

State Water Resources Control Board  
Division of Financial Assistance (DFA)

## **Financial Assistance Application**

for

Clean Water State Revolving Fund (CWSRF) Program  
Water Recycling Funding (WRF) Program  
Small Communities Wastewater Grant (SCWG) Program

This application package should be submitted to the address listed below at the completion of Facilities Planning. An agency may request funding from more than one program. The application, including attachments, is intended to provide all information and documents needed for facilities plan approval and presentation of the project to the State Water Resources Control Board for a preliminary funding commitment. Updated information will be required to be submitted later. The electronic version of all forms is available from the DFA Project Managers and available at the CWSRF web site:

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/srf\\_forms.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml).

Please refer to the adopted Program Policy for program specific information.

Submit the completed application package to:

State Water Resources Control Board  
Division of Financial Assistance  
ATTN: Mr. Christopher Stevens, Supervising Engineer  
1001 I Street, Sacramento, CA 95814  
P.O. Box 944212  
Sacramento, CA 94244-2120

State Water Resources Control Board  
Division of Financial Assistance

## Financial Assistance Application Checklist

Submit your Financial Assistance Application with all the documents listed below. Upon review and acceptance of your submittal, the Division of Financial Assistance (DFA) will issue a Facilities Plan or a Concept Approval Letter and a preliminary funding commitment.

Attach. No.	Title of Attachment	Application Reference
<b>Submit the following documents for all Financial Assistance Programs (exceptions noted)</b>		
1	Project Description	Section II.1
2A	Estimated Annual Disbursement Schedule (Except SCWG) (*see note)	Section II.7
2B	Sources of Funds for Capital Costs (if needed)	Section II.7
3	Legal Authority	Section III.1
4A	Application and Authorization Resolution	Section III.2
4B	Water Rights determination from the Division of Water Rights	Section III.3
5	Project Report and/or Facilities Planning Document	Section III.4
6	Environmental Documents	Section III.5
7	Credit Review Package	Section III.6
8	Project Schedule	Section III.7
9	Regional Board Requirements (Waste Discharge Requirements)	Section III.8
10	Applicant's Authority on Property Access to Construct Project	Section III.9
11A	Real Property Acquisition	Section III.10
11B	Agreements with Other Parties	Section III.11
11C	Tax Questionnaire (except SCWG)	Section III.12
12	Water Conservation Plan (except SCWG)	Section III.13
13	Urban Water Management Plan (if required)	Section III.14
<b>CWSRF Program only (include, in addition to the items 1 - 13 above, the following documents)</b>		
14	Dedicated Source of Revenue (loans only, not required for grants)	Section IV.A.1
15	Cert. of Compliance With Federal Laws and Authorities	Section IV.A.2
16	Reimbursement Resolution	Section IV.A.3
17	General Plan Certification	Section IV.A.4
18	Schedule of System Obligations (SSO) Package	Section IV.A.5
<b>WRFP only (include, in addition to the items 1 - 13 above, the following documents)</b>		
19	Recycled Water User Assurances	Section IV.B.3

\*Note - The Estimated Annual Disbursement Schedule is the Agency's best guess of future requests for CWSRF, SCWG or WRFP funds based on the Project's construction schedule. DFA uses these estimates for financial forecasting purposes and will periodically request updates from the Agency as the schedule proceeds closer to actual construction.

## APPLICATION/AUTHORIZATION RESOLUTION(S) MODEL

RESOLUTION NO. \_\_\_\_\_

### APPLICATION/AUTHORIZED REPRESENTATIVE RESOLUTION (Required for all Programs)

BE IT RESOLVED by the \_\_\_\_\_ (*Governing Board of the Agency*) that the \_\_\_\_\_ (*Title of Authorized Representative*) is hereby authorized and directed to sign and file, for and on behalf of the \_\_\_\_\_ (*Agency Name*), a Financial Assistance Application {NOTE: this works for loans, grants, Installment Sales Agreements and other financing} for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of ( \_\_\_\_\_ *Project Title or Description*); and

BE IT RESOLVED that the \_\_\_\_\_ (*Agency Name*) hereby agrees and further does authorize the aforementioned representative or his/her designee to certify that the Agency has and will comply with all applicable state and federal statutory and regulatory requirements related to any financing or financial assistance received from the State Water Resources Control Board; and

BE IT FURTHER RESOLVED that the \_\_\_\_\_ (*Authorized Representative*) or his/her designee of the \_\_\_\_\_ (*Agency Name*) is hereby authorized to negotiate and execute a financial assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto and certify financing agreement disbursements on behalf of the \_\_\_\_\_ (*Agency Name*). {NOTE: Following sentence is optional} Except for grant awards, such financial assistance shall not exceed (\$Total of Loan, Installment Sales Agreement, or other Non-Grant financing).

State Water Resources Control Board  
Division of Financial Assistance

## Financial Assistance Credit Review Checklist

Applicant Name: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Number: \_\_\_\_\_

Item No.	Description of Document (CWSRF Policy, adopted March 17, 2009, Section)
1	<b>Estimated Project construction and annual O&amp;M costs</b> (CWSRF Policy Section IX.A.6)
2	<b>Project costs financed by the CWSRF and other fund sources</b> (CWSRF Policy Section IX.A.10.c)
3	<b>MHI for the Project service area</b> (CWSRF Policy Section IX.A.2.a)
4	<b>Project Description, Location and service area map</b> (CWSRF Policy Section IX.A.2 and IX.A.10)
5	<b>Project Benefits</b> (CWSRF Policy Section IX.A.1)
6	<b>Total of active service connections (Residential listed separately)</b> (CWSRF Policy Section IX.A.2.b)
7	Current monthly residential service charges ( <b>CWSRF Policy Section IX.A.2.c</b> )
8	<b>Projected monthly residential service charges (after funding)</b> (CWSRF Policy Section IX.A.10.d)
9	<b>Election/Proposition 218 Legal opinion</b> (CWSRF Policy Section IX.E.1)
10	<b>Draft Dedicated Source(s) of Funds Resolution</b> (CWSRF Policy Section IX.E.2)
11	<b>Other sources of security if needed-Land, bonds, etc.</b> (CWSRF Policy Section IX.E.3.c)
12	<b>Financial Statements (3 years – including most recent)</b> (CWSRF Policy Section IX.E.3.a)
13	<b>Cash reserves and uses</b> (CWSRF Policy Section IX.E.3.b)
14	<b>Schedule of System Obligations - Outstanding long-term indebtedness</b> (CWSRF Policy Section IX.E.5)
15	<b>Bond Counsel Legal Opinion regarding Long-Term Indebtedness</b> (CWSRF Policy Section IX.E.5.c)
16	<b>Debt Documents</b> (CWSRF Policy Section IX.E.5.d)
17	<b>Litigation/Tax payer dispute (pending or anticipated)</b> (CWSRF Policy Section IX.E.4)
18	<b>Future Capital Improvements / long term indebtedness</b> (CWSRF Policy Section IX.E.6)

A Preliminary Funding Commitment (PFC) will not be approved until the Credit Review documents listed below have been submitted, reviewed, and a credit limit determined for the applicant by financial consultant. The following list of required documents is to be provided.

*Description of items required on Credit Review Checklist:*

**Estimated Loan and Source of Funds Amounts**

1. The estimated construction and annual Operation and Maintenance (O&M) costs;
2. A description of the anticipated manner in which all the costs will be financed; and
3. Median Household Income (MHI) and population for the proposed Project service area using census data or the most recent income survey if the census data does not accurately reflect the community's MHI. This information is used to analyze various factors, including affordability (*if applicant doesn't have credit review consultant will research and provide MHI information as part of their Credit Results*).

**Project Description, Location, and Benefits**

4. Description of project, project location and a map of existing service area;
5. Statement of Project needs and benefits, including a discussion of the water quality benefits of the Project and the public health or water quality problems to be corrected.

**Total Active Service Connections**

6. Active wastewater service connections that are currently and directly served by the wastewater collection system. This includes a breakdown by each category for all domestic or residential, industrial, commercial and other connections.

**Average Current Monthly Wastewater Charges**

7. If the wastewater system uses a "tiered" rate, the charge should reflect what a typical user pays in each category and the basis of the charges. The rate should reflect direct wastewater charges plus any other fees or charges that support the wastewater service such as parcel fees, standby charges, wastewater taxes, and surcharges.

**Projected Monthly Residential Service Charge (Project Constructed)**

8. Provide the average projected monthly wastewater charges that will be passed on to wastewater users by category and the basis of the charges during the useful life of the proposed Project. Include any ineligible project costs as well as non-Project-related wastewater system costs that will be imposed on the residential users during the next five years.

**Election/Proposition 218 Legal Opinion**

9. Please submit evidence with regard to repayment sources:
  - a. If user charges may be used for repayment, please submit the following information:
    1. Date of last rate-setting procedure,
    2. Whether Prop 218 was followed, and
    3. Percentage of protest received.
  - b. If other funds may be used for repayment, please submit a letter from counsel containing the following information:
    4. Citations to the relevant laws authorizing use of such funds and any conditions, and
    5. Information about whether any pre-conditions to such use (election, etc.) has occurred.
  - c. Please calculate estimated net revenues to estimated debt service requirements post-construction. (Note: coverage ratios must be at least 120% if your agency has senior debt. If no senior debt, then 110% coverage is required.)

**Draft Dedicated Source(s) of Funds**

10. Section 603(d)(1)(C) of the Federal Clean Water Act requires each financing recipient to establish one or more dedicated sources of revenue for payment of the financing agreement. A dedicated source can be general taxes, user fees, a special assessment, or other sources.

Revenue will be considered dedicated when the Agency passes an ordinance or resolution committing a source of funds for payments. The Agency must submit a draft ordinance or resolution dedicating a legal and adequate source of revenue for payment of the CWSRF financing agreement before FPA. The ordinance or resolution dedicating a source of revenue for payment of the CWSRF financing agreement must be adopted by the Agency's governing board before execution of the financing agreement.

### **Other Sources of Security**

11. The applicant shall identify other sources of security if needed for a financing agreement, such as, assessments, stocks, Surety Bonds from an insurance company, or property. If using property, provide an estimate of the value, how the value was determined, and whether the property is pledged as security for another financing agreement.

### **Financial Statements and Security (3 years, including most recent)**

12. The applicant shall provide three years of financial statements. The financial statements must include current year (if available), and two years prior (Audited financial statements are preferred).

### **Cash Reserves and Uses**

13. The applicant shall identify any cash reserves and the planned uses of the cash reserves shown in the financial statements

### **Existing Long-Term Indebtedness (Schedule of System Obligations/Legal Opinion/Debt Documents)**

14. For the purposes of the following, "existing debt" means the applicant's existing debt that relies on the same pledged revenue source as the applicant is pledging for payment of the CWSRF financing. The applicant shall submit a schedule of existing debt. This schedule will be an exhibit to the CWSRF financing agreement and will rank existing debt according to priority in relation to the new, anticipated CWSRF debt (senior, parity, or subordinate). The schedule will list the name of lender, title of debt, debt term, interest rate, total debt amount, remaining debt balance, and debt end date. The Schedule of System Obligations document format is contained in the CWSRF application instructions.

15. The applicant shall submit a letter from the Agency's bond counsel (in certain circumstances local counsel will be adequate), citing relevant provisions in each of the applicant's existing debt documents listed in Schedule of System Obligations (including CWSRF debts), that would affect the ability of the Agency to agree to and meet its obligations under the new, anticipated CWSRF financing agreement. If the applicant has no other debts (except other CWSRF debt), the Agency's Authorized Representative must provide a letter stating this.

16. For all existing debt (other than CWSRF debt), the applicant shall submit the relevant debt document (loan agreement, bond indenture, etc.) by either CD (preferred) or paper copy. The applicant may be required to submit supplemental materials (Offering Statement, maturity schedules, etc.), particularly in the case of multiple series indentures or large debt loads.

### **Litigation/Tax Payer Dispute**

17. The applicant shall describe any pending or anticipated litigation and contractual or ratepayer/taxpayer disputes that may detrimentally affect the applicant's payment source or the ability of the applicant to agree to or pay the CWSRF financing.

### **Future Capital Improvements and Long-Term Indebtedness Needs**

18. The applicant must describe its capital improvement plans and the long-term indebtedness needed to fund future capital improvements.

CLEAN WATER STATE REVOLVING FUND PROGRAM  
of the  
STATE OF CALIFORNIA  
acting by and through the  
STATE WATER RESOURCES CONTROL BOARD

**TAX QUESTIONNAIRE**

You have applied for financing from the State Water Resources Control Board ("State Water Board") and its Clean Water State Revolving Fund ("CWSRF".) The CWSRF utilizes the proceeds of tax-exempt bonds (the "Bonds"). Since the Bonds will be tax-exempt, it is necessary to obtain certain information regarding the project to be funded (the "Project"). This Tax Questionnaire is designed to assist in obtaining such information. Each recipient of a CWSRF financing agreement or other assistance to be financed with Bond proceeds is requested to complete the attached Tax Questionnaire. In addition, you will be asked to execute a certification as to the use of the financial assistance being provided to you and certain other matters that could affect the tax exemption of the Bonds. We will prepare this certification based upon the information furnished by you in this Tax Questionnaire. Your CWSRF financing agreement "Agreement", also known as an Installment Sales Agreement, will also contain tax covenants based in part on your answers to this Tax Questionnaire.

Any questions regarding this Tax Questionnaire may be directed to your project manager. You may also wish to consult with your own counsel. The adopted Reimbursement Resolution is preferred to be submitted with the application or as soon as possible after the application is submitted. However, if the Agency cannot send in the Reimbursement Resolution with the application the latest date of submittal is no later than 60 days after start of construction of the project and before DFA can prepare the CWSRF financing agreement (see the above model resolution).

Please return a hard copy version of the executed, completed Tax Questionnaire and the adopted Reimbursement Resolution to your project manager at State Water Resources Control Board, Division of Financial Assistance, 1001 I Street, 16<sup>th</sup> Floor, Sacramento, California 95814.



**STATE WATER RESOURCES CONTROL BOARD  
CLEAN WATER STATE REVOLVING FUND PROGRAM**

**TAX QUESTIONNAIRE**

<b>LEGAL NAME OF APPLICANT</b>	<b>Project Number</b>	<b>DATE/TIME RECEIVED BY Water Board</b>
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**NAME AND LOCATION OF PROJECT**

*As used in this Tax Questionnaire, the term "Project" is the project that you described in the Financial Assistance Application submitted to the Water Board and constitutes those costs that will be funded by the Water Board under the Agreement. The phrase "Non-Governmental Entity" constitutes any person, partnership, corporation or other organization that is not organized as a state, city, county, school district, other special district or joint powers authority. The federal government is a Non-Governmental Entity.*

**Instructions:** Answer all questions and provide all information and documents requested. Begin typing in the shaded area and the space will enlarge to accommodate the information that is typed.

1. Briefly describe the Project, its functions and its principal components.

2. Indicate by principal components your current estimates of the costs of the Project, as follows:

- a. Construction costs \$
- b. Equipment costs \$
- c. Rehabilitation or renovation of facilities \$
- d. Site preparation costs \$
- e. Architectural/engineering, design and planning costs \$
- f. Engineering and administrative costs during construction \$
- g. Surveys \$
- h. Legal fees \$
- i. Financing costs \$
- j. Commitment fees and deposits \$
- k. Other costs (please specify) \$



Yes  No

3. Will any portion of the financing provided under the Agreement be used to refinance existing debt relating to the Project?

*(If yes, please identify the existing indebtedness to be refinanced, including its name, original issue date, par amount, purpose(s), whether it is immediately prepayable, and whether the interest on such existing debt is federally taxable or tax-exempt. State the amount of the Agreement that is expected to be used for refinancing purposes. Note that existing indebtedness includes all bonds, notes, leases or commercial paper issued by you relating to any portion of the Project.)*

4. Indicate the amount of Project costs that are expected to be paid within the following periods of time:

*(Please respond to this question using the expected initiation date of construction.)*

Project costs to be spent within 6 months:           \$  
Project costs to be spent within 12 months:       \$  
Project costs to be spent within 18 months:       \$  
Project costs to be spent within 24 months:       \$  
Project costs to be spent within 30 months:       \$  
Project costs to be spent within 36 months:       \$  
Project costs to be spent *beyond* 36 months:     \$

5. Please provide the dates of expected commencement and completion of construction of the Project.

Yes  No

6. Have any costs of the Project been paid prior to the date hereof?

*(For each Project cost that has been previously paid, provide an itemization of the (i) amount, (ii) purpose, (iii) date paid, and (iv) source of payment of such cost, e.g., revenue, Federal or State grants, other financing, or internal loan.)*

Yes  No  Not Applicable

7. If you answered "yes" to Question 6 above, have you at any time adopted a resolution or other official action (e.g., a so-called "reimbursement resolution") relating to your intent to finance the Project with financial assistance from the WATER BOARD or other indebtedness?

*(If yes, please identify the date of such resolution or other document and attach a copy.)*

Yes  No

8. Will any portion of the financing provided under the Agreement be used to pay administrative or engineering expenses directly relating to the construction of the Project?

*(If yes, please state the amount expected to be so used and provide details as to its calculation (e.g., based on actual costs or a percentage of construction).)*

Yes  No  Not Applicable

9. If you answered "yes" to Question 8 above, will any portion of the financing provided under the Agreement be used to pay administrative or engineering expenses incurred by the applicant's staff?

*(If yes, please state the amount expected to be so used and provide details of the work performed.)*

Yes  No  Not Applicable

10. If you answered "yes" to Question 9 above, will the charges to be reimbursed be tracked by an accounting system, such as a cost accounting system, that will allow them to be differentiated from other charges for other work done by the applicant's staff?

*(If yes, please specify how charges will be tracked.)*

Yes  No

11. Do you anticipate any Non-Governmental Entity owning any portion of the Project at any time?

*(If yes, identify the Non-Governmental Entity and provide all available details with respect to its ownership interest.)*

Yes  No

12. Do you anticipate any Non-Governmental Entity contracting to operate, manage or provide any exclusive services with respect to the Project at any time?

*(If yes, please identify the Non-Governmental Entity and explain the arrangement. If an operations, management or exclusive services contract currently exists, attach a copy. Contracts that relate solely to services that are merely incidental to the primary use of the Project need not be listed. Examples of incidental services are contracts for janitorial services, office equipment repairs or billing services. If you are uncertain as to whether the contract is incidental or not, please describe the contract and the services provided thereunder.)*

Yes  No

13. Will the Project provide recycled water or wastewater services to non-governmental entities other than on the basis of standard rates and charges?

*(If there are any non-standard rates and charges, describe the rate structure focusing on any special rate agreements or charges for specific entities. An example of a non-standard rate is a large industrial user paying a flat fee in a system where the other users pay a rate based on usage.)*

Yes  No

14. Do you anticipate any Non-Governmental Entity having special priority rights or other preferential rights to use the service provided by the Project?

*(If yes, identify the Non-Governmental Entity and describe the special priority or preferential right(s).)*

Yes  No

15. Will the entire Project be available for use by the general public?

*(If no, please explain and describe the portion of the Project that will not be available for use by the general public. For example, municipal water and wastewater systems used for residential, commercial, governmental and business purposes are available for use by the general public; a specialized pollution control facility immediately adjacent to a private business that is the sole user of the facility is not available for use by the general public.)*

Yes  No

16. Will any Non-Governmental Entity guaranty or otherwise be directly obligated to repay the financial assistance provided under the Agreement?

*(If yes, identify the Non-Governmental Entity and describe the guaranty arrangement therewith.)*

#### APPLICANT ACKNOWLEDGEMENT AND SIGNATURE

I hereby certify that I am an authorized representative of the Applicant, and that I am authorized by the Applicant to execute this Tax Questionnaire. I am charged with the responsibility to perform such acts as are necessary and proper for the financing, construction, acquisition and/or improvement of the Project, and am acting for and on behalf of the Applicant in executing this Tax Questionnaire. I certify that I am familiar with the Project and that all information contained herein is true, correct and complete to the best of my knowledge. I am not aware of any facts or circumstances that would cause me to question the accuracy or reasonableness of any information contained in these responses or attached documentation. I understand that the foregoing information and attached documentation will be relied upon by the Water Board and their counsel, in providing financing with respect to the Project.

AUTHORIZED REPRESENTATIVE SIGNATURE

PRINT NAME AND TITLE

DATE

### **Dedicated Source of Revenue Resolution Instructions**

- A. Clean Water State Revolving Fund (CWSRF) and Water Recycling Funding Program (WRFPP) requirements require each recipient to establish one or more dedicated sources of revenue for repayment of the CWSRF and/or WRFPP assistance (except grants). A dedicated source can be a special assessment, general taxes, general obligation bonds, revenue bonds, user charges, or other sources.
- B. Revenue will be considered dedicated when the municipality passes an ordinance or resolution committing a source of funds for repayment. The ordinance or resolution dedicating a source of funding for repayment of the CWSRF and/or WRFPP assistance must be adopted before issuance of the financing agreement (loan contract, Installment Sales Agreement, etc.).

**C. Ordinance or resolution language equivalent to the following would be acceptable:**

1. The XXXXX Agency hereby dedicates the following source of revenue (**user charge, proceeds of revenue bonds, etc.**) to payment of any and all Clean Water State Revolving Fund and/or Water Recycling Funding Program financing on Regional Recycled Water Distribution System-Phase 1 Project No. C-06-4846-110. This dedicated source of revenue shall remain in effect throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board.

**Sample Certification of Compliance  
With Federal Laws and Authorities**

**Environmental Authorities**

1. Archeological and Historical Preservation Act of 1974, Pub. L. 86-523, as amended, Pub. L. 93-291 16 USC § 469 a-1.
2. Clean Water Act, Titles III, IV and V, Pub. L. 92-500, as amended.
3. Clean Air Act, Pub. L. 84-159, as amended.
4. Coastal Barrier Resources Act, Pub. L. 97-348, 96 Stat. 1653; 16 USC § 3501 et seq.
5. Coastal Zone Management Act, Pub. L. 92-583, as amended; 16 USC § 1451 et seq.
6. National Environmental Policy Act, Pub. L. 91-190
7. Endangered Species Act, Pub. L. 93-205, as amended; 16 USC § 1531 et seq.
8. Environmental Justice, Executive Order 12898.
9. Floodplain Management, Executive Order, 11988 as amended by Executive Order 12148.
10. Protection of Wetlands, Executive Order 11990, as amended by Executive Order No. 12608.
11. Farmland Protection Policy Act, Pub. L. 97-98; 7 USC § 4201 et seq.
12. Fish and Wildlife Coordination Act, Pub. L. 85-624, as amended.
13. National Historic Preservation Act of 1966, Pub. L. 89-665, as amended, 80 Stat. 917 (1966) 16 USC § 470 et seq.
14. Safe Drinking Water Act, Pub. L. 93-523, as amended; 42 USC § 300f et seq.
15. Wild and Scenic Rivers Act, Pub. L. 90-542, as amended, 82 Stat. 913; 16 USC § 1271 et seq.
16. Essential Fish Habitat Consultation. Pub. L. 94-265, as amended, 16 USC § 1801 et seq.
17. Recycled Materials. Executive Order 13101; Section 6002 Resource Conservation and Recovery Act – 42 USC § 6962.

**Economic and Miscellaneous Authorities**

1. American Recovery and Reinvestment Act of 2009.
2. Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89-754, as amended, Executive Order 12372/ 42 USC § 3331 et seq.
3. Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans; 42 USC § 7606; 33 USC § 1368; 40 CFR Part 31.
4. Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91-646, as amended; 42 USC §§4601-4655

5. Contractors, Subcontractors, Debarment and Suspension, Executive Order 12549; 2 CFR Part 1532. The Excluded Parties List System can be found at <http://www.epls.gov>.
6. Drug-Free Workplace Act, Pub. L. 100-690.
7. New Restrictions on Lobbying, Section 319 of Pub. L. 101-121.
8. Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects, EO 13202, as amended by EO 13208.
9. Hotel and Motel Fire Safety Act of 1990 (PL 101-391, as amended). Recipients may search <http://www.usfa.dhs.gov/applications/hotel/>.
10. Records and financial reporting (40 CFR Part 31).
11. Copyright: 40 CFR Part 31.
12. Prevailing wage law, Davis-Bacon Act of 1931 (as amended).

**Social Policy Authorities**

1. Age Discrimination Act of 1975, Pub. L. 94-135; 42 USC § 6102.
2. Race Discrimination: Title VI of the Civil Rights Act of 1964, Pub. L. 88-352.1; 42 USC § 2000d, 40 CFR Part 7.
3. Sex Discrimination: Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 (the Clean Water Act); 33 USC § 1251, 40 CFR Part 7.
4. Disability Discrimination: Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (including Executive Orders 11914 and 11250); 29 USC § 794, 40 CFR Part 7.
5. Equal Employment Opportunity, Executive Order 11246.
6. Participation of Disadvantaged Business Enterprises in Procurement under Environmental Protection Agency (EPA) Financial Assistance Agreements.
7. Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Pub. L. 100-590.
8. Anti-Lobbying Provisions (40 CFR Part 34). Borrower agrees to submit certification and disclosure forms as requested by the State Water Resources Control Board or the USEPA.
9. Anti-Litigation Provisions (2 CFR 220, 225, or 230).

**CERTIFICATION**

I certify that \_\_\_\_\_  
(Municipality)  
has, or will, comply with the above list of federal laws and authorities.

\_\_\_\_\_  
Name and Signature of Authorized  
Representative or Designee  
Feb 2009

\_\_\_\_\_  
Date

## Reimbursement Resolution

WHEREAS, the \_\_\_\_\_ (*Agency Name*) (the "Agency") desires to finance the costs of constructing and/or reconstructing certain public facilities and improvements relating to its water and wastewater system, including certain treatment facilities, pipelines and other infrastructure (the "Project"); and

WHEREAS, the Agency intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (State Water Board); and

WHEREAS, the State Water Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"), and

WHEREAS, prior to either the issuance of the Obligations or the approval by the State Water Board of the Project Funds the Agency desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the Agency; and

WHEREAS, the Agency has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Agency for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, THE AGENCY DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

SECTION 1. The Agency hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds.

SECTION 2. The reasonably expected maximum principal amount of the Project Funds is \$ \_\_\_\_\_.  
 {Remove this Note when completing the Resolution: Please include the maximum reasonable project amount. Your SRF financing agreement will not exceed this amount under any circumstances.}

SECTION 3. This resolution is being adopted no later than 60 days after the date on which the Agency will expend moneys for the portion of the Project costs to be reimbursed with Project Funds.

SECTION 4. Each Agency expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

SECTION 5. To the best of our knowledge, this Agency is not aware of the previous adoption of official intents by the Agency that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

SECTION 6. This resolution is adopted as official intent of the Agency in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

SECTION 7. All the recitals in this Resolution are true and correct and this Agency so finds, determines and represents.

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

## CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the \_\_\_\_\_ (*Governing Board of the Agency*) held on \_\_\_\_\_ (*Date*).

\_\_\_\_\_  
*(Name and Signature of the Clerk or Authorized Record Keeper of the Governing Board of the Agency)*

**GENERAL PLAN COMPLIANCE CERTIFICATION  
FOR PUBLICLY OWNED TREATMENT WORKS**

CLEAN WATER STATE REVOLVING FUND PROJECT NO. C-06-**NUMBER**

RECIPIENT: **AGENCY NAME** **CITY** (**CITY**)

**(If the applicant is responsible for adopting the General Plan)**

As required by Section IX D of the *Policy for Implementing the Clean Water State Revolving Fund for Construction of Wastewater Treatment Facilities* (February 1995, amended July 17, 2007), and conditions of the Clean Water State Revolving Fund Financing Agreement, I certify that the **City has** adopted the land use and housing elements of its General Plan and that the proposed project is consistent with the adopted General Plan.

**OR (If the applicant is not responsible for adopting the General Plan)**

As required by Section IX D of the *Policy for Implementing the Clean Water State Revolving Fund for Construction of Wastewater Treatment Facilities* (February 1995, amended July 17, 2007), and conditions of the Clean Water State Revolving Fund Financing Agreement, the **City** certifies that at least seventy-five (75) percent of the area affected by the project includes cities and counties with adopted land use and housing elements. The applicant's authorized representative will also document that the applicant notified the **City of Yucaipa**, the responsible agency for adopting the plan(s) and provided a reasonable opportunity to comment on the project's consistency with the plan(s). The applicant's authorized representative will certify that the applicant considered those comments during development of the project.

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Authorized Representative's Signature

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Authorized Representative's Name and Title

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Date



## SCHEDULE OF SYSTEM OBLIGATIONS

**The following outstanding Local debts are senior to this Financing Agreement.**

Attach.	Name of Lender & Title of Debt	Project No.	Contract No.	Debt Term (yr)	Interest Rate	Total Debt Amount	Remaining Debt Balance	Debt End date
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**The following debts are on parity to this Financing Agreement.**

Attach.	Name of Lender & Title of Debt	Project No.	Contract No.	Debt Term (yr)	Interest Rate	Total Debt Amount	Remaining Debt Balance	Debt End date

**The following debts are subordinate to this Financing Agreement.**

Attach.	Name of Lender & Title of Debt	Project No.	Contract No.	Debt Term (yr)	Interest Rate	Total Debt Amount	Remaining Debt Balance	Debt End date

Note: A part of the Financing Agreement is the Schedule of System Obligations (SSO). Each attachment listed above is the corresponding repayment or maturity schedule for that obligation. The SSO is a listing of all current outstanding debts (including CWSRF debts) for the Agency's wastewater entity with the following information describing the relationship of the debts with respect to all CWSRF financing agreement(s) as senior, parity, or subordinate. Also, the Agency will need to submit a letter from the Agency's bond counsel (in certain circumstances local counsel will be adequate) addressing any conditions or prohibitions in existing debt (except other CWSRF debts) that would affect the ability of the Agency to enter into and meet its obligations under the CWSRF financing agreement. Debts addressed by counsel should match those listed in the SSO. If the applicant does not have other debts (except other CWSRF debts), the Agency's Authorized Representative must provide a letter stating this. The Agency's SSO will include: name of lender; title of debt, debt term, interest rate, total debt amount; remaining debt balance; and debt end date. For all debts other than existing CWSRF debts, include maturity schedules and debt instruments (bond documents, loan agreements, etc.) on a CD (preferred). All information submitted will be reviewed by SWRCB legal staff for compliance with CWSRF Program requirements.