Monterey County
Board of Supervisors

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Resolution No.: 16-114

Upon motion of Supervisor Potter, seconded by Supervisor Armenta and carried by those members present, the Board of Supervisors hereby:

a. Approved the submittal of a request for Amendment No. 2 to Safe Drinking Water State Revolving Fund (SDWSRF) Funding Agreement No. SRF13P116 with the State Water Resources Control Board in the amount of $60,000, for a total grant amount of $500,000, for the Engineering Design of County of Monterey (San Lucas Water District) Project No. 2701676-007P to enhance the provision and protection of the municipal drinking water supplied to the consumers of the community of San Lucas; and

b. Affirmed authorization for and direction to the Director of the County of Monterey Resource Management Agency to sign documents relating to the Agreement, including but not limited to amendments or changes thereto, certifications required by and for the Agreement, and claims for reimbursement.
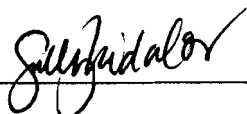
PASSED AND ADOPTED on this 17th day of May 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter
NOES: None
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on May 17, 2016.

Dated: May 19, 2016
File ID: 16-483

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
                                            Deputy

Before the Board of Supervisors in and for the
County of Monterey, State of California

Resolution No.: 16-114   )
)
a. Approving the submittal of a request for Amendment   )
   No. 2 to Safe Drinking Water State Revolving Fund   )
   (SDWSRF) Funding Agreement No. SRF13P116 with   )
   the State Water Resources Control Board in the amount   )
   of $60,000, for a total grant amount of $500,000, for   )
   the Engineering Design of County of Monterey (San   )
   Lucas Water District) Project No. 2701676-007P to   )
   enhance the provision and protection of the municipal   )
   drinking water supplied to the consumers of the   )
   community of San Lucas; and   )
b. Affirming authorization for and direction to the   )
   Director of the County of Monterey Resource   )
   Management Agency to sign documents relating to the   )
   Agreement, including but not limited to amendments or   )
   changes thereto, certifications required by and for the   )
   Agreement, and claims for reimbursement................   )

WHEREAS, the San Lucas Water District ("District") has been directed by the Monterey County Health Department Environmental Health Bureau (EHB) to enhance the provision and protection of the municipal drinking water supplied to the consumers of the community of San Lucas; and

WHEREAS, by Resolution of its Board of Directors on September 13, 2012, the District authorized the County of Monterey ("County") to assist the District to improve its community water supply by seeking funding and, if funding is acquired, to prepare the necessary engineering and environmental studies and reports, acquire right-of-way, apply for permits, and, upon concurrence by District and EHB, design and construct a new municipal water supply project, all at no cost to the District; and

WHEREAS, by said Resolution the District stated its intent to agree, upon completion by County of any system improvements authorized by District after environmental review and compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, and upon certification of completion and compliance with operational and health requirements by EHB, to accept ownership of the constructed improvements, and to operate and maintain said improvements at its sole cost; and

WHEREAS, by Resolution No. 13-304 dated September 17, 2013, the County of Monterey (San Lucas Water District) approved Safe Drinking Water State Revolving Fund (SDWSRF) Funding Agreement No. SRF13P116 with the State of California Department of Public Health (now the State Water Resources Control Board) in the amount of $440,000 for a Feasibility Study and Engineering Design of County of Monterey (San Lucas Water District) Project No. 2701676-

007P to enhance the provision and protection of the municipal drinking water supplied to the consumers of the community of San Lucas; and

WHEREAS, said Resolution No. 13-304 authorized and directed the Director of the County of Monterey Resource Management Agency to sign the Agreement, including but not limited to Amendments, Certifications required by and for the Agreement, Claims for Reimbursement, the Budget and Expenditure Summary, the Contractor's Release Form, and the Certification for Project Completion; and

WHEREAS, on March 25, 2015 the State and County executed an Amendment (No. 1) to the Funding Agreement to extend the required dates of performance of said Feasibility and Engineering Design; and

WHEREAS, on February 11, 2016 the County informed the State that the cost and time to perform the Engineering Design of the selected project alternative (intertie pipeline) would exceed the funding and schedule set forth in the Funding Agreement as amended, and requested the State provide additional funding and extend the time of performance; and

WHEREAS, on April 1, 2016 the State tentatively agreed to increase the grant amount by $60,000 for a total grant amount of $500,000, and to extend the time of performance for the Engineering Design tasks to February 28, 2018, subject to the submittal of certain additional documentation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Monterey as follows:

1. The Director of the County of Monterey Resource Management Agency is hereby affirmed as the "Authorized Representative" for Safe Drinking Water State Revolving Fund (SDWSRF) Funding Agreement No. SRF13P116 with the State Water Resources Control Board in the amount of $500,000 for the Engineering Design of County of Monterey (San Lucas Water District) Project No. 2701676-007P; and

2. Said Authorized Representative is hereby authorized and directed to sign and file, for and on behalf of the County of Monterey and San Lucas Water District (the "Entity"), an application for an amendment to the stated Funding Agreement, and to provide the assurances and certifications required for said Funding Agreement and any amendments or changes thereto; and

3. Said Authorized Representative, or his/her designee, is designated to represent the Entity in carrying out the Entity's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Entity and compliance with applicable state and federal laws; and

4. 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 State Water Resources Control Board is authorized to rely upon this resolution until written notice to the contrary, executed by each of the undersigned, is received by the State Water Resources Control Board, and the State Water Resources Control Board shall be entitled to act in reliance upon the matters contained herein, notwithstanding anything to the contrary contained in the formation documents of the County of Monterey (San Lucas Water District) or any other document.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Armenta carried this 17th day of May 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter
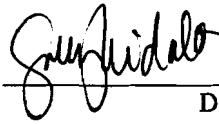NOES: None
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on May 17, 2016.

Dated: May 19, 2016
File Number: RES 16-483

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
                              Deputy