

RESOLUTION 2016 - 99

RESOLUTION OF THE PLUMAS EUREKA COMMUNITY SERVICES DISTRICT AUTHORIZING THE GENERAL MANAGER TO SIGN FINANCING AGREEMENT, AMENDMENTS, AND CERTIFICATIONS FOR FUNDING UNDER THE DRINKING WATER STATE REVOLVING FUND (DWSRF); AUTHORIZING THE GENERAL MANAGER TO APPROVE CLAIMS FOR REIMBURSEMENT; AUTHORIZING THE GENERAL MANAGER TO EXECUTE BUDGET AND EXPENDITURE SUMMARY; AUTHORIZING THE GENERAL MANAGER TO SIGN THE FINAL RELEASE FORM AND PLEDGING AND DEDICATING NET WATER REVENUES TO PAYMENT OF DWSRF FINANCING.

WHEREAS, Plumas Eureka Community Services District seeks financing from the State Water Resources Control Board for a project commonly known as Arsenic Remediation Project (“Project”); and

WHEREAS, Plumas Eureka Community Services District acknowledges the drinking water provided by the District exceeds the Federal arsenic standard of 10 µg/L; and

WHEREAS, the Entity has been issued Compliance Order No. 01-02-140-002 by the State Water Resources Control Board, Division of Drinking Water, to reduce arsenic concentrations below the Federal standard by November 2016; and

WHEREAS, the Entity desires to acquire financial assistance from the State Water Resources Control Board for the planning and design of an arsenic remediation project.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that

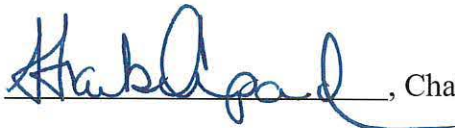
1. The General Manager is hereby authorized and directed to sign and file, for and on behalf of the Plumas Eureka Community Services District a financial assistance application for a financing agreement from the State Water Resources Control Board for the Project;
2. The General Manager or designee is 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 General Manager or designee is hereby authorized to represent the Plumas Eureka Community Services District in carrying out the Plumas Eureka Community Services District’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 Plumas Eureka Community Services District does hereby dedicate and pledge its net water revenues and its water enterprise fund to payment of the DWSRF financing for the Project. The Plumas Eureka Community Services District commits to collecting such revenues and maintaining such fund(s) throughout the term of such financing and until the Plumas Eureka Community Services District has satisfied its repayment obligation thereunder unless modification or change is approved in writing by the State Water

Resources Control Board. So long as the financing agreement(s) are outstanding, the Plumas Eureka Community Services District pledge hereunder shall constitute a lien in favor of the State Water Resources Control Board on the foregoing fund(s) and revenue(s) without any further action necessary. So long as the financing agreement(s) are outstanding, the Plumas Eureka Community Services District 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.; and


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 Resources Control 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 Resources Control Board. The State Water Resources Control 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 Plumas Eureka Community Services District or in any other document.

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Passed and adopted by Plumas Eureka Community Services District on August 10, 2016 by the following vote:

AYES:	Directors	<u>Vice Chairperson Dave Stone, Director Melinda Bennett,</u> <u>Director Rich Machado</u>
NOES:	Directors	<u>none</u>
EXCUSED:	Directors	<u>Director Dan Bastian</u>

 _____, Chairperson Frank Shepard

ATTEST:

 _____, Secretary of the Plumas Eureka Community Services District
Heather Kotrc