

## **RESOLUTION NO. 23-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA  
AUTHORIZING THE CITY MANAGER TO SIGN FINANCING AGREEMENT,  
AMENDMENTS, AND CERTIFICATIONS FOR FUNDING UNDER THE DRINKING  
WATER STATE REVOLVING FUND (DWSRF); AUTHORIZING CITY MANAGER TO  
APPROVE CLAIMS FOR REIMBURSEMENT, AUTHORIZING CITY MANAGER TO  
EXECUTE BUDGET AND EXPENDITURE SUMMARY; AUTHORIZING CITY  
MANAGER TO SIGN THE FINAL RELEASE FORM AND CITY MANAGER TO SIGN  
THE CERTIFICATION OF PROJECT COMPLETION; AND PLEDGING AND  
DEDICATING NET WATER REVENUES FROM TO PAYMENT OF DWSRF  
FINANCING.**

---

**WHEREAS, the City of Colusa** seeks financing from the Drinking Water State Revolving Fund for a project commonly known as The Water Consolidation-Walnut Ranch Water Community Facilities District Construction Project herein after referred to as (“Project”); and

**WHEREAS,** the City of Colusa has previously applied for and received planning grant funds for the “project” and under said funds completed the plans, specifications and bid documents, and contemplates utilizing these funds for the bidding, award and construction of said “project”.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED,** that

1. The City Manager is hereby authorized and directed to sign and file, for and on behalf of the City of Colusa a financial assistance application for a financing agreement from the Drinking Water State Revolving Fund for the Project;
2. The City 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 therefore;
3. The City Manager or designee is hereby authorized to represent the City of Colusa in carrying out the City of Colusa 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 City of Colusa does hereby dedicate and pledge its net water revenues and its water enterprise fund to payment of the DWSRF financing for the Project. The City of Colusa commits to collecting such revenues and maintaining

such fund(s) throughout the term of such financing and until the City of Colusa has satisfied its repayment obligation thereunder unless modification or change is approved in writing by the Drinking Water State Revolving Fund. So long as the financing agreement(s) are outstanding, the City of Colusa pledge hereunder shall constitute a lien in favor of the Drinking water State Revolving Fund on the foregoing fund(s) and revenue(s) without any further action necessary. So long as the financing agreement(s) are outstanding, the City of Colusa 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 CWSRF 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 Drinking Water State Revolving Fund is authorized to rely upon this Resolution until written notice to the contrary, executed by each of the undersigned, is received by the Drinking Water State Revolving Fund. The Drinking Water State Revolving Fund shall be entitled to act in reliance upon the matters contained herein, notwithstanding anything to the contrary contained in the formation documents of the City of Colusa or in any other document.

**PASSED AND ADOPTED** by the City Council of the City of Colusa on March 7th, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

GREG PONCIANO, MAYOR

ATTEST:

---

Shelly Kittle, City Clerk