

**RESOLUTION NO. 16-084****AUTHORIZING A FINANCIAL ASSISTANCE APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD, FOR IMPROVEMENTS TO THE DRINKING WATER FACILITIES SERVING WATERWORKS DISTRICT NO. 40 AND DESIGNATING AUTHORIZED REPRESENTATIVES TO SIGN AND FILE THE APPLICATION AND OTHER REQUIRED INSTRUMENTS AND TO GIVE REQUIRED ASSURANCES, CERTIFICATIONS, AND COMMITMENTS**

WHEREAS, the water supply serving Waterworks District No. 40 (WWD 40), Improvement Zone 1, also known as Shaver Springs, is inadequate to meet the needs of the community, regularly exceeds the California Code of Regulations, Title 22, maximum contaminant level (MCL) for gross alpha and uranium, and has periodically exceeded the MCL for arsenic; and

WHEREAS, the State Water Resources Control Board (SWRCB) assists in the financing of capital improvements to community drinking water facilities through the Drinking Water State Revolving Fund Program (DWSRF); and

WHEREAS, the Fresno County Board of Supervisors, sitting as the Board of Directors for WWD 40, on December 14, 2010, by resolution 10-465, authorized and directed the County of Fresno's Department of Public Works and Planning (Department), to apply for financing from the SWRCB under the DWSRF to fund the study and planning necessary to identify the best alternative to increase, and bring into compliance with California Code of Regulations, Title 22, the water supply for WWD 40; and

WHEREAS, the Department applied for and received that study and planning funding; and

WHEREAS, the Department, on behalf of WWD 40, desires to submit a Financial Assistance Application (Application) to the SWRCB for funding under the DWSRF for the construction of improvements to the water system serving WWD 40; and

WHEREAS, the SWRCB requires the governing board of the entity applying for financing name an Authorized Representative to sign and file the Application, and any and all other instruments required to complete the Application on behalf of the entity; and

WHEREAS, the SWRCB requires, as a condition of funding, the governing board of the entity applying for financing also name an Authorized Representative or Representatives designated to provide assurances, certifications, and commitments required for the Application, including executing a financial assistance agreement from the SWRCB and supporting documents.

NOW, THEREFORE, THE FRESNO COUNTY BOARD OF SUPERVISORS, SITTING AS THE BOARD OF DIRECTORS FOR FRESNO COUNTY WATERWORKS DISTRICT NO. 40, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

**Section 1.** The Director of the Department, or his or her designee, is hereby authorized and directed to sign and file, an Application, and any and all other instruments

required to complete the Application, to SWRCB for financing under the DWSRF program for the planning, design, and construction of WWD 40 potable water system improvements.

**Section 2.** The Director of the Department, or his or her designee, is hereby authorized to provide the assurances, certifications, and commitments required for the financial assistance application, and the Director shall be the Authorized Representative for all purposes but executing the financial assistance agreement with the SWRCB as provided in section 3 of this resolution, below.

**Section 3.** The Chairman of the Board of Directors of WWD 40 is hereby authorized to execute, subject to the review and approval of County Counsel and the Auditor-Controller/Treasurer-Tax Collector, a financial assistance agreement with the SWRCB, for a principal amount not to exceed \$1,145,000 to fund the construction of improvements to the WWD 40 water system, and shall be the Authorized Representative for that purpose only.

**Section 4.** The Director of the Department, or his or her designee, is designated to represent WWD 40 in carrying out the responsibilities under the financing agreement, including certifying disbursement requests on behalf of WWD 40, and compliance with applicable state and federal laws.

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

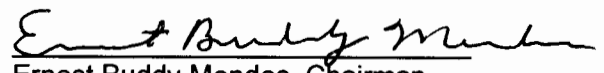
PASSED AND ADOPTED this 1st day of March, 2016, by the following vote of the Fresno County Board of Supervisors, sitting as the Board of Directors of Fresno County Waterworks District No. 40, to wit:

AYES: Supervisors Borgeas, Mendes, Pacheco, Perea, Poochigian

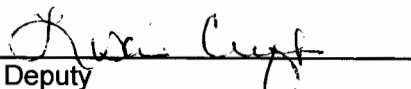
NOES: None

ABSENT: None

County of Fresno  
Board of Directors of Fresno County  
Waterworks District No. 40

  
Ernest Buddy Mendes, Chairman  
Board of Directors

ATTEST:  
Bernice E. Seidel, Clerk  
Board of Supervisors

By:   
Deputy