

RESOLUTION NO. 4187

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
AUTHORIZING AMENDMENTS TO RESOLUTIONS 3845 AND 3993 FOR THE
STATE REVOLVING FUND FINANCIAL ASSISTANCE**

WHEREAS, on August 2, 2006 the City Council of the City of Soledad adopted Resolution No. 3845 authorizing and directing the City Manager to sign and file, for and on behalf of the City of Soledad, a Financial Assistance Application for a loan from the State Water Resources Control Board State Revolving Fund ("SRF") Loan Program in an amount not to exceed \$40,000,000, for the planning, design, and construction of the City of Soledad Wastewater Treatment and Disposal Facilities Upgrade and Expansion Project; and

WHEREAS, on May 2, 2007 the City Council of the City of Soledad adopted Resolution No. 3993 authorizing the City Manager to amend Resolution 3845 to increase the loan application amount from \$40,000,000 to an amount not to exceed \$60,000,000 and directing the City Manager to sign and file, for and on behalf of the City of Soledad, an amended Financial Assistance Application for a loan from the State Water Resources Control Board in the amount not to exceed \$60,000,000, for the planning, design, and construction of the City of Soledad Wastewater Treatment and Disposal Facilities Upgrade and Expansion Project; and

WHEREAS, SRF'S legal staff has determined that the use of the words "loan" and "loan/grant" in SRF related documents is a mischaracterization of the services provided by SRF and should be replaced with the term "financing agreement"; and

WHEREAS, SRF has requested that the afore-referenced change in language be made to Resolutions 3845 and 3993.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Soledad that the City Manager is hereby authorized to amend Resolutions 3845 and 3993, in the manner set forth in Attachments A and B that depict such amendments in the underline/strikeout format.

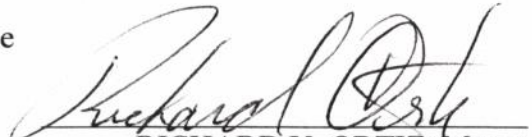
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Soledad duly held on the 2nd day of April 2008, by the following vote:

AYES, and in favor thereof, Councilmembers: Martha Camacho, Juan Saavedra, Mayor Pro Tem Christopher Bourke, Mayor Richard Ortiz


NOES, Councilmembers: None

ABSENT, Councilmembers: Patricia Stephens

ABSTAIN, Councilmembers: None


RICHARD V. ORTIZ, Mayor

ATTEST:


NOELIA F. CHAPA, City Clerk

Attachment A

RESOLUTION NO. 3845

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
AUTHORIZING SUBMITTAL OF A FINANCIAL ASSISTANCE APPLICATION FOR
THE CITY WASTEWATER TREATMENT PLANT EXPANSION PROJECT,
APPOINTING THE CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE
FOR THE CITY OF SOLEDAD, AND APPROVING THE REIMBURSEMENT OF
SAID ~~LOAN/GRANT~~ FINANCING AGREEMENT**

WHEREAS, the City Council of the City of Soledad desires to finance the costs of constructing and/or reconstructing certain public facilities and improvements relating to wastewater system, including certain treatment facilities, pipelines and other infrastructure (the "Project"); and

WHEREAS, the City of Soledad intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (the "Board"); and

WHEREAS, the Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"), and

WHEREAS, prior to either the issuance of the Obligations or the approval by the Board of the Project Funds the City of Soledad desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the City of Soledad; and

WHEREAS, the City of Soledad has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the City of Soledad for the Expenditures from the proceeds of the Obligations.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Soledad that the City Manager is hereby authorized and directed to sign and file, for and on behalf of the City of Soledad, a Financial Assistance Application for a ~~loan/grant~~ financing agreement from the State Water Resources Control Board in the amount not to exceed \$40,000,000, for the planning, design, and construction of the City of Soledad Wastewater Treatment and Disposal Facilities Upgrade and Expansion Project.

BE IT FURTHER RESOLVED that the City of Soledad hereby agrees and further does authorize the aforementioned representative or his/her designee to certify that the City of Soledad has and will comply with all applicable state and federal statutory and regulatory requirements related to any federal and state ~~loan/grants~~ financing received.

BE IT FURTHER RESOLVED that the City Manager or his/her designee of City of Soledad is hereby authorized to negotiate and execute a ~~loan/grant contract~~ financing agreement and any amendments or change orders thereto and certify ~~loan/grant~~ disbursements on behalf of the City of Soledad.

BE IT FURTHER RESOLVED that the City Council of the City of Soledad does order and determine as follows:

SECTION 1. The City of Soledad hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the Board of the Project Funds.

SECTION 2. The reasonably expected maximum principal amount of the Project Funds is \$40,000,000.

SECTION 3. This resolution is being adopted no later than 60 days after the date on which the City of Soledad will expend moneys for the constructed portion of the Project costs to be reimbursed with Project Funds.

SECTION 4. Each expenditure by the City of Soledad will be of a type properly chargeable to a capital account under general federal income tax principles.

SECTION 5. To the best of our knowledge, this City of Soledad is not aware of the previous adoption of official intents by the City of Soledad that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

SECTION 6. This resolution is adopted as official intent of the City of Soledad in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

SECTION 7. All the recitals in this Resolution are true and correct and this City of Soledad so finds, determines and represents.

SECTION 8. This Resolution will supersede the authority and actions taken by Resolution 3632 and Resolution 3592.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Soledad duly held on the 2nd day of August 2006, by the following vote:

AYES, and in favor thereof, Councilmembers;

NOES, Councilmembers:

ABSTAIN, Councilmembers:

ABSENT, Councilmembers:

RICHARD V. ORTIZ, Mayor

ATTEST:

NOELIA F. CHAPA, City Clerk

***Amended to correct language per the request of the State Water Resources Control Board
State Revolving Fund by City of Soledad Resolution No. 4187 on April 2, 2008**

Attachment B

RESOLUTION NO. 3993

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
AUTHORIZING AN AMENDMENT TO RESOLUTION 3845 TO INCREASE THE
STATE REVOLVING ~~LOAN~~ FUND FINANCIAL ASSISTANCE APPLICATION
AMOUNT FROM \$40,000,000 TO AN AMOUNT NOT TO EXCEED \$60,000,000**

WHEREAS, on August 2, 2006 the City Council of the City of Soledad adopted Resolution No. 3845 authorizing and directing the City Manager to sign and file, for and on behalf of the City of Soledad, a Financial Assistance Application for a ~~loan~~ financing agreement from the State Water Resources Control Board State Revolving Fund ("SRF") ~~Loan~~ Funding Program in an amount not to exceed \$40,000,000, for the planning, design, and construction of the City of Soledad Wastewater Treatment and Disposal Facilities Upgrade and Expansion Project; and

WHEREAS, the City will need to submit an amended ~~loan~~ financing agreement application for approximately \$60,000,000 to include the share in the project of the California State Department of Corrections (CDCR) in the ~~loan~~ financing agreement so the State Water Resources Control Board (SWRCB) can approve the ~~Loan~~ Funding. Once the ~~loan~~ financing agreement is approved the Board can then issue a Preliminary Loan Commitment which reserves the funds for the City's proposed project.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Soledad that the City Manager is hereby authorized by amendment to Resolution 3845 to increase the ~~loan~~ financial assistance application amount from \$40,000,000 to an amount not to exceed \$60,000,000 and directed to sign and file, for and on behalf of the City of Soledad, an amended Financial Assistance Application for a ~~loan~~ financing agreement from the State Water Resources Control Board in the amount not to exceed \$60,000,000, for the planning, design, and construction of the City of Soledad Wastewater Treatment and Disposal Facilities Upgrade and Expansion Project.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Soledad duly held on the 2nd day of May 2007, by the following vote:

AYES, and in favor thereof, Councilmembers;

NOES, Councilmembers:

ABSTAIN, Councilmembers:

ABSENT, Councilmembers:

