out the City's responsibilities under the financing agreement, including approving and submitting disbursement requests (including claims for reimbursement) or other required documentation, compliance with applicable state and federal laws, and making any other necessary certifications.

4. The Director, or designee, does hereby dedicate and pledge its gross water revenues and its water enterprise fund to payment of the DWSRF financing for the Project. The Director, or designee, commits to collecting such revenues and maintaining such fund(s) throughout the term of such financing and until the Director, or designee, has satisfied its repayment obligation thereunder unless modification or change is approved in writing by the State Water Board. So long as the financing agreement(s) are outstanding, the Director or designee pledge hereunder shall constitute a lien in favor of the State Water Board on the foregoing fund(s) and revenue(s) without any further action necessary. So long as the financing agreement(s) are outstanding, the Director, or designee, commits to maintaining the fund(s) and revenue(s) at levels sufficient to meet its obligations under the financing agreement(s). If for any reason, the said source of revenues proves insufficient to satisfy the debt

service of the DWSRF obligation, sufficient funds shall be raised through increased water rates, user charges, or assessments or any other legal means available to meet the DWSRF obligation and to operate and maintain the project.

5. The authority granted hereunder shall be deemed retroactive. All acts authorized hereunder and performed prior to the date of this Resolution are hereby ratified and affirmed. The State Water Board is authorized to rely upon this Resolution until written notice to the contrary, executed by each of the undersigned, is received by the State Water Board. The State Water Board shall be entitled to act in reliance upon the matters contained herein, notwithstanding anything to the contrary contained in the formation documents of the City, or in any other document.

* * * * *

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 _____ 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, MMC CRM
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Brandon M. Collet Date
Senior Deputy City Attorney