



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE DEDICATING AND PLEDGING THE CITY'S WASTEWATER MANAGEMENT FUND AS THE SPECIFIC REVENUE SOURCE FOR THE REPAYMENT OF ANY AND ALL STATE REVOLVING FUND LOAN/FINANCING FOR THE WATER POLLUTION CONTROL PLANT REHABILITATION – PRIMARY TREATMENT FACILITIES AND HEADWORKS PHASE 1(A) PROJECT

WHEREAS, the City of Sunnyvale owns and operates the Donald M. Somers Water Pollution Control Plant (WPCP) which is a wastewater treatment facility serving residents, businesses and industries in the city of Sunnyvale, and

WHEREAS, the WPCP is nearly 60 years old and reaching the end of its useful life; and

WHEREAS, the Sunnyvale Clean Water Program (Program) will rebuild the WPCP over the next 20 years to replace aging infrastructure, increase capacity, improve operational reliability, meet current and future regulatory standards and incorporate innovative technologies to minimize capital and operational costs for rate-payers; and

WHEREAS, the Program is now in the design phase for the Primary Treatment Facilities and Headworks Phase 1(A) Project (Project), which are the facilities that handle incoming sewage and begin the initial treatment process; and

WHEREAS, the City Council desires to apply for up to \$160 million in funding for the WPCP Rehabilitation Project from the State of California Clean Water Revolving Fund (CWSRF); and

WHEREAS, the CWSRF requires the City to establish one or more dedicated sources of revenue for the repayment of CWSRF assistance; and

WHEREAS, City wishes to dedicate revenues from the Wastewater Management Fund as the source of revenue for repayment; and

WHEREAS, the very low rates obtained through the Clean Water State Revolving Fund program will save the City's rate-payers tens of millions of dollars over the life of the loan when compared to a traditional public market financing; and

WHEREAS, the rehabilitation of the WPCP is in the interest of the City and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The City hereby dedicates and pledges the net revenues of the City's Wastewater Management Fund, and the Wastewater Management Fund to the payment of any and all Clean Water State Revolving Fund and/or Water Recycling Funding Program financing for the WPCP – Primary Treatment Facilities and Head works Phase 1 (A) Project.~~revenues from the Wastewater Management Fund to the payment of any and all Clean Water State Revolving Fund and/or Water Recycling Funding Program financing for the WPCP – Primary Treatment Facilities and Headworks Phase 1(A) Project;~~ and

2. The City commits to collecting such revenues and maintaining such fund(s) 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 agreement(s) are outstanding, the City'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 City commits to maintaining the fund(s) and revenue(s) at levels sufficient to meet its obligations under the financing agreement(s).

Adopted by the City Council at a regular meeting held on _____, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

APPROVED:

Mayor

APPROVED AS TO FORM:

City Attorney

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 City of Sunnyvale City Council held on _____.

ATTEST:

City Clerk
(SEAL)