

Resolution No.  
County Administration Building  
Santa Rosa, California

Date

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH PARK COUNTY SANITATION DISTRICT AUTHORIZING THE GENERAL MANAGER/CHIEF ENGINEER OF THE SONOMA COUNTY WATER AGENCY TO: 1) SIGN AND FILE, FOR AND ON BEHALF OF THE DISTRICT, A FINANCIAL ASSISTANCE APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD FOR STATE REVOLVING FUND LOAN FUNDING FOR THE BIWANA COLLECTION SYSTEM REPLACEMENT PROJECT; 2) EXECUTE ANY DOCUMENTS NECESSARY TO APPLY FOR SUCH FUNDING; 3) TAKE ALL ACTIONS NECESSARY TO SECURE SUCH FUNDING, 4) NEGOTIATE AND EXECUTE A LOAN CONTRACT AND ANY AMENDMENTS OR CHANGE ORDERS THERETO; 5) CERTIFY LOAN DISBURSEMENTS ON BEHALF OF THE DISTRICT; 6) CERTIFY THAT THE DISTRICT HAS AND WILL COMPLY WITH ALL APPLICABLE STATE AND FEDERAL STATUTORY AND REGULATORY REQUIREMENTS RELATED TO ANY LOAN RECEIVED; AND 7) DEDICATE A SOURCE OF REVENUE FOR PAYMENT OF THE STATE REVOLVING FUND LOAN AGREEMENT UPON EXECUTION.

WHEREAS, the South Park County Sanitation District (District) proposed the Biwana Collection System Replacement Project (Project) to design and construct a replacement sewer collection system to alleviate infiltration and inflow to the sewer system during wet weather, as well as prevent possible leakage of wastewater into groundwater adjacent to the existing piping; and

WHEREAS, there is a potential Public Health Hazard and Environmental Water Pollution Hazard in the District resulting from the current aged conditions of the Public Sanitary Sewage Collection System; and

WHEREAS, all phases of the District's Project necessary to alleviate the inordinate amount of sewage overflows and backups must be completed by July 1, 2011; and

WHEREAS, the District will require Project funding assistance in the form of a low-interest loan in order to complete the Project; and

WHEREAS, the State Water Resources Control Board (SWRCB) offers low interest loans through the State Revolving Fund Loan Program for public agencies undertaking wastewater treatment infrastructure improvements; and

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WHEREAS, the SWRCB requires the governing board of the applying agency to adopt a resolution authorizing the District to apply for said funding and dedicate a source of revenue for payment of the State Revolving Fund Loan financing agreement upon execution.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby finds, determines, and declares as follows:

1. All of the above recitals are true and correct.
2. The General Manager/Chief Engineer of the Sonoma County Water Agency (Agency), or his designee, is hereby authorized and directed to sign and file, for and on behalf of the South Park County Sanitation District, a Financial Assistance Application for a loan from the State Water Resources Control Board for the Biwana Collection System Replacement Project in an amount not to exceed \$3,800,000, for the planning, design, and construction of the Project.
3. The District hereby agrees and authorizes the aforementioned General Manager/Chief Engineer of the Agency, or his designee, to certify that the District has and will comply with all applicable state and federal statutory and regulatory requirements related to any federal and state loan received.
4. The General Manager/Chief Engineer, or his designee, is hereby authorized to execute any documents necessary to apply for such funding, take all actions necessary to secure such funding, negotiate and execute a loan contract and any amendments or change orders thereto and certify loan disbursements on behalf of the District.
5. The General Manager/Chief Engineer is authorized to and shall dedicate revenues derived from user charge proceeds for wastewater services and deposited in the South Park County Sanitation District Operations Fund as the source of revenue for repayment of any and all final executed Clean Water State Revolving Fund financial agreements for the Biwana Collection System Replacement Project. This dedicated source of revenue shall remain in effect until such financing agreement is fully discharged unless the State Water Resource Control Board approves modification or change of such dedication in writing.
6. The General Manager/Chief Engineer is authorized to and shall deposit to a capital reserve fund from the District Operations Fund one-half of one percent of the final loan amount annually for the first ten years of the loan until a balance of five percent of the loan amount is accumulated. This amount shall be held within the fund until the loan is entirely repaid.

DIRECTORS:

BROWN:	KERNS:	ZANE:	CARRILLO:	KELLEY:
Ayes	Noes	Absent	Abstain	

SO ORDERED.

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