

RESOLUTION NO. 15R-18

RESOLUTION OF BIGHORN-DESERT VIEW WATER AGENCY AUTHORIZING GENERAL MANGER TO SIGN FINANCING AGREEMENT, AMENDMENTS, AND CERTIFICATIONS FOR FUNDING UNDER THE DRINKING WATER STATE REVOLVING FUND (DWSRF); AUTHORIZING GENERAL MANAGER TO APPROVE CLAIMS FOR REIMBURSEMENT; AUTHORIZING GENERAL MANAGER TO EXECUTE BUDGET AND EXPENDITURE SUMMARY; AUTHORIZING GENERAL MANGER TO SIGN THE FINAL RELEASE FORM AND GENERAL MANGER TO SIGN THE CERTIFICATION OF PROJECT COMPLETION; AND PLEDGING AND DEDICATING NET WATER REVENUES FROM TO PAYMENT OF DWSRF FINANCING.

WHEREAS, Bighorn-Desert View Water Agency seeks financing from the State Water Resources Control Board for a project commonly known as Alternate Power Improvements Project ("Project"); and

WHEREAS, the Bighorn Desert View Water Agency ("Agency")has the authority to construct, operate, and maintain the water system of the Bighorn Desert View Water Agency; and

WHEREAS, the Agency desires to enhance the provision and protection of the drinking water supplied to the consumers of its water system, therefore;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that

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

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Bighorn-Desert View Water Agency this 23rd day of June 2015.

By Judy Carl-Lorono
Judy Carl-Lorono, Board President

Attest:

Terry Burkhardt
Terry Burkhardt, Board Secretary