

RESOLUTION 16-953

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT AUTHORIZING THE GENERAL MANAGER TO SIGN FINANCING AGREEMENT, AMENDMENTS, AND CERTIFICATIONS FOR FUNDING UNDER THE DRINKING WATER STATE REVOLVING FUND (DWSRF); AUTHORIZING THE GENERAL MANAGER TO APPROVE CLAIMS FOR REIMBURSEMENT; AUTHORIZING THE GENERAL MANAGER TO EXECUTE BUDGET AND EXPENDITURE SUMMARY; AUTHORIZING THE GENERAL MANAGER TO SIGN THE FINAL RELEASE FORM AND THE GENERAL MANAGER TO SIGN THE CERTIFICATION OF PROJECT COMPLETION; AND PLEDGING AND DEDICATING NET WATER REVENUES FROM WATER SALES REVENUE, INCLUDING BUT NOT LIMITED TO STANDBY FEES, RATES, FEES, OR CHARGES TO PAYMENT OF DWSRF FINANCING.

WHEREAS, the Joshua Basin Water District, a public agency formed and existing pursuant to Water Code Section 30000 et seq., seeks financing from the State Water Resources Control Board for a project commonly known as "Chromium VI Remediation Project" (hereafter "Project"); and

WHEREAS, the Joshua Basin Water District desires to enhance the provision and protection of the drinking water supplied to the customers of the Joshua Basin Water District; therefore;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that

1. The General Manager of the Joshua Basin Water District, or his/her designee, is hereby authorized and directed to sign and file, for and on behalf of the Joshua Basin Water District (hereafter, sometimes referred to as "JBWD") a financial assistance application for a financing agreement from the State Water Resources Control Board for the Project;
2. The General Manager of the Joshua Basin Water District, or his/her 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 General Manager of the Joshua Basin Water District, or his/her designee, is hereby authorized to represent the JBWD in carrying out the JBWD 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 Joshua Basin Water District does hereby dedicate and pledge its net water revenues and its water enterprise fund to payment of the DWSRF financing for the Project.

The Joshua Basin Water District commits to collecting such revenues and maintaining such fund(s) throughout the term of such financing and until the JBWD 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 JBWD 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 JBWD 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 Joshua Basin Water District or in any other document.

ADOPTED this 20th day of January 2016, I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by Joshua Basin Water District following a vote:

Director Victoria Fuller
Director Bob Johnson
Director Mickey Luckman
Director Mike Reynolds
Director Rebecca Unger

Aye
Aye
Aye
Abstain
Aye

JOSHUA BASIN WATER DISTRICT

Signature: *Victoria Fuller*
Victoria Fuller

Title: President, Board of Directors

Signature: *Curt Sauer*
Curt Sauer

Title: Board Secretary/General Manager