RESOLUTION NO. 15-064

AUTHORIZING THE CITY OF PACIFIC GROVE IN SUPPORT OF PLEDGED REVENUES AND FUNDS FOR REPAYMENT OF FINANCING OF THE PLANNING, DESIGN, AND CONSTRUCTION OF THE PACIFIC GROVE LOCAL WATER PROJECT FROM THE STATE WATER RESOURCES CONTROL BOARD

FINDINGS

WHEREAS, the City of Pacific Grove Local Water Project would replace irrigation demands with non-potable supplies would create a new offset of 125 AFY of potable water, for use by California American Water in meeting its obligations to find a replacement to its use of water from the Carmel River; and

WHEREAS, the City of Pacific Grove has already received a Facilities Planning Grant in the amount of $75,000 for the preparation of a Facility Plan Report for the Local Water Project.

WHEREAS, the City of Pacific Grove has completed the Pacific Grove Local Water Project Final Environmental Impact Report.

WHEREAS, the State Water Resources Control Board offers Financing that would support the planning, design, and construction of the Local Water Project; and

WHEREAS, the City of Pacific Grove is applying for financing that would support the planning, design, and construction of the Local Water Project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:

1. The City Council hereby dedicates and pledges the ***net revenues of the sewer enterprise fund and the sewer enterprise fund*** for payment of any and all Clean Water State Revolving Fund and/or Water Recycling Funding Program financing for the Pacific Grove Local Water Project.

2. The City Council commits to collecting such revenues and maintaining such funds throughout the term of such financing and until the City 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 agreements are outstanding, the City's pledge hereunder shall constitute a lien in favor of the State Water Resources Control Board on the foregoing funds and revenues without any further action necessary. So long as the financing agreements are outstanding, the City commits to maintaining funds and revenues at levels sufficient to meet its obligations under the financing agreements.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 16th, day of December, 2015, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Huitt, Lucius and Peake.

NOES: Councilmember Miller

ABSENT: None.

APPROVED:

Bill Kampe

BILL KAMPE, Mayor

ATTEST:

Sandra Kandell

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney