

**SELMA-KINGSBURG-FOWLER
COUNTY SANITATION DISTRICT**

SPECIAL BOARD MEETING OF BOARD OF DIRECTORS

June 26, 2018

3:00 P.M.

11301 E. Conejo Avenue, Kingsburg, CA 93631

CALL TO ORDER AND ROLL CALL

DIRECTORS

Nathan Magsig
Yvette Montijo
Michelle Roman
Buddy Mendes, Vice Chair
David Cárdenas, Chairman

STAFF and CONSULTANTS

Ben Muñoz, Jr., General Manager/ Secretary
Alicia Kirk, Executive Assistant to the G.M.
Tricia Miller, Administrative Services/HR Manager
Hilda Cantú Montoy, General Counsel
Veronica Cazares, District Engineer
Scott Aguiar, Operations Supervisor
David Bacon, Information Systems Analyst

NOTICE IS HEREBY GIVEN that the Board of Directors has called a Special Meeting.

The sole business to be conducted is as follows:

- A. Consideration and approval of Resolution No. 2018-11, "A Resolution of The Board of Directors of the Selma-Kingsburg-Fowler County Sanitation District Authorizing Installment Sale Financing from the State Water Resources Control Board for the McCall Avenue Sewer Repair and Replacement Project and Designating Authorized Representative," and authorize General Manager Muñoz to execute the necessary documents. (p. 2)

Members of the public shall have an opportunity to be heard on this matter.

This notice is given pursuant to CA Government Code Section 54956 and this notice shall also be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public and on the District website at www.skfcsd.org.

NOTICE OF AVAILABILITY OF AGENDA MATERIALS: Any writings or documents provided to a majority of the Board of Directors regarding any item on this agenda will be made available for public inspection at the District Office located at 11301 E. Conejo Ave., Kingsburg, CA 93631 during normal business hours of 8:00 a.m. – 4:30 p.m., Mondays through Fridays. Such writings or documents will also be made available on the District website at www.skfcsd.org.

6-22-18
Date

Ben Muñoz Jr.
Ben Muñoz, Jr. Board Secretary

MEMORANDUM

(June 26, 2018)

To: S-K-F CSD Board of Directors
From: Ben Muñoz, Jr., General Manager
Date Prepared: June 20, 2018

Agenda Item: A
Action: Resolution No. 2018-11

SUBJECT: Resolution No. 2018-11, “A Resolution of the Board of Directors of the Selma-Kingsburg-Fowler County Sanitation District Authorizing Installment Sale Financing from the State Water Resources Control Board for the McCall Avenue Sewer Repair and Replacement Project and Designating Authorized Representative,” and authorize General Manager Muñoz to execute the necessary documents.

DIRECTORS’ SUMMARY

Resolution No. 2018-11 needs to be adopted to obtain the \$6,643,000 State Revolving Loan for the McCall Avenue Sewer Repair and Replacement Project. The Construction Installment Sale Agreement must be signed by District and executed by the State Water Resources Control Board to be fully binding.

STAFF RECOMMENDATION

General Manager Muñoz recommends that the Board adopt Resolution No. 2018-11, “A Resolution of the Board of Directors of the Selma-Kingsburg-Fowler County Sanitation District Authorizing Installment Sale Financing from the State Water Resources Control Board for the McCall Avenue Sewer Repair and Replacement Project and Designating Authorized Representative,” and authorize General Manager Muñoz to execute the necessary documents.

ACTION

Motion to adopt Resolution No. 2018-11, “A Resolution of the Board of Directors of the Selma-Kingsburg-Fowler County Sanitation District Authorizing Installment Sale Financing from the State Water Resources Control Board for the McCall Avenue Sewer Repair and Replacement Project and Designating Authorized Representative,” and authorize General Manager Muñoz to execute the necessary documents.

BACKGROUND

The Selma-Kingsburg-Fowler County Sanitation District (“District”) desires to finance the McCall Avenue Sewer Repair and Replacement Project (“Project”); and the District intends to finance the acquisition and construction of all or a portion of the Project with funds provided by the State of California, acting by and through the State Water Resources Control Board through the execution of an agreement entitled “Construction Installment Sale Agreement, McCall Avenue Sewer Repair and

Replacement, Project No. C-06-8268-110,” by and between the District and the State Water Board. This is the initial agreement. Once bids are received a Final Budget Approval (FBA) package is submitted to the State. The State then reviews the FBA and issues a final Construction Installment Sale Agreement. The review of the FBA package takes approximately 1.5 to 2 months. In the event the bid proposals are higher than the requested amount the State will revise the requested amount upwards. The changes are reflected in the final Construction Installment Sale Agreement.

The installment payments are expected to be derived from the Selma R&R Fund. The Construction Installment Sale Agreement requirement for the bidding process and construction requirements are very complex. Since the District is receiving State funding it must comply with all applicable implementing guidelines and regulations adopted by California Department of Industrial Relations (DIR), regarding state prevailing wage and Disadvantage Business Enterprise (DBE).

Attachment: Resolution No. 2018-11

RESOLUTION NO. 2018-11

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SELMA-KINGSBURG-FOWLER-COUNTY SANITATION DISTRICT AUTHORIZING INSTALLMENT SALE FINANCING FROM THE STATE WATER RESOURCES CONTROL BOARD FOR THE MCCALL AVENUE SEWER REPAIR AND REPLACEMENT PROJECT AND DESIGNATING AUTHORIZED REPRESENTATIVE

WHEREAS, the Selma-Kingsburg-Fowler County Sanitation District ("District") desires to finance the McCall Avenue Sewer Repair and Replacement Project ("Project"); and

WHEREAS, the District intends to finance the acquisition and construction of all or a portion of the Project with funds provided by the State of California, acting by and through the State Water Resources Control Board (the "State Water Board") through the execution of an agreement entitled "Construction Installment Sale Agreement, McCall Avenue Sewer Repair and Replacement, Project No. C-06-8268-110," by and between the District and the State Water Board; and

WHEREAS, the Board of Directors of the District (the "Board of Directors") has duly considered the Installment Sale Agreement and the transaction represented thereby, and approves all of said transactions in furtherance of the public purposes of the District.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the Selma-Kingsburg-Fowler County Sanitation District as follows:

Section 1. Approval of Financing Documents. The Board of Directors hereby approves the financing plan outlined above. To that end, the Board of Directors hereby approves the Installment Sale Agreement in substantially the form on file with the Secretary of the Board together with any changes therein or additions thereto deemed advisable by the General Manager, and the execution thereof by the General Manager shall be conclusive evidence of such approval.

Section 2. Authorized Representative.

- A. The General Manager is designated as the "Authorized Representative" of the District in order to enter into a financial assistance agreement with the State Water Resources Control Board for the Project.
- B. The Authorized Representative is hereby authorized and directed to sign and file, for and on behalf of the District, a Financial Assistance Application for a financing agreement with the State Water Resources Control Board for the Project.
- C. The Authorized Representative is authorized and directed to provide the assurances, certifications, and commitments required for the Financial Assistance Application and is hereby authorized and directed for and in the name and on behalf of the District to execute the final form of the Installment Sale Agreement on behalf of the District.

- D. The Authorized Representative is authorized and directed to represent the District in carrying out the District's responsibilities under the Installment Agreement, including certifying disbursement requests on behalf of the District and in compliance with applicable state and federal laws.

Section 3. Official Actions.

- A. The General Manager, the Secretary of the Board and all other officers of the District are each authorized and directed in the name and on behalf of the District to make any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they or any of them might deem necessary or appropriate in order to consummate any of the transactions contemplated by the agreements and documents approved under this Resolution, together with any changes therein or additions thereto deemed advisable by such officer, and the execution thereof by any such officer shall be conclusive evidence of such agreement.
- B. Whenever in this resolution any officer of the District is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in the case such officer is absent or unavailable.
- C. All actions heretofore taken by the officers and staff of the District with respect to the execution of the Installment Sale Agreement are hereby approved, confirmed and ratified.

Section 3. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

(CERTIFICATION ON NEXT PAGE)

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 2018 - __ which was duly adopted at regular meeting of the Selma-Kingsburg-Fowler County Sanitation District on the ___ day of _____, 2018, by the following called vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Ben Muñoz, Jr.,
Secretary of the Board
Selma-Kingsburg-Fowler County Sanitation District