

**RESOLUTION NO. 16-082****AMENDING AUTHORIZATION REGARDING A FINANCIAL ASSISTANCE APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD, FOR IMPROVEMENTS TO THE WASTEWATER FACILITIES SERVING WATERWORKS DISTRICT NO. 38**

WHEREAS, the wastewater treatment facility (WWTF) serving Waterworks District No. 38, also known as Sky Harbour (WWD 38), in the County of Fresno, is more than 40 years old; and

WHEREAS, portions of the WWTF have exceeded their useful service life requiring improvements to maintain reliable service, ensure compliance with Waste Discharge Requirements prescribed by the State of California Water Resources Control Board (SWRCB), and decrease the potential for sewage overflow into Millerton Lake; and

WHEREAS, the Clean Water State Revolving Fund Program (CWSRF), administered by SWRCB to implement the Federal Clean Water Act, assists in the financing of wastewater treatment facilities improvements necessary to prevent water pollution, recycle water, and correct nonpoint source and storm drainage pollution problems; and

WHEREAS, Department of Public Works and Planning (Department), on behalf of WWD 38, has submitted a Financial Assistance Application (Application) to the SWRCB for financing under the CWSRF for the planning, design, and construction of improvements to the WWTF serving WWD 38; 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; and

WHEREAS, the Fresno County Board of Supervisors, sitting as the Board of Directors of WWD 38, previously authorized an application for an amount not to exceed \$500,000, by Resolution No. 11-351, adopted on October 25, 2011; and

WHEREAS, there are now anticipated to be additional, originally unanticipated costs associated with the project, including changes in the original project scope, which have caused an increase in the total anticipated project costs to \$600,000.

NOW, THEREFORE, THE FRESNO COUNTY BOARD OF SUPERVISORS, SITTING AS THE BOARD OF DIRECTORS FOR FRESNO COUNTY WATERWORKS DISTRICT NO. 38 DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

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

instruments required to complete the amended Application, to SWRCB for financing under the CWSRF program for the planning, design, and construction of WWD 38 wastewater system improvements.

**Section 2.** The Director, 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.

**Section 3.** The Chairman of the Board of Directors of WWD 38, or his or her designee, is authorized to execute, subject to the review and approval of County Counsel and the Auditor/Controller-Treasurer/Tax Collector, a financial assistance agreement from the SWRCB, and any amendments or changes thereto, for a principal amount not to exceed \$600,000, to fund the construction of improvements to the WWD 38 wastewater system.

**Section 4.** The Director, or his or her designee, is designated to represent WWD 38 in carrying out the responsibilities under the financing agreement, including certifying disbursement requests on behalf of WWD 38, and compliance with applicable state and federal laws.

**Section 5.** This resolution amends Resolution No. 11-351 as to the maximum principal amount and as to the designation of Authorized Representatives, as of the date of this resolution.

**Section 6.** The Board hereby finds, determines, and represents that all of the recitals in this Resolution, and each of them, are true and correct.

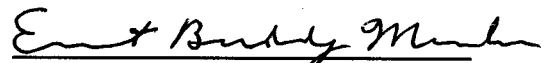
PASSED AND ADOPTED this 1st day of March, 2016, by the following vote of the Fresno County Board of Supervisors, sitting as the Board of Directors of Fresno County Waterworks District No. 38, to wit:

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

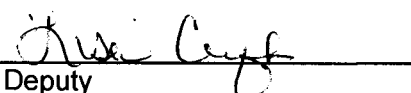
NOES: None

ABSENT: None

County of Fresno  
Board of Directors of Fresno County  
Waterworks District No. 38

  
Ernest Buddy Mendes, Chairman  
Board of Directors

ATTEST:  
Bernice E. Seidel, Clerk  
Board of Supervisors

By:   
Deputy