



STATE WATER RESOURCES CONTROL BOARD
Division of Financial Assistance
P. O. Box 944212, Sacramento, CA 94244-2120

GENERAL INFORMATION PACKAGE

The General Application and attachments may be submitted in one of three ways. Applicants are encouraged to utilize the Financial Assistance Application Submittal Tool (FAAST) to streamline the application submittal and review process, but if that will create a hardship, email or mail can be utilized instead:

- 1.) Apply online via the FAAST: <https://faast.waterboards.ca.gov>

To submit a DWSRF Application in FAAST, you must complete all the tabs in FAAST and attach (at minimum) the General Information Package. (Note: Once the DWSRF Application has been uploaded, you must still complete the application by clicking on the "Submit" button.) Once the DWSRF Application is submitted in FAAST, a project manager will be assigned to help the applicant complete the application process.

To submit additional documents for the same project, **do not** start a new application. Instead, click on the Submitted Applications link on the Main Menu and choose the project from the list of previously submitted applications. Open the Attachments tab, and then the Post-Submission sub-tab. Choose a document from the Attachment Category dropdown list and then select the file to upload. The project manager will receive an email notification letting them know you have submitted additional information for review.

If you need assistance, you can also contact the FAAST Help Desk, which is staffed Monday through Friday 8am through 5pm, at 1-866-434-1083 or FAAST_ADMIN@waterboards.ca.gov.

- 2.) To submit a DWSRF Application via email, please use the following email address:

DrinkingWaterSRF@waterboards.ca.gov

- 3.) To submit a DWSRF Application via mail, please use the following address:

State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2120

General Application Instructions

Check the box to indicate the type of project (planning or construction) needing financial assistance.

Section I - Applicant Information

Applicant Name – Enter the entity that will be the legal signatory to a financing agreement.

Street Address, City, State, Zip – Enter the applicant’s physical street address. The Zip+4 Code can be found at <https://tools.usps.com/go/ZipLookupAction>.

Mailing Address, City, State, Zip – Enter the applicant’s mailing address, if different from the street address.

Applicant Total Population – Enter the total applicant service area population.

Applicant Total Number of Service Connections – Provide the total number of active service connections that are currently and directly served by the water system. This includes all residential, industrial, commercial, and other connections.

Current year median household income (MHI) – Enter the current year median household income of the applicant or project service area. An official MHI Determination will be conducted during the review of this General Application Package.

Congressional District(s) – Enter the Congressional district(s) where the project will be physically located. If the project will span multiple Congressional Districts (i.e., a pipeline project), list all affected districts. A map of California Congressional Districts can be found at <https://www.house.gov/representatives/find-your-representative>.

State Senate District(s) & State Assembly District(s) – Enter the State Senate district(s) and State Assembly district(s) where the project will be physically located. Refer to <http://findyourrep.legislature.ca.gov/>.

Unique Entity Identifier (UEI) No. – This number is required to receive a financial assistance agreement. If the applicant does not have a UEI number, more information is available at <https://sam.gov/content/entity-registration>.

Federal Tax ID No. – Enter the Federal tax identification number of the applicant.

Authorized Representative Name, Title – Identify the person who has the authority to represent the applicant and sign documents pertaining to the funding application. If the applicant is a public agency or has a governing board, the application must include a copy of a resolution adopted by the governing body designating its authorized representative and authorizing the submission of an application. If the applicant does not have a governing board, then it must provide documentation supporting the authorization of the authorized representative. It is advisable to designate the title of the position authorized to sign and submit an application rather than naming a specific person. The funding application must be signed by the authorized representative.

Auth. Rep. Phone & Email - Enter the authorized representative’s telephone number and email address.

Contact Person Name – Enter the name of the person who is the day-to-day contact for the project. This

person should be able to answer general questions about the project and application.

Contact Person Phone & Email – Enter the contact person’s telephone number and email.

Local Counsel Name – Enter the name of the applicant’s general counsel. Borrowers with existing bond debt will also need to provide contact information for bond counsel.

Local Counsel Phone & Email – Enter the local counsel’s telephone number and email.

Section II - Project Information and Proposed Schedules

Project Title – Enter the title or name of the project. This name should match that on the CEQA documents, resolution, and any other existing documents.

Project Description and Objectives – Provide a brief description of the project and its objectives.

Current Status of Plans and Specifications – Provide the current status in percent complete.

Amount of Financial Assistance Requested – Provide the amount of financial assistance requested.

Total Project Cost (If More Than the Amount of Assistance Requested) – Provide the total project cost.

Water Supply Permit Number – Enter permit number and attach a copy of the water supply permit, along with any enforcement orders (label as **Attachment G1**).

Population Served by Project – Enter the population served by the Project.

Estimated Project Schedule – Provide an estimated or actual date for the following:

- Adopt Environmental Documents
- 100% Plans & Specifications
- Start of Construction/Implementation
- Complete Construction/Implementation

Consultation with Other Agencies – Provide the following:

- Name of other federal or state agencies involved in this project (e.g. planning, CEQA/NEPA consultation, funding, etc.)
- Contact information for the named agencies
- Brief descriptions of the status of these consultations

Partnering Agencies – Provide the name and contact information of all other agencies that have an interest in the project, their contact information if known, and brief description of their roles.

Other Funding Sources – Provide a list of other funding sources for this project. Include the amount and an estimate date on which the funding will be available.

Section III – Managerial Information

Classification of Water System – Check the box that represents your type of system. If you are unsure of the classification of your system, refer to the system’s domestic water supply permit or refer to the *Decision Tree for Classification of Water Systems* flow chart located at

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/docs/class_dec_tree.pdf.

Ownership and Organization of the Water System – Check the box(es) that corresponds to the ownership of your water system.

Municipalities – If the Applicant is a Municipality, indicate if the Applicant is a Charter City.

Privately-owned entities - Non-community water systems are only eligible for DWSRF funding if they qualify as a non-profit entity. Non-profit owners of non-community water systems must include the appropriate IRS non-profit ID number and Tax-Exempt Status form IRS 501(c).

Privately owned systems must include a copy of the fictitious name statement, if they are operated under a name that is different than their owner's legal name, and must provide a copy of their owner's organizational documents, and federal tax returns or other financial document (label as **Attachment G2**).

The following is a list of organizational and financial documents for different types of for-profit or non-profit private water systems:

Limited Liability Company

- Applicable federal tax return for the last 3 years (e.g., Form 1040 (sole proprietor), Form 1065 (partnership), or Form 1120 (corporation))
- Articles of Organization, with all amendments, certified by Secretary of State (CA)
- Executed Operating Agreement
- Fictitious Business Name (FBN) Statement (if using any name other than the exact name that is on record with the Secretary of State's Office)
- Secretary of State Entity/File Number

Partnership

- Partnership Agreement(s)
- Statement of Partnership Authority (Form GP-1), filed with Secretary of State
- Federal tax return for the last 3 years (e.g., Form 1065)
- Majority owner's last three years of personal tax returns
- Fictitious Business Name (FBN) Statement (if using a name that does not include the surname of each general partner or a name that suggests the existence of additional owners such as "Company," "& Company," "& Son," "& Sons," "& Associates," "Brothers," and the like)

For-Profit Corporation

- Articles of Incorporation, with all amendments, certified by Secretary of State (CA)
- Bylaws
- Fictitious Business Name (FBN) Statement (if using any name other than the exact name that is on record with the Secretary of State's Office)
- Federal tax return for the last 3 years (e.g., Form 1120 (C-Corp) or Form 1120S (S-Corp))

Non-Profit Corporation

- Articles of Incorporation, with all amendments, certified by Secretary of State (CA)
- Bylaws
- IRS Tax Exempt Determination IRS 501(c)
- Latest Annual Report filed with the California Registry of Charitable Trusts
- Filed Fictitious Business Name Certificate (DBA) (if applicable)
- Federal tax return of organization exempt from income tax Form 990 – most recent 3 years

Sole Proprietorship

- Filed Fictitious Business Name (FBN) Statement (if using any name that does not include the last

- name (surname) of the owner, or which implies additional owners)
- Federal tax return Form 1040, including schedules – most recent 3 years

Trusts

- Trust or Certification of Trust, signed by all currently acting trustees – discuss with DFA prior to submitting
- For revocable trust, federal tax return of grantor Form 1040, including schedules – most recent 3 years
- For irrevocable trust, Form 1041 – most recent 3 years

Corporations, LLCs, and Partnerships – If your water system is a Corporation (e.g. mutual water company; incorporated homeowners association), Limited Liability Company, or Partnership, list your water system's California Secretary of State Entity Number as well as your water system's filing status with the California Secretary of State. Information relating to a Corporation's, Limited Liability Company's, or Partnership's filings with the Secretary of State can be found at the following website: <https://sos.ca.gov/business- programs/business-entities/>.

Does the California Public Utility Commission (CPUC) regulate your system? – Indicate whether your water system is regulated by the CPUC. Include (1) the CPUC resolution that authorized acquisition/construction/extension of your system; (2) the most recent annual report filed with the CPUC; (3) the most recent general rate case documents; (4) CPUC audit reports, if any; and (5) a list of all actions or matters associated with your system that are currently pending before the CPUC, as well as all filings associated with those actions or matters. Water systems regulated by the CPUC must submit any required CPUC approval or notification to enter into a funding agreement for DWSRF financing. (label as **Attachment G3**)

Names, titles and duties of key officers or decision-making personnel – Provide the name, title, and duties of key officers or decision-making personnel of the water system. Submit an organization chart showing the names, titles, and the reporting relationship of all key persons involved with the operation of the water system. The organization chart does not need to describe all personnel employed by the system, only those persons that have primary responsibilities for making decisions that affect the operation of the water system. Submit an organizational chart showing parent, subsidiary, or otherwise affiliated entity structures, or submit a certification that there are none (label as **Attachment G4**).

Is there any pending litigation, sale of system property, or audit/investigation? – Indicate if there is any litigation, sale of system property, or audit/investigation pending with respect to the water system's assets or water rights or relative to the operation of the water system or the proposed project. Litigation or audits/investigations involving operators, officers, and decision-making personnel should be included. If yes, submit a description of the matter and potential costs or liabilities, (label as **Attachment G5**).

Is the applicant leasing land or major water system facilities? – Indicate if the applicant is leasing land or **any** major water system facilities. If yes, describe the terms of the lease and submit a copy of the lease agreement (label as **Attachment G6**). If the lease is critical to the location or operation of the proposed project facilities, the term of the lease is expected to extend through the useful life of the project and cannot be shorter than the loan repayment period of the DWSRF financing.

Include a general map of the service area/boundaries – The map must include service boundaries, and existing source(s), storage, treatment, and distribution system. (label as **Attachment G7**)

Does the applicant have a contract with a private firm or another agency? – Indicate if the applicant has a

contract with a private firm or another agency for the operation of the facility to be financed. If yes, indicate the name of the firm or agency and term (in years) of the agreement and submit a copy of the agreement (label as **Attachment G8**).

Prior to the State Water Board’s approval of the project, specific water conservation and urban water management requirements must be achieved.

1. Urban Water Suppliers – Urban Water Suppliers (defined as a water supplier, either publicly or privately owned, that directly or indirectly provides potable municipal water to more than 3,000 customers or that supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes) must submit proof of Urban Water Management Plan (UWMP) submittals to the Department of Water Resources (label as **Attachment G9**):
2. Certification for Compliance with Water Metering Form – Water Code section 529.5 requires urban water purveyors to meet metering requirements. If you are an urban water supplier (i.e., supply to more than 3,000 customers or supplying more than 3,000 acre-feet annually), you must comply with this requirement. Please consult with your legal counsel and review section 529.5 of the Water Code before completing this certification (**Attachment G10**).

Potential Flags – To avoid potential delays later in the application process, it is required that the applicant complete and submit this worksheet to alert the Division staff of any issues that may potentially affect the application review. (**Attachment G11**)

Authorized Representative Resolution/Ordinance – (for use by publicly owned entities): Submit this attachment here only if not submitting the Financial Security Package. This resolution or ordinance designates the Authorized Representative(s) for the project, who will have the authority to sign and submit the DWSRF application materials, certify compliance with applicable state and federal laws, execute the financial assistance agreement and amendments, and certify disbursement requests.

- To minimize the potential for problems, use of the exact language in the template resolution is recommended.
- Enter the title of the Authorized Representative, NOT a person’s name.
- Do not modify the words financing or financial assistance to other terms such as “loan”, “grant”, or “principal forgiveness”. Use of these terms may create legal complications; the terms “financing” and “financial assistance” are broad enough to be applicable to all of the above. (**Attachment G12**)

Corporate Resolution to Apply, Borrow and Grant Security (for use by private applicants) – This resolution designates the Authorized Representative(s) for the project, who will have the authority to sign and submit the DWSRF application materials, certify compliance with applicable state and federal laws, execute the financial assistance agreement and amendments, certify disbursement requests, grant security interest, and authorize State Water Resources Control Board to perform any acts necessary to perfect security.

- To minimize the potential for problems, use of the exact language in the template resolution is recommended.
- Enter the title of the Authorized Representative, NOT a person’s name. (**Attachment G13**)

Other Entity Type – If you are a limited partnership, general partnership, trust, or sole proprietor identify your authority for designating an Authorized Representative and include relevant governance documents that provide for that authority. If you are a trust, include the Trust or Certification of Trust. (**Attachment G14**)

Payee Data Record, STD 204 (for use by private applicants) – Complete and submit this attachment located at: <https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf>. (**Attachment G15**)

Government Agency Taxpayer ID Form (for use by public applicants) – Complete and submit this attachment located at: <https://business.ca.gov/wp-content/uploads/2021/09/Government-Agency-Taxpayer-ID-Form-1.pdf>. (**Attachment G16**)

Section IV – Attachments

- G1** – Water Supply Permit and Enforcement Orders
- G2** – Ownership Documentation, for private entities
- G3** – CPUC Documentation (if applicable)
- G4** – Organization Chart (if applicable)
- G5** – Pending Litigation, Sale, or Audit/Investigation (if applicable)
- G6** – Lease Agreement (if applicable)
- G7** – Service Area Map
- G8** – Operating Agreement (if applicable)
- G9** – Urban Water Supplier Conservation Document (if applicable)
- G10** – Certification for Compliance with Water Metering Form
- G11** – Potential DWSRF Flags Worksheet
- G12** – Authorized Representative Resolution/Ordinance (publicly owned entities)
- G13** – Corporate Resolution (for private entities)
- G14** – Other Entity Type
- G15** – Payee Data Record, STD 204 (for private entities)
- G16** – Government Agency Taxpayer ID Form (publicly owned entities)

Certification and Signature of Authorized Representative

- ✓ Print the name and title of the authorized representative.
- ✓ Sign and date the application.

General Application Package

PLANNING

CONSTRUCTION

I. APPLICANT INFORMATION			
Applicant Name:			
Street Address:	City:	State:	Zip+4 Code:
Mailing Address:	City:	State:	Zip+4 Code:
Applicant Total Population:			
Applicant Total Number of Service Connections: Residential:		Commercial:	
Industrial:		Other:	
Current year median household income (MHI):			
Congressional District(s):			
State Senate District(s):			
State Assembly District(s):			
Data Universal Numbering System (DUNS) No.:		Federal Tax ID No.:	
Authorized Representative Name:		Title:	
Phone No.:		Email Address:	
Contact Person Name:			
Phone No.:		Email Address:	
Local Counsel Name:			
Phone No.:		Email Address:	
II. PROJECT INFORMATION AND PROPOSED SCHEDULE			
Project Title:			
Project Description and Objectives:			
Current Status of Plans & Specifications, Percent (%):			
Estimated Amount of Financial Assistance Requested:			
Total Project Cost (If More Than the Amount of Assistance Requested):			
Water Supply Permit Number (Attachment G1):			

Population Served by Project:		Estimated or Actual Date
Currently Estimated Project Schedule:	Adopt Environmental Documents: 100% Plans & Specifications: Start of Construction/Implementation: Complete Construction/Implementation:	
Consultation with Other Agencies Please list other federal and state agencies that have been involved in this project (e.g. planning, CEQA/NEPA consultation, funding, etc.), their contact information if known, and estimated dates for resolution of any issues.		
Partnering Agencies Please list all other agencies that have an interest in this project, their contact information if known, and brief descriptions of their roles.		
Other Funding Sources List any other funding sources for this project, along with the amount of additional funding and date of availability		
III. MANAGERIAL INFORMATION		
Classification of Water System: <input type="checkbox"/> Community <input type="checkbox"/> Non-transient non-community <input type="checkbox"/> Transient non-community <input type="checkbox"/> Not currently classified as a public water system		

Indicate the Ownership of the Water System (check all that apply):

- Include the ownership documentation (See instructions for further information) (label as **Attachment G2**)

Public Ownership

Municipality County Agency Special District State Agency

Public School Other:

Private Ownership

Corporation Limited Liability Company Partnership Sole Proprietorship

Non-profit Organization Other:

- If the water system is privately-owned, indicate the name and title of the individual with authority to engage the water system in a DWSRF financing agreement. Click or tap here to enter text.
- If the Water System is a Municipality, is the Water System a Charter City? Yes No
- If the Water System is a Corporation, Limited Liability Company, or Partnership, complete the following:
 - A. California Secretary of State Entity Number:
 - B. Status with California Secretary of State:
Active Suspended Forfeited Dissolved

Is the Water System regulated by the California Public Utilities Commission (CPUC)? Yes No

If **yes**, the Water System must obtain CPUC approval. Attach the documentation identified in the Application instructions (label as **Attachment G3**).

List the names, titles and duties of key officers and attach an organization chart providing this information.

List the names and affiliation of all parent, subsidiary, or otherwise affiliated entities and attach a chart providing this information. If none, indicate that here. N/A (label as **Attachment G4**)

Is there any litigation, sale, or audit/investigation pending relative to the operation of the water system or the proposed project or key personnel or officers?

Yes No

If **yes**, attach a description of the litigation and the potential costs (label as **Attachment G5**).

Is the Water System leasing land or major water system facilities? Yes No

If **yes**, describe the terms of the lease or attach a copy of the lease agreement (label as **Attachment G6**). (NOTE: If the lease is critical to the location or operation of the proposed project facilities, the term of the lease should be as long as the useful life of the proposed project facilities and cannot be shorter than the loan repayment period.)

Include a general map of the service area/boundaries (label as **Attachment G7**):

[For Construction Projects Only] Does the Water System have a contract with a private firm or another agency for the operation of the facility to be financed? Yes No

If **yes**, provide the name of the firm or agency and term (in years) of the agreement and attach a copy of the agreement (label as **Attachment G8**)

Water Conservation

1. Are you an urban water supplier as defined in Water Code Section 10617?

YES NO

If **yes**, submit a copy of your Urban Water Management Plan per Water Code Section 10653 (Label as **Attachment G9**).

2. Attach Certification for Compliance with Water Metering Form (label as **Attachment G10**).

IV. ATTACHMENTS

<input type="checkbox"/>	G1 – Water Supply Permit and Enforcement Orders
<input type="checkbox"/>	G2 – Ownership Documentation
<input type="checkbox"/>	G3 – CPUC Documentation (if applicable)
<input type="checkbox"/>	G4 – Organization Chart(s) (if applicable)
<input type="checkbox"/>	G5 – Pending Litigation, Sale, or Audit/Investigation (if applicable)
<input type="checkbox"/>	G6 – Lease Agreement (if applicable)
<input type="checkbox"/>	G7 – Service Area Map
<input type="checkbox"/>	G8 – Operating Agreement
<input type="checkbox"/>	G9 – Urban Water Supplier Conservation Document (if applicable)
<input type="checkbox"/>	G10 – Certification for Compliance with Water Metering Form
<input type="checkbox"/>	G11 – Potential DWSRF Flags Worksheet
<input type="checkbox"/>	G12 – Authorized Representative Resolution/Ordinance (publicly owned entities)
<input type="checkbox"/>	G13 – Corporate Resolution (for private entities)
<input type="checkbox"/>	G14 – Other Entity Type

CERTIFICATION AND SIGNATURE OF AUTHORIZED REPRESENTATIVE

To the best of my knowledge and belief, I certify that I am authorized to submit this application; the information provided in this application is true and correct; the documentation has been duly authorized by the governing body of the applicant; and the entity possesses the legal authority to apply for the financing and enter into a financing agreement with the State Water Resources Control Board and to finance and construct the proposed facilities.

Name of Authorized Representative:

Title:

Signature of Authorized Representative:

Date:

CERTIFICATION FOR COMPLIANCE WITH WATER METERING REQUIREMENTS FOR FUNDING APPLICATIONS



Funding Agency Name:	State Water Resources Control Board
Funding Program Name:	Drinking Water State Revolving Fund
Applicant (Agency Name):	

Please check one of the boxes below and sign and date this form.

- As the authorized representative for the applicant agency, I certify under penalty of perjury that the agency is not an urban water supplier, as that term is understood pursuant to the provisions of section 529.5 of the Water Code, and that the applicant agency is in compliance with Water Code, section 525, requiring a suitable water meter to be installed as a condition of new water service.
- As the authorized representative for the applicant agency, I certify under penalty of perjury that the applicant agency has fully complied with the provisions of Division 1, Chapter 8, Article 3.5 of the California Water Code (sections 525 through 529.7 inclusive), as applicable and that the ordinances, rules, or regulations submitted with this certification as listed below have been duly adopted and are in effect as of this date.

I understand that the Funding Agency will rely on this signed certification in order to approve funding and that false and/or inaccurate representations in this Certification Statement may result in loss of all funds awarded to the applicant for its project. Additionally, for the aforementioned reasons, the Funding Agency may withhold disbursement of project funds, and/or pursue any other applicable legal remedy.

Name of Authorized Representative: _____

Title: _____

Signature of Authorized Representative: _____

Date: _____



Drinking Water State Revolving Fund (DWSRF) Program Potential DWSRF **Flags** Worksheet

To avoid potential delays later in your DWSRF application process, we recommend you review the following list of questions and statements, and place a check (✓) beside each question or statement where your answer is “yes” or “true”.

If you answer “yes” or “true” to any of the questions or statements on this worksheet, we recommend that you discuss the specifics of your answers with the State Water Board, Division of Financial Assistance staff at your earliest opportunity so we can identify issues up front that may require supplementary information or additional review time. Although it is not a required application attachment, we recommend you submit this worksheet with your “General Information Package”.

Applicant (Entity) Name

Project Title:

Contact Person:

Phone:

✓ if Yes or True	<u>LEGAL</u> Question / Statement
	1.a. If you anticipate grant-only funding, after reviewing and discussing with your attorney(s), do you have any concerns regarding your ability to comply with the Exhibit C Standard Terms and Conditions used for all DFA funding agreements? Terms and conditions: https://www.waterboards.ca.gov/water_issues/programs/grants_loans/general_terms.html 1. b. If you anticipate repayable financing from the Board (i.e., a loan), after reviewing and discussing the form of agreement and forms of opinion of counsel, do you have any concerns regarding your ability to comply with the Board’s standard terms and conditions or provide opinion(s) of counsel?
	2. Is there doubt about whether your governing statutes allow you to finance your project through the DWSRF?
	3. Is there existing or pending litigation with respect to your system’s assets, water rights, or regarding the source of repayment or implementation of the project?
	4. Are there any existing or pending inquiries or investigations of your agency, members of the board of directors, or key management by outside entities, for example, the Grand Jury?
	5. Was there a significant level of protests during the most recent rate setting process?
	6. Is there an existing or pending rate rollback initiative on an upcoming ballot, or are there any efforts within the community to initiate a rate rollback? Have rates been rolled back in the past due to a voter initiative?
	7. Has there been or is there currently significant disagreement within the community about the project?
	8. Will the project involve a public-private partnership?



Drinking Water State Revolving Fund (DWSRF) Program Potential DWSRF **Flags** Worksheet

	9. Are you a small community or a dependent special district anticipating that some or all of your financial assistance will be a repayable loan?
	10. Are you a State agency, a Native American Tribe, a federal entity, or a non-governmental entity?
	11. Are you a Joint Powers Authority or are there agreements with other entities related to the project?
	12. Do you need to purchase or otherwise obtain legal access rights to the project property for the term of the financing to implement the project?
	13. Are you not the owner of all of the system's property?
	14. Are there liens on any of the system's property?
	15. Do your property rights for any of the property needed for the Project extend for less than 33 years from the date of the application or are subject to revocation?
	16. Does the application include the purchase of land or other assets?
	17. Do you expect to use eminent domain so that you can implement your project?
	18. If you are a private entity, are you not in good standing with the California Secretary of State and the Franchise Tax Board?
	19. If you are a private entity, are you domiciled and registered outside of California?



Drinking Water State Revolving Fund (DWSRF) Program Potential DWSRF **Flags** Worksheet

✓ if Yes or True	<u>TECHNICAL</u> Question / Statement
	1. Do you anticipate that the plans & specifications will be out for bids within the next 6 to 12 months (i.e., likely before receiving an executed financing agreement)?
	2. The project bidding is complete, but the specifications did not include the Build America, Buy America (BABA), the American Iron and Steel, Disadvantaged Business Enterprises, or Davis-Bacon requirements.
	3. You are an urban water supplier and your project is a water management project as defined by Water Code section 10631 (AB 1420). You have not received a compliance letter from the Department of Water Resources.
	4. Is this a regionalization project, or will the project be a joint effort with other agencies?
	5. The plans and specifications have not been reviewed and/or approved by the Division of Drinking Water for permitting purposes.
	6. Do you have policies and procedures to solicit, evaluate, and select candidates for professional services using a fair, competitive selection process based on demonstrated competence and professional qualifications, consistent with California Government Code section 4526.
	7. Do you anticipate the project will be implemented in phases with multiple bids?
	8. Do you anticipate the project will be implemented with a Design-Build delivery method?

✓ if Yes or True	<u>ENVIRONMENTAL</u> Question / Statement
	1. The environmental documents have not been prepared for the proposed project.
	2. The environmental documents were not prepared to meet "federal cross-cutting" requirements.
	3. Will the project impact any cultural resources?
	4. Will the project impact any state or federally listed species?
	5. Will the project require consultations with the United States Fish and Wildlife Service or the National Marine Fisheries Service?
	6. Will the project's air quality emissions (construction and operation) exceed the federal de minimis levels, and require a general conformity determination?
	7. Will the project require a Clean Water Act Section 404 permit and a Section 401 Certification?



Drinking Water State Revolving Fund (DWSRF) Program
Potential DWSRF Flags Worksheet

	8. Is there any significant controversy related to the project's environmental documents?
	9. Were the project's environmental documents approved more than five years from the expected date of the DWSRF financing agreement?
	10. If the water system is private and there is no local discretion, has the water system discussed with the local agency about carrying out the CEQA lead agency role?
	11. Is it anticipated that the Lead Agency for the potential construction project will be an agency other than the Applicant?



Drinking Water State Revolving Fund (DWSRF) Program Potential DWSRF **Flags** Worksheet

✓ if Yes or True	<u>FINANCIAL</u> Question / Statement
	1. Is the entity's status "Suspended" with the Secretary of State?
	2. If non-profit, is the entity unable to provide a copy of its tax exemption confirmation statement from the IRS? If not non-profit, please enter "N/A" in the box.
	3. Are you missing any portion of the necessary Project funding aside from what is being sought as part of this application? Please enter "N/A" in the box if no additional funding sources are necessary.
	4. Has the entity ever failed to make timely and sufficient payments on its existing loans within the past 10 years? If none, please enter "N/A" in the box.
	5. Are you planning to pledge a repayment source other than Net Revenues of your water enterprise, as defined in Appendix E to the DWSRF Policy?
	6. Are your annual revenues currently insufficient to cover annual expenses?
	7. Will you be requesting approval of your DWSRF financing before rates, assessments, or other charges used to support repayment are adopted?
	8. Do you have outstanding fines or penalties due to non-compliance with a permit or order?
	9. Do you have existing debt that relies on the same source of revenue as the source you plan to pledge for repayment of the DWSRF financing?
	10. Will the Project be co-funded with funding other than the Drinking Water State Revolving Fund?
	11. Was the last rate study completed over five years ago?
	12. Do your existing debt covenants affect your ability to incur new parity debt, and/or are non-compliant with existing debt covenants?
	13. Are you currently out of compliance or have you been out of compliance with covenants in your existing debt in the preceding 5 years?
	14. Have you had a prior material event such as a bankruptcy, default, unscheduled draw on reserve funds, substitution of insurers on their failure to perform, or unscheduled draw on a credit enhancement in the preceding 10 years?
	15. Are you subject to a lien on any portion of the system property?
	16. If you are a government entity, do you have a local debt limit?
	17. Have you taken actions in anticipation of the sale of significant system assets?
	18. Have you taken actions in anticipation of restructuring or dissolution?
	19. Have you taken actions in anticipation of filing for bankruptcy protection or other insolvency proceedings?



Drinking Water State Revolving Fund (DWSRF) Program Potential DWSRF **Flags** Worksheet

Name of Authorized Representative: _____

Title: _____

Signature of Authorized Representative: _____

Date: _____

AUTHORIZED REPRESENTATIVE RESOLUTION/ORDINANCE

RESOLUTION NO: _____

WHEREAS _____
(insert appropriate findings)

RESOLVED BY THE _____ OF THE
(insert name of Governing Board of the Entity)
_____ (the "Entity"), AS FOLLOWS:
(insert Entity name)

The _____ (the "Authorized Representative") or designee is
(insert Title of Authorized Representative)
hereby authorized and directed to sign and file, for and on behalf of the Entity, a Financial Assistance
Application for a financing agreement from the State Water Resources Control Board for the planning,
design, and construction of _____ (the
"Project"). (insert Project Name)

This Authorized Representative, or his/her designee, is designated to provide the assurances,
certifications, and commitments required for the financial assistance application, including executing a
financial assistance agreement from the State Water Resources Control Board and any amendments or
changes thereto.

The 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.

Ayes [Boards Members voting yes]
Nos [Board Members voting no]

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly
adopted at a meeting of the _____
held _____
(insert name of Governing Board of the Entity)
on _____
(Date)

(Name, Signature, and Seal of the Clerk or Authorized Record Keeper of the Governing Board of the
Agency)

[This is a sample template of a corporate resolution designating authority to apply, borrow, and grant security for financing, as applicable. The specific language will vary based on the type of the applicant and on the requirements of the corporation's articles of incorporation, bylaws and other corporate documents, and should be prepared in consultation with the corporation's attorney. Note that prior to the State Water Resources Control Board executing a financial assistance agreement, it may be required that the applicant's board of directors adopt a resolution authorizing the agreement as issued.]

_____ [Date]

RESOLUTION No. ____

RESOLUTION OF THE BOARD OF DIRECTORS OF

[Applicant entity's legal name]

DESIGNATING AUTHORITY TO

TO APPLY, BORROW AND TO GRANT SECURITY

WHEREAS, _____, is a California [for-profit/ non-profit] *[Applicant entity's legal name]* corporation in good standing with the California Secretary of State (the "Company");

WHEREAS, the Company owns and operates a community water system known as _____ with [] connections;

WHEREAS, the Company [is/ is not] a water corporation subject to regulation by the California Public Utilities Commission;

WHEREAS, the Company [is/ is not] a mutual water company as defined in Section 14300 of the Corp. Code;

WHEREAS, the Company seeks financing from the State Water Resources Control Board ("State Water Board") for a project commonly known as _____ ("Project");

WHEREAS, the Project has a clear and definite public purpose, and will benefits customers of the water system and not the investors;

WHEREAS, the Board of Directors adopted a Project budget; and

WHEREAS, prior to the State Water Board issuing a financing agreement, the Board of Directors is required to establish a dedicated source of revenue to repay the DWSRF loan and authorizing an officer to execute all corresponding agreements, amendments, and certifications.

1. NOW, THEREFORE BE IT RESOLVED, that the _____ is hereby (insert title of Authorized Representative) authorized and directed to sign and file, for and on behalf of the Company, an application for financial assistance from the State Water Board for the planning, design, and/or construction of the Project;
2. BE IT FURTHER RESOLVED, that the Authorized Representative is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Board and any amendments or changes thereto;
3. BE IT FURTHER RESOLVED, that the Authorized Representative is hereby authorized to incur Indebtedness not to exceed \$ _____ pursuant to the DWSRF financing

agreement (The term "Indebtedness" as used herein means all debts, obligations and liabilities, currently existing or now or hereafter made, incurred or created in connection with the financing);

4. BE IT FURTHER RESOLVED, that the Authorized Representative is hereby authorized to grant security interests in, pledge, assign, transfer, endorse, mortgage or otherwise hypothecate to the State Water Board, and execute security or pledge agreements, financial statements and other security interest perfection documentation, mortgages and deeds of trust on, and give trust receipts for, any or all property or assets of the Company as may be agreed upon by the Authorized Representative, or his/her designee, as collateral security for any or all of the Indebtedness, and to grant and execute renewals, extensions or modifications thereof, and to authorize the State Water Board to perform any act necessary to perfect security, including but not limited to filing a Uniform Commercial Code (UCC-1) lien with the Secretary of State;
5. RESOLVED FURTHER, that the Authorized Representatives or designee is, authorized to represent the Company in carrying out the Company's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Company and compliance with applicable state and federal laws;
6. RESOLVED FURTHER, that the Secretary of this Company is authorized to certify to the State Water Board a copy of this resolution and the name and signature of the Authorized Representative hereby authorized to act hereunder, and the State Water Board is hereby authorized to rely upon such certificate until formally advised by a like certificate of any change therein, and is hereby authorized to rely on any such additional certificates; and
7. RESOLVED FURTHER, that 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 Board is authorized to rely upon this Resolution until written notice to the contrary, executed by the Board of Directors, is received by the State Water Board. The State Water 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 _____ or in any other document.
(Applicant entity's legal name)

PASSED AND ADOPTED this ____ th day of _____, 20____, by the following vote:

- AYES: _____
[Full names of Board Members]
- NOES: _____
[None or full names of Board Members]
- ABSTAIN: _____
[None or full names of abstaining Board Members]
- ABSENT: _____
[None or full names of Board Members]

CERTIFICATION

I, _____, do hereby certify that I am the duly elected and qualified Secretary and the keeper of the records and corporate seal of _____, a corporation organized and existing under the laws of the State of California (the "Company"), and that the foregoing is a true and correct copy of Resolution No. _____ duly adopted by the Board of Directors of said Company at the Regular Meeting of said Board held on the ____th day of _____ 20____, in accordance with law and the by- laws of the Company, and that such resolutions are now in full force and effect, unamended, unaltered and unrepealed.

I FURTHER CERTIFY THAT the following person has been duly appointed or elected and is now acting as officer or employee of the Company in the stated capacity:

_____	_____	_____	_____
<i>(Print Name)</i>	<i>(Title)</i>	<i>(Date)</i>	<i>(Signature)</i>
_____	_____	_____	_____
<i>(Print Name)</i>	<i>(Title)</i>	<i>(Date)</i>	<i>(Signature)</i>
_____	_____	_____	_____
<i>(Print Name)</i>	<i>(Title)</i>	<i>(Date)</i>	<i>(Signature)</i>

IN WITNESS WHEREOF, I have subscribed my name as Secretary as of _____ 20_____.
(Date)

[Signature]
 _____, Secretary
[Name]
 _____, a California corporation
[Applicant's entity's legal name]