

RESOLUTION NO. 2016/36

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SIGN A FINANCING
AGREEMENT, 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 PLEDGING AND DEDICATING NET WATER
REVENUES FROM THE WATER ENTERPRISE FUND TO PAYMENT OF DWSRF
FINANCING FOR THE BRACKISH WATER DESALINATION PROJECT
(P.W. 694)**

WHEREAS, the City Council of the City of Antioch seeks financing from the State Water Resources Control Board for the project commonly known as the Brackish Water Desalination Project (Project); and

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 Antioch a financial assistance application for a financing agreement from the State Water Resources Control Board for the Project;
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 therefore;
3. The City Manager or designee is hereby authorized to represent the City of Antioch in carrying out the City of Antioch'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;
4. The City of Antioch 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 Antioch commits to collecting such revenues and maintaining such fund(s) throughout the term of such financing and until the City of Antioch 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 Antioch 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 Antioch 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 Antioch or in any other document.

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I DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 12th day of April, 2016 by the following vote:

AYES: Council Members Wilson, Orgochock, Tiscareno, Rocha and Mayor Harper

NOES: None

ABSENT: None



ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH