

Attachment 2

RESOLUTION NO. 3222

WESTERN MUNICIPAL WATER DISTRICT

A RESOLUTION OF THE BOARD OF DIRECTORS AUTHORIZING THE EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT TO JOIN THE UPPER SANTA ANA WATERSHED INFRASTRUCTURE FINANCING AUTHORITY

WHEREAS, Western Municipal Water District (“Western”), acting pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the “JPA Law”), may enter into a joint exercise of powers agreement with one or more other public agencies pursuant to which such contracting parties may jointly exercise any power common to them and, pursuant to Government Code § 6588, exercise certain additional powers; and

WHEREAS, on July 20, 2021 the San Bernardino Municipal Valley District (“Valley District”), San Bernardino Valley Water Conservation District (“Conservation District”), Yucaipa Valley Water District (“YVWD”), and the City of San Bernardino have established the Upper Santa Ana Watershed Infrastructure Financing Authority (“USAWIFA”, the “Financing JPA”) Pursuant to the JPA Law, Western wishes to join Valley District, Conservation District, YVWD and the City of San Bernardino, and Additional Members in the future, in issuing revenues bonds or incurring other financial obligations from time-to-time; and

WHEREAS, under California law and the Joint Exercise of Powers Agreement, the Financing JPA will be a public entity separate and apart from Valley District, Conservation District, YVWD, the City of San Bernardino and Western, and future Additional Members, and the debts, liabilities and obligations of the Financing JPA will not be the debts, liabilities or obligations of Valley District, Conservation District, YVWD, the City of San Bernardino, Western or the Additional Members or any representatives serving on the governing body of the Financing JPA; and

WHEREAS, the Board of Directors of Western has reviewed the Joint Exercise of Powers Agreement and the provisions of the California Environmental Quality Act (“CEQA”) and has considered whether any direct or indirect physical changes to the environment will result from entering into the Joint Exercise of Powers Agreement and from creating the Financing JPA, and has considered whether taking either or both of those actions may possibly have a significant effect on the environment.

NOW, THEREFORE, the Board of Directors of the Western Municipal Water District hereby finds, determines, declares and resolves as follows:

SECTION 1. The statements, findings, and determinations set forth above and in the preambles of the documents approved by this resolution are true and correct.

SECTION 2. The form of the Joint Exercise of Powers Agreement attached hereto as Exhibit A is hereby approved. The President or Vice-President of Western, acting singly, are each hereby authorized to execute and deliver the Joint Exercise of Powers Agreement substantially in the approved form, with such changes, insertions and omissions as may be recommended by Valley District General Counsel or Stradling Yocca Carlson & Rauth, a Professional Corporation, as Bond Counsel, said execution being conclusive evidence of such approval.

SECTION 3. The Board of Directors of Western does hereby determine that authorizing (1) the joining of the Financing JPA, (2) the execution of the Joint Exercise of Powers Agreement, and (3) all steps that are reasonably convenient or necessary to join the Financing JPA, does not constitute a project or projects under CEQA because: the proposed actions represent administrative activities of the Valley District that will not result in direct or indirect physical changes in the environment (Section 15378(b)(5) of the CEQA Guidelines); and it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, and thus the proposed action is not subject to CEQA (Section 15061(b)(3) of the CEQA Guidelines).

SECTION 4. _____ is hereby appointed the initial representative of Western to serve on the board of directors of USARWIFA and _____ is hereby appointed the initial alternate to serve on the board of directors of USARWIFA.

SECTION 5. The President, the Vice-President, the General Manager and any other proper officer of Western, acting singly, are each hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by the Joint Exercise of Powers Agreement.

SECTION 6. Unless otherwise defined herein, all terms used herein and not otherwise defined shall have the meanings given such terms in the Joint Exercise of Powers Agreement unless the context otherwise clearly requires.

SECTION 7. This resolution shall take effect immediately.

ADOPTED at a regular meeting of the Board of Directors at Riverside, California, this 18th day of May, 2022.

AYES:

NOES:

ABSTAIN:

ABSENT:

BRENDA DENNSTEDT
President

ATTEST:

MIKE GARDNER
Secretary

EXHIBIT A

JOINT EXERCISE OF POWERS AGREEMENT

CREATING THE

UPPER SANTA ANA RIVER WATERSHED INFRASTRUCTURE FINANCING AUTHORITY