RESOLUTION NO. 2015-1

RESOLUTION OF THE HEBER PUBLIC UTILITY 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 TO PAYMENT OF DWSRF FINANCING.

WHEREAS, the Heber Public Utility District seeks financing from the State Water Resources Control Board for a project commonly known as Water Plant Improvement Project ("Project"); and

WHEREAS, the Heber Public Utility District desires to finance the costs of constructing improvements relating to its water system, including certain treatment facilities; and

WHEREAS, the Heber Public Utility District intends to finance the construction of the Project or portions of the Project with moneys provided by the State Water Resources Control Board; and

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 Heber Public Utility District 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 Heber Public Utility District is carrying out the Heber Public Utility District'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 Heber Public Utility 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 Heber Public Utility District commits to collecting such revenues and maintaining such fund(s) throughout the term of such financing and until the Heber Public Utility District 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 Heber Public Utility District's 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 Heber Public Utility District 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 Heber Public Utility District or in any other document.

Passed and adopted by Heber Public Utility District Board of Directors) on March 19, 2015, by the following vote:

AYES:	Directors	S. ESCOBEDO, T. SANDOVAL, E. VALDEZ-BELMONTE, D. GARCIA-RUIZ
NOES:	Directors	
EXCUSED:	Directors	M. LIZARRAGA

Eduardo Valdez-Belmonte, President

APPROVE AS TO FORM:

Steven M. Walker, General Counsel

ATTEST:

I, Raquel R. Carrillo, Secretary to the Board of the Heber Public Utility District, County of Imperial, State of California, DO HEREBY CERTIFY that the foregoing resolution was dully passed, approved and adopted by the Board of Directors of the Heber Public Utility District at its regularly scheduled meeting held on the 19th of March 2015.

Raquel Carrillo, Secretary of the Heber Public Utility District