

RESOLUTION NO. 2547-09

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
AUTHORIZING THE TOWN MANAGER TO SIGN THE FUNDING AGREEMENT AND
AMENDMENTS FOR THE WINDSOR DRINKING WATER WELL REPLACEMENT
PROJECT FOR FUNDING UNDER THE CALIFORNIA SAFE DRINKING WATER STATE
REVOLVING FUND AND THE AMERICAN RECOVERY AND REINVESTMENT ACT OF
2009; AUTHORIZING THE PUBLIC WORKS DIRECTOR/TOWN ENGINEER TO TAKE
RELATED ACTIONS; AND DEDICATING WATER FUND REVENUES FOR LOAN
REPAYMENT**

WHEREAS, on July 31, 2009, the Town of Windsor made application to the California Department of Public Health for funding under the California Safe Drinking Water State Revolving Fund and the federal AMERICAN RECOVERY AND REINVESTMENT ACT of 2009 for a project commonly known and described as the Windsor Drinking Water Well Replacement Project, Project Number 4910017-033; and

WHEREAS, the Town of Windsor has a project budget totaling \$1,101,276 in its FY 2009-2014 CIP and FY 2009-2011 Budget; and

WHEREAS, it is anticipated that the Funding Agreement under the California Safe Drinking Water State Revolving Fund and the federal AMERICAN RECOVERY AND REINVESTMENT ACT of 2009 will provide for a loan in the amount of \$1,101,276, of which \$550,638 will be provided as additional subsidization in the form of principal forgiveness, and \$550,638 shall be repaid to the California Department of Public Health over a 20 year repayment period at a 2.5017 percent interest rate; and

WHEREAS, prior to the California Department of Public Health's issuing of said Funding Agreement, the Town Council of the Town of Windsor is required to pass a resolution designating a dedicated source of revenue to repay the non-subsidized principal amount of said loan; authorizing an officer to execute said Funding Agreement and amendments; authorizing an officer to execute all certifications and reports required of funding recipients under the California Safe Drinking Water State Revolving Fund and the federal AMERICAN RECOVERY AND REINVESTMENT ACT of 2009; designating a person to approve claims for reimbursement; designating a person to sign the Budget and Expenditure Summary; designating a person to sign Certification of Project Completion; and designating a person to sign the Contractor's Release Form; and

WHEREAS, prior to the California Department of Public Health issuing said Funding Agreement, the Town Council of the Town of Windsor is required to establish water rates and charges in amounts sufficient to generate net revenues equal to at least 1.2 times the annual total debt service.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Windsor that the Town Manager is hereby authorized to sign the Safe Drinking Water State Revolving Fund and AMERICAN RECOVERY AND REINVESTMENT ACT Funding Agreement and any amendments thereto; and

BE IT FURTHER RESOLVED that the Public Works Director/Town Engineer of the Town of Windsor is hereby authorized to sign all certifications and reports required of funding recipients under the California Safe Drinking Water State Revolving Fund program and/or the federal AMERICAN RECOVERY AND REINVESTMENT ACT of 2009; and

BE IT FURTHER RESOLVED that the Public Works Director/Town Engineer of the Town of Windsor is hereby authorized to approve Claims for Reimbursement of project costs submitted pursuant to the terms of said funding agreement; and

BE IT FURTHER RESOLVED that the Public Works Director/Town Engineer of the Town of Windsor is hereby authorized to execute the Budget and Expenditure Summary for said project; and

BE IT FURTHER RESOLVED that the Public Works Director/Town Engineer of the Town of Windsor is hereby authorized to sign the Contractor's Release Form to be provided pursuant to requirements of said funding agreement; and

BE IT FURTHER RESOLVED that the Public Works Director/Town Engineer of the Town of Windsor is hereby authorized to certify that the project is complete and ready for final inspection; and


BE IT FURTHER RESOLVED that the Town of Windsor hereby designates Water Fund revenues as the dedicated source of revenue to repay any non-subsidized loan principal amount of the California Safe Drinking Water State Revolving Fund loan. This dedication shall remain in full force and effect until such loan is fully discharged, unless modification or change of such dedication is approved in writing by the California Department of Public Health. If, for any reason, said source of revenues proves insufficient to satisfy the debt obligation of said loan, sufficient funds shall be raised through increased water rates, users charges, or assessments or any other legal means available to meet this loan obligation and to operate and maintain this project; and

BE IT FURTHER RESOLVED that the project infrastructure investment is an appropriate use of water rate revenue; and

BE IT FURTHER RESOLVED that the Town of Windsor does hereby covenant to establish water rates and charges in amounts sufficient to generate net revenues equal to at least 1.2 times the annual total debt service.

PASSED, APPROVED AND ADOPTED this 7th day of October 2009, by the following vote:

AYES: COUNCILMEMBERS FUDGE, SALMON, SCHOLAR AND MAYOR GOBLE
NOES: NONE
ABSTAIN: NONE
ABSENT: COUNCILMEMBER ALLEN



ROBIN R. GOBLE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK