

CITY COUNCIL RESOLUTION NO. 45-16

**A RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,
PLEDGING REVENUES AND FUNDS FOR THE SANITARY SEWER WET
WEATHER CAPACITY PROJECT**

WHEREAS, the City of Richmond is investigating funding options for the projects in the Sewer Collection Systems Master Plan; and

WHEREAS, wastewater service chargers are proposed to be used as a source of revenue for the Sanitary Sewer Wet Weather Capacity Project; and

WHEREAS, the State Revolving Fund Clean Water program may provide a favorable low interest rate on a loan for funding wastewater improvement projects; and

WHEREAS, the City of Richmond desires to provide the needed resolutions to continue with processing an agreement for funding with the State; and

WHEREAS, in October, 2008, the City of Richmond issued its Variable Rate Wastewater Revenue Refunding Bonds Series 2008A (the "Bonds") pursuant to an Indenture of Trust, dated as of October 1, 2006, (the "Master Indenture"), as supplemented by a First Supplemental Indenture (the "First Supplemental Indenture"), dated as of October 1, 2006, a Second Supplemental Indenture (the "Second Supplemental Indenture"), dated as of October 1, 2006, a Third Supplemental Indenture (the "Third Supplemental Indenture"), dated as of October 1, 2008, and a Fourth Supplemental Indenture, dated as of October 1, 2010 (the "Fourth Supplemental Indenture" and together with the Master Indenture, the First Supplemental Indenture, the Second Supplemental Indenture and the Third Supplemental Indenture, the "Indenture"), each by and between the City of Richmond and The Bank of New York Mellon Trust Company, N.A., as trustee; and

WHEREAS, capitalized terms not otherwise defined in this resolution shall have the meanings ascribed thereto in the Indenture; and

WHEREAS, the State Revolving Fund Clean Water program's favorable low interest rate loan for funding wastewater improvement projects shall be a parity obligation under the Indenture, secured by the pledge of Net Revenues under the Indenture;

NOW, THEREFORE, BE IT RESOLVED that the City of Richmond (the "Entity") hereby designates Clean Water State Revolving Fund and/or Water Recycling Funding Program financing for the Sanitary Sewer Wet Weather Capacity Project, Clean Water State Revolving Fund Project Number 8259-110 (the "Project") as a parity obligation under the Indenture, secured by the pledge of Net Revenues under the Indenture.

BE IT FURTHER RESOLVED that the Entity commits to collecting such revenues and maintaining such fund(s) throughout the term of such financing and until the Entity has satisfied its repayment obligation thereunder unless modification or change is approved in writing by the State Water Resources Control Board, all as provided for in the Indenture.

BE IT FURTHER RESOLVED that so long as the financing agreement(s) are outstanding, the Entity's pledge hereunder shall constitute a lien in favor of the State Water Resources Control Board on the foregoing fund(s) and revenue(s), subject to the terms of the Indenture, without any further action necessary.

BE IT FURTHER RESOLVED that so long as the financing agreement(s) are outstanding, the Entity commits to maintaining the fund(s) and revenue(s) at levels sufficient to meet its obligations under the financing agreement(s), all as provided in the Indenture.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held June 21, 2016, by the following vote:

AYES: Councilmembers Bates, Beckles, McLaughlin, Myrick, Pimplé,
Vice Mayor Martinez, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

TOM BUTT
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 45-16**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 21, 2016.


Pamela Christian, Clerk of the City of Richmond