

RESOLUTION NO. 17-136**AN AUTHORIZATION RESOLUTION OF THE FRESNO COUNTY BOARD OF SUPERVISORS INCREASING THE MAXIMUM PRINCIPAL AMOUNT WITH RESPECT TO A FINANCIAL ASSISTANCE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD, FOR IMPROVEMENTS TO THE WASTEWATER TREATMENT FACILITY SERVING ZONE D OF COUNTY SERVICE AREA NO. 44, AND DESIGNATING AUTHORIZED REPRESENTATIVES TO SIGN AND FILE ALL REQUIRED INSTRUMENTS, INCLUDING FUNDING AGREEMENT AMENDMENTS, AND TO GIVE REQUIRED ASSURANCES, CERTIFICATIONS, AND COMMITMENTS**

WHEREAS, the wastewater treatment facility (WWTF) serving the community of Monte Verdi, also known as Zone D of County Service Area 44 (CSA 44D), in the County of Fresno, is not in compliance with Waste Discharge Requirements (WDRs) prescribed by the Regional Water Quality Control Board; and

WHEREAS, the Clean Water State Revolving Fund Program (CWSRF), and the Water Recycling Funding Program (WRFP), were implemented by the State of California Water Resources Control Board (SWRCB) to assist 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, the Fresno County Board of Supervisors previously authorized an application for financial assistance by Resolution 10-298, adopted on August 10, 2010; and

WHEREAS, Department of Public Works and Planning (Department), on behalf of CSA 44D, 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 CSA 44D; 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 Board conducted hearings consistent with Proposition 218 and adopted an assessment by Resolution 13-248, on August 2, 2013, to secure a loan package for the project, based upon the preliminary engineer's estimate; and

WHEREAS, on December 17, 2015, a financing package agreement was executed with SWRCB which included a \$1,773,937 CWSRF loan at 1% interest for 20-years, and a \$732,081 WRFPP grant (Agreement); and

WHEREAS, SWRCB indicated that the loan could be increased up to the maximum security that could be provided by the project assessment, if necessary; and

WHEREAS, the Department advertised the project and bids were submitted on March 23, 2016 which far exceeded the maximum financing capacity of the loan and grant, and the Board subsequently rejected the bids on May 24, 2016; and

WHEREAS, Department staff have continued to confer with the SWRCB, CSA 44D Community Advisory Committee, and local Homeowners Association to explore possible options for bringing the WWTF into compliance with the adopted WDRs, and SWRCB has agreed to temporarily hold the interest rate and grant agreed under the financing package; and

WHEREAS, it has since been determined that the pursuit of an increased assessment at a longer 30-year term to construct the project would be the best option, and the Department has prepared an engineer's report supplement, designed to update the costs of the project; and

WHEREAS, the Board adopted a Resolution of Proposed Changes by Resolution 17-015 on January 10, 2017, to initiate Proposition 218 proceedings and modify the Assessment; and

WHEREAS, prior to considering this Resolution (as a concurrent action), the Board has conducted the new Proposition 218 hearing, made a finding that there is not a majority protest, and adopted the changes to the assessment.

NOW, THEREFORE, THE FRESNO COUNTY BOARD OF SUPERVISORS 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 any and all instruments required to amend the Agreement with SWRCB for financing under the CWSRF and WRFPP for the planning, design, and construction of CSA 44D WWTF improvements.

Section 2. The Director, or his or her designee, is hereby authorized to provide the assurances, certifications, and commitments required by the Agreement or to amend the Agreement, and the Director shall be the Authorized Representative for all purposes of the amended Agreement.

Section 3. The Director is authorized to execute, subject to the review and approval of County Counsel and the Auditor/Controller-Treasurer/Tax Collector, amendments to the Agreement with the SWRCB to increase the funding amount up to \$4,877,000, including up to \$4,144,919 of loan principal and up to \$732,081 in grant funding, and to extend the term of the Agreement to 30 years, and any further

amendments or changes thereto which the Director deems necessary to administer the Agreement, to fund the improvements to the CSA 44D WWTF.

Section 4. The Director, or his or her designee, is designated to represent CSA 44D in carrying out the responsibilities under the amended Agreement, including certifying disbursement requests on behalf of CSA 44D, and compliance with applicable state and federal laws.

Section 5. This resolution amends Resolution 10-298, 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.

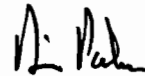
PASSED AND ADOPTED this 28th day of February, 2017, by the following vote of the Fresno County Board of Supervisors, to wit:

AYES: Supervisors Borgeas, Magsig, Mendes, Pacheco, Quintero

NOES: None

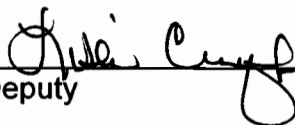
ABSENT: None

County of Fresno



Brian Pacheco, Chairman
Board of Supervisors

ATTEST:
Bernice E. Seidel, Clerk
Board of Supervisors

By: _____
Deputy