

RESOLUTION NO. 2022-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA APPROVING AN INDENTURE OF TRUST RELATING TO THE COACHELLA WATER AUTHORITY WATER REVENUE REFUNDING BONDS, 2022A SERIES, AND WATER REVENUE REFUNDING BONDS, 2022B SERIES (FORWARD DELIVERY), AND AUTHORIZING AND DIRECTING THE EXECUTION THEREOF AND AUTHORIZING ACTIONS RELATED THERETO

WHEREAS, the Coachella Water Authority (the “Authority”) is a joint powers authority duly organized and existing under and pursuant to that certain Joint Exercise of Powers Agreement, dated as of July 1, 2003 by and between the City of Coachella (the “City”) and the Coachella Redevelopment Agency (the “Agency” and, with the City, the “Members”), and under the provisions of Articles 1 through 4 (commencing with section 6500) of Chapter 5 of Division 7 of Title 1 of the California Government Code (the “Act”), and is authorized pursuant to Article 4 of the Act to borrow money for the purpose of financing and refinancing the acquisition of bonds, notes and other obligations of, or for the purpose of making loans to, public entities, including the Members, and to provide financing for public capital improvements of public entities, including the Members; and

WHEREAS, the Authority has previously issued its Water Revenue Bonds (USDA) Series 2008 (the “2008 Bonds”); and

WHEREAS, the Authority has previously issued its Water Revenue Refunding Bonds, 2012 Series (the “2012 Bonds”); and

WHEREAS, the Authority is authorized pursuant to the provisions of sections 6584 *et seq.* of the Act (the “Bond Law”), to issue its revenue bonds for the purpose of financing and refinancing facilities for the production, storage, transmission, or treatment of water; and

WHEREAS, payment of the principal of and interest on the revenue bonds will be secured by a pledge of net revenues received by the Authority from the operation by the City of its combined water system (the “Enterprise”); and

WHEREAS, the Authority, after due investigation and deliberation, has determined that it is in the interests of the Authority at this time to provide for the issuance of bonds under the Bond Law to (a) refinance the 2008 Bonds and the 2012 Bonds, (b) finance certain improvements to the Enterprise, and (c) pay the costs of issuance of such bonds; and

WHEREAS, to that end, the Authority has determined to issue two series of its revenue bonds, to be designated as the Coachella Water Authority Enterprise Water Revenue Refunding Bonds, 2022A Series, in the principal amount not to exceed \$6,000,000 and Coachella Water Authority Water Revenue Refunding Bonds, 2022B Series (Forward Delivery), in the principal amount not to exceed \$7,000,000 (collectively, the “Bonds”), to be secured by a pledge of the net revenues derived from the operation of the Enterprise; and

WHEREAS, the City Council has duly considered such transactions and wishes at this time to approve said transactions in the public interests of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES HEREBY FIND, ORDER, AND RESOLVE AS FOLLOWS:

Section 1. Findings and Determinations. The City Council hereby finds and determines that the recitals hereto are true and correct.

Section 2. Approval of Indenture. Each series of the Bonds shall be issued pursuant to an Indenture of Trust (the "Indenture"), by and between the Authority and Wilmington Trust, National Association, as trustee (the "Trustee"). The Council hereby approves the Indenture in substantially the form on file with the City Clerk, together with such additions thereto and changes therein as the Mayor, the Mayor Pro Tem, the City Manager, and the Finance Director (the "Designated Officers") shall deem necessary, desirable or appropriate, the execution of which by the City shall be conclusive evidence of the approval of any such additions and changes. The Designated Officers, each acting alone, are hereby authorized and directed to execute, and the City Clerk is hereby authorized and directed to attest to, the final form of the Indenture for and in the name and on behalf of the City. The Council hereby authorizes the delivery and performance of the Indenture.

Section 3. Official Actions. The Mayor, the Mayor Pro Tem, the City Manager, the Finance Director and the City Clerk and any and all other officers of the City are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions, including execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and sale of the Bonds and the consummation of the transactions as described herein.

Section 4. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

PASSED, APPROVED and ADOPTED this 26th day of January 2022.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2022-05 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 26th day of January 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk