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RESOLUTION 23-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO ROBLES AUTHORIZING THE EXECUTION AND DELIVERY OF AND APPROVING A FINANCING AGREEMENT WITH THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

WHEREAS, the City of El Paso Robles, a public agency duly organized and existing under and pursuant to the Constitution and laws of the State of California (the “City”), is authorized under provisions of the Constitution and laws of the State of California, and in accordance therewith, to incur indebtedness; and

WHEREAS, the City owns and operates a wastewater system (such system, including all additions, improvements and extensions thereto, is referred to herein as the “Wastewater System”); and

WHEREAS, the City has determined that it is in the best interests of its constituents to construct and/or reconstruct certain public facilities and improvements relating to its water and wastewater system, including certain treatment facilities, pipelines and other infrastructure (the “Project”) for the Wastewater System; and

WHEREAS, the City has applied for and obtained a loan from the California State Water Resources Control Board (the “State Water Board”) under the State Revolving Fund Program (the “SRF Loan”) to provide the funds needed to pay for the Project; and

WHEREAS, in connection with the SRF Loan, the City must enter into an Installment Sale Agreement with the State Water Board (the “Financing Agreement”); and

WHEREAS, there has been presented to this meeting the following for approval: Financing Agreement for Project No. C-06-8440-110 between the City and the State Water Board; and

WHEREAS, the Financing Agreement is necessary to accomplish the completion and funding of the SRF Loan and eventual distribution of loan proceeds to the City to fund the Project; and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the entering into of the documents described above.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City hereby specifically finds and declares that the statements, findings and determinations of the City set forth in the preambles of the documents approved herein are true and correct.

Section 2. The Financing Agreement is hereby approved and each of the Mayor, the City Manager, the Utilities Director and their written designees (each an “Authorized Officer” and together, the “Authorized Officers”), acting alone, is hereby authorized and directed to execute and deliver the Financing Agreement in the name of and on behalf of the City, in substantially the form now before this meeting, but with such changes, modifications, additions and deletions therein as shall be deemed necessary, desirable or appropriate by the Authorized Officer or Authorized Officers. Approval of any such changes, modifications, additions and deletions shall be conclusively evidenced by the execution and delivery of the Financing Agreement by one or more Authorized Officers.

Section 3. Each Authorized Officer is hereby appointed as an authorized officer of the City for all purposes required by the Financing Agreement, and such Authorized Officers are hereby authorized,

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empowered, and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the foregoing actions.

Section 4. The Authorized Officers are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this Resolution and to effectuate the SRF Loan and the Financing Agreement. Such actions heretofore taken by an Authorized Officer are hereby ratified, confirmed and approved.

Section 5. This Resolution shall take effect immediately upon its passage.

APPROVED this 4th day of April, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Steven W. Martin, Mayor

Melissa Boyer, City Clerk