

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

RESOLUTION NO. 23-283

AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND PLANNING TO ENTER INTO A FUNDING AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD TO PROVIDE FINANCIAL ASSISTANCE TO COUNTY SERVICE AREA 30 EL PORVENIR THROUGH A GRANT SUBSIDY FUNDED BY THE SAFE AND AFFORDABLE DRINKING WATER FUND

WHEREAS, the water service fees for County Service Area 30—El Porvenir (CSA 30) were not generating sufficient revenue to meet CSA 30’s expenses; and

WHEREAS, the Department of Public Works and Planning (Department) sought to increase the water service fees for CSA 30 in accordance with California Constitution Article XIIIID, Section 6, which is part of Proposition 218 (Right to Vote on Taxes Act of 1996), and Government Code sections 53755 and 53756 of The Proposition 218 Omnibus Implementation Act; and

WHEREAS, the Board of Supervisors did not find that there was a majority protest, and the proposed increases in the water service fees for CSA 30 were implemented beginning July 1, 2023; and

WHEREAS, the CSA 30 community water system currently has a negative cash balance, and unpaid held charges (including interest thereon) for multiple years due to insufficient revenue, in the amount of \$412,630.62; and

WHEREAS, The State Water Resources Control Board (SWRCB) has developed a pilot program to provide grant assistance from the Safe and Affordable Drinking Water (SADW) Fund to severely disadvantaged communities to offset water system operations and maintenance (O&M) costs for the purpose of maintaining affordable water rates; and

WHEREAS, CSA 30 is eligible, as a severely disadvantaged community, since the median household income (MHI) is less than 60% of the statewide MHI; and

1 WHEREAS the Deputy Director of SWRCB Division of Financial Assistance (DFA) has
2 approved the preparation of a funding agreement to provide the County of Fresno with O&M
3 assistance for the residents of CSA 30; and

4 WHEREAS, the agreement will provide the County with assistance over a five year
5 period in the form of a rate subsidy, which will reduce the CSA 30's average residential water
6 rate; and

7 WHEREAS, the funding agreement will also provide funds for grant administration; and

8 WHEREAS, the SWRCB requires that the governing board of the entity entering into a
9 funding agreement name an Authorized Representative or Representatives to sign and enter
10 into a funding agreement, and any and all other instruments required to execute the agreement
11 on behalf of the entity; and

12 WHEREAS, the SWRCB requires, as a condition of funding, the governing board of the
13 entity entering into an agreement also name an Authorized Representative or Representatives
14 designated to provide assurances, certifications, and commitments required for the agreement,
15 including executing a funding agreement from the SWRCB and supporting documents.

16 NOW, THEREFORE, THE FRESNO COUNTY BOARD OF SUPERVISORS DOES
17 HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

18 **Section 1.** The Director of the Department, or his or her designee, is hereby authorized
19 and directed to sign a funding agreement and, and any and all other instruments required to
20 complete the agreement, with SWRCB for financing under the SADW program for the grant
21 assistance to offset water system O&M costs for the purpose of maintaining affordable water
22 rates.

23 **Section 2.** The Director of the Department, or his or her designee, is hereby authorized
24 to provide the assurances, certifications, and commitments required for the funding agreement,
25 and the Director shall be the Authorized Representative for all purposes, subject to the
26 limitations in section 3 of the resolution, below.

27 **Section 3.** The Director of the Department is hereby authorized, subject to the review
28 and approval of County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax

1 Collector as to accounting form, to execute a funding agreement with the SWRCB, and any
2 amendments that the Director deems necessary for the consummation and continuing
3 administration of the El Porvenir Operations and Maintenance (O&M) Assistance Project (as this
4 funding arrangement shall be known), for grant funding, negative balance relief funding, or both,
5 to provide grant assistance to CSA 30.

6 **Section 4.** The Director of the Department, or his or her designee, is authorized and
7 designated to represent the County in carrying out the responsibilities under the financing
8 agreement, including certifying disbursement requests for CSA 30, and ensuring compliance
9 with applicable state and federal laws.

10 **Section 5.** The Board hereby finds, determines, and represents that all of the recitals in
11 this Resolution, and each of them, are true and correct.

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THE FOREGOING was passed and adopted by the following vote of the Board
of Supervisors of the County of Fresno this 22nd day of August, 2023, to-wit:

- AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
- NOES: None
- ABSENT: None
- ABSTAINED: None

BY Sal Quintero
Sal Quintero, Chairman of the Board of
Supervisors of the County of Fresno

Attest:
Bernice Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

BY Alexandria Vieira
DEPUTY