

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 75-76

AGREEMENT BETWEEN THE STATE WATER
RESOURCES CONTROL BOARD, THE STATE
CONTROLLER, AND TAHOE CITY PUBLIC
UTILITY DISTRICT REGARDING CERTAIN
LOANS HERETOFORE MADE TO TAHOE CITY
PUBLIC UTILITY DISTRICT

WHEREAS:

1. The Water Quality Control Board, statutory predecessor to the State Water Resources Control Board, pursuant to a loan contract of October 4, 1967, as amended, has heretofore loaned to Tahoe City Public Utility District the sum of 1,015,000.
2. The State Water Resources Control Board, pursuant to a loan contract of November 4, 1969, as amended, has heretofore loaned to Tahoe City Public Utility District the sum of \$2,000,000.
3. Chapter 913 of the Statutes of 1972 provides in part that portions of such loans need not be repaid provided that any federal funds received by Tahoe City Public Utility District which act as a reimbursement for state loan funds shall be paid into the State Water Quality Control Fund.
4. The State Water Resources Control Board has determined that, pursuant to Chapter 913 of the Statutes of 1972, the sum of \$1,071,878 need not be repaid on account of the aforementioned loans.
5. Tahoe City Public Utility District has received federal funds which act as a reimbursement for funds loaned by the State Water Resources Control Board and its statutory predecessor.
6. A proposed written agreement has been developed which provides that Tahoe City Public Utility District need not repay the sum of \$1,071,878, and shall pay or provide for payment of a total of \$605,660.27. On account of federal reimbursements, which payment shall be made in the immediate future, and shall, in addition, pay over to the State Water Resources Control Board additional federal reimbursements received, which agreement is satisfactory to the Office of the Attorney General, Tahoe City Public Utility District, the State Controller and the State Board.

THEREFORE BE IT RESOLVED that the State Board's Executive Officer, or any person delegated by the Executive Officer, be authorized to execute the proposed agreement with Tahoe City Public Utility District and the State Controller.

CERTIFICATION

The undersigned, Executive Officer of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on
JUL 17 1975

Bill B. Dendy

Bill B. Dendy
Executive Officer

AGREEMENT

The State Water Resources Control Board, hereinafter referred to as the State Board, is the agency of the State of California administering the State Water Quality Control Fund, hereinafter referred to as Fund.

The State Controller, Kenneth Cory, hereinafter referred to as Controller, is the officer of the State of California directing and superintending the collection of all money due the State.

Tahoe City Public Utility District, hereinafter referred to as the District, is a public agency operating sewage collection and treatment facilities in the Lake Tahoe Basin.

The District has received \$3,015,000 from the Fund as a loan pursuant to contracts dated October 4, 1967, and November 4, 1969, for purposes of constructing certain projects. Portions of said projects have been jointly financed by the District with North Tahoe Public Utility District, a public agency.

Chapter 913 of the Statutes of 1972 provides in part that a portion of such loan need not be repaid provided any federal funds received by the District pursuant to any applicable federal act as a reimbursement for construction funds loaned by the State are deposited in the Fund and credited to the amount owed by the District under the loan contracts. The District has received federal funds as a reimbursement for construction funds loaned to the District and anticipates receiving additional federal funds as further reimbursement.

A dispute has arisen among the parties to this agreement concerning the scope of the project for which loan funds were to be used and the amount of money to be immediately returned to the Fund by the District.

In full settlement of said dispute the parties hereto mutually agree as follows:

1. The amount of loan funds which need not be repaid by the District pursuant to chapter 913 of the Statutes of 1972 is \$1,071,878, or such different amount as may be agreed upon between the District and North Tahoe Public Utility District; provided that the total forgiveness to the District and North Tahoe Public Utility District shall not exceed the total amount which need not be repaid by both agencies under chapter 913, Statutes of 1972; provided further that in the absence of any agreement between the District and North Tahoe Public Utility District for an amount different than \$1,071,878, such amount shall be allocated \$237,950 to the loan contract dated October 4, 1967, and \$833,928 to the loan contract dated November 4, 1967.
2. On or before June 24, 1975, the District shall pay over to the State Board funds in the amount of \$605,660.27 for credit against the amount owed by the District. Time is of the essence.
3. The District shall immediately pay over to the State Board any additional funds received from the federal government in reimbursement of costs for the following projects:

- (a) North Shore Export Line;
- (b) Initial Joint Sewerage Facilities Treatment Plant;
- (c) West Shore Export Line, Sections I and II.

4. All money received by the State Board pursuant to this agreement shall be deposited to the Fund for credit against the amount owed by the District pursuant to the loan contracts.

IN WITNESS WHEREOF the parties hereto affix their signatures this _____ day of _____.

KENNETH CORY, Controller

Deputy Controller

STATE WATER RESOURCES CONTROL BOARD

Bill B. Dendy
Bill Dendy, Executive Officer

TAHOE CITY PUBLIC UTILITY DISTRICT

W. J. Lee
President

Sharon Wickham
Secretary

RESOLUTION NO. 75-49

of

TAHOE CITY PUBLIC UTILITY DISTRICT
APPROVING AND AUTHORIZING EXECUTION
OF AGREEMENT FOR SETTLEMENT OF DISPUTE

WITH STATE WATER RESOURCES CONTROL BOARD ON \$3,015,000.00

LOAN UNDER CONTRACTS DATED OCTOBER 4, 1967 and NOVEMBER 4, 196

BE IT RESOLVED BY THE BOARD OF DIRECTORS of TAHOE
CITY PUBLIC UTILITY DISTRICT as follows:

1. That said Board of Directors does hereby approve the provisions contained in that certain agreement attached hereto, and by this reference incorporated herein, said agreement being for the purpose of: SETTLEMENT OF DISPUTE WITH STATE WATER RESOURCES CONTROL BOARD ON \$3,015,000.00 LOAN UNDER CONTRACTS DATED OCTOBER 4, 1967 AND NOVEMBER 4, 1969

2. That the president of this Board of Directors and clerk of the District are hereby authorized and directed to execute said agreement for and on behalf of the District.

Passed and adopted this 15th day of May, 1975, at a Regular meeting of the Board of Directors of Tahoe City Public Utility District, by the following vote:

AYES: Directors HALE, POMIN, DILL

NOES: Directors NONE

ABSENT: Directors SPITSEN

TAHOE CITY PUBLIC UTILITY DISTRICT

By [Signature]
President of Board of Directors

ATTEST:

[Signature]
Clerk and ex-officio secretary thereof