

**RESOLUTION 2015 - 078**

**RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SIGN FINANCING AGREEMENTS, AMENDMENTS, AND CERTIFICATIONS FOR FUNDING UNDER THE DRINKING WATER STATE REVOLVING FUND (DWSRF); AUTHORIZING THE CITY MANAGER OR DESIGNEE TO APPROVE CLAIMS FOR REIMBURSEMENT; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE BUDGET AND EXPENDITURE SUMMARY; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SIGN THE FINAL RELEASE FORM AND TO SIGN THE CERTIFICATION OF PROJECT COMPLETION; AND PLEDGING AND DEDICATING NET WATER REVENUES FROM THE CITY OF CALISTOGA'S WATER ENTERPRISE TO PAYMENT OF DWSRF FINANCING FOR THE DWYER ROAD PUMP STATION PROJECT**

**WHEREAS**, the City of Calistoga seeks financing from the State Water Resources Control Board for the Dwyer Road Pump Station Improvements project commonly known as ("Project"); and

**WHEREAS**, the City of Calistoga obtains approximately half of its water supply from the State Water Project (SWP) delivered through the North Bay Aqueduct; and

**WHEREAS**, the City of Calistoga has contracted with the City of Napa to "treat and wheel" Calistoga's SWP water project to the City; and

**WHEREAS**, the Cities of Calistoga and St. Helena have inter-ties with the City of Napa water system and both have need for constructing pump stations; and

**WHEREAS**, the SWP water is pumped through the Dwyer Road Pump Station which has been identified as needing upgrades or replacement to boost the pressure in the existing system to improve the reliability and consistency of the water delivery to existing customers; and

**WHEREAS**, the Cities of Napa, Calistoga and St. Helena have agreed to construct one pump station to suit the needs of all three municipal systems; and

**WHEREAS**, the City of Calistoga has previously entered into a joint agreement with the Cities of Napa and St. Helena for the purposes of preparing plans, specifications, contract bid documents, environmental review documents for compliance with CEQA; and

**WHEREAS**, the contract bid documents and been completed and approved and the environmental review documents completed and filed with the State Clearing House and the Project has complied with CEQA; and

**WHEREAS**, the City of Napa in partnership with the Cities of Calistoga and St Helena has submitted a formal application for funding under the Drinking Water State Revolving Fund Loan Program (DWSRF) for the Dwyer Road Pump Station Project (Project); and

**WHEREAS**, the City's maximum contribution to the Project is estimated not to exceed \$6,000,000; and

**WHEREAS**, the City's Water Utility Enterprise Fund does not contain sufficient fund balances or reserves to cover this expenditure and it is desired to finance the cost of the Project through low interest loans and/or grants from the Drinking Water State Revolving Fund (DWSRF).

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that**

1. The City Manager or Designee is hereby authorized and directed to sign and file, for and on behalf of the City of Calistoga a financial assistance application for a financing agreement from the State Water Resources Control Board for the Project; and
2. The City 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; and
3. The City Manager or designee is hereby authorized to represent the City of Calistoga is carrying out the City of Calistoga'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; and
4. The City of Calistoga does hereby dedicate and pledge its net water revenues and its water enterprise fund to payment of the DWSRF financing for the Project. The City of Calistoga commits to collecting such revenues and maintaining such fund(s) throughout the term of such financing and until the City of Calistoga 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 City of Calistoga 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 City of Calistoga 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 City of Calistoga or in any other document.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga at a regular meeting held this 7<sup>th</sup> day of July, 2015, by the following vote:

<b>AYES:</b>	<b>Vice Mayor Dunsford, Councilmembers Barnes, Lopez-Ortega and Kraus and Mayor Canning</b>
<b>NOES:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>

  
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**CHRIS CANNING, Mayor**

**ATTEST:**

  
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**KATHY FLAMSON, City Clerk**

