

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2007- 0032**

A WAIVER OF CERTAIN REQUIREMENTS OF THE STATE REVOLVING  
FUND (SRF) LOAN POLICY (POLICY) AND THE SMALL COMMUNITY WASTEWATER  
GRANT (SCWG) PROGRAM GUIDELINES (GUIDELINES) FOR THE NEVADA COUNTY  
SANITATION DISTRICT NO. 1 (DISTRICT); CASCADE SHORES WASTEWATER  
TREATMENT PLANT PROJECT (PROJECT)

**WHEREAS:**

1. The Division of Financial Assistance (Division) approved the Facility Plan for the District's Project on July 21, 2006, and the District agreed with the Approval on July 27, 2006;
2. The Division, on September 8, 2006, approved a Preliminary SRF Loan Commitment of \$3,100,000, and a SCWG Combination Grant Commitment of \$1,941,943, for the District's Project;
3. The Division's Loan Commitment expires if the District does issue Notice to Proceed (NTP) with construction by July 6, 2007, and the Loan Agreement is not signed by the applicant by September 1, 2007; the District will be unable to meet these deadlines under the current circumstances;
4. The Division's SCWG commitment for the construction grant portion of the Grant expires February 8, 2008, if the District does not issue a NTP with construction of the Project;
5. The District has conducted two rounds of bidding for its Project and rejected all bids on both occasions;
6. The District's property owners have rejected a property assessment that would have supported construction of the Project using these bids;
7. The District adopted Resolution No. SD07-13 on April 24, 2007, by four-fifths vote stating its belief that it can construct the Project using the alternative procedures of California Public Contracts Code (PCC) Section 20783 more economically than it can using traditional bidding;
8. The District estimates the construction cost savings using the alternative procedures of PCC Section 20783 will be \$2 million to \$2.5 million;
9. The District requested a waiver of the competitive bidding requirements in Section IV of the Policy, the Minority Business Enterprise/Women's Business Enterprise requirements in Section X.F of the Policy, and the competitive bidding requirements in Section X of the Guidelines, in order to undertake a contracting arrangement pursuant to PCC Section 20783; and
10. Division Staff will review the technical specifications of the District's proposed Contracts and review the District's proposals to ensure that they meet the objectives of the Facility Plan and that they are likely to result in a complete project that will meet the District's goals.

**THEREFORE BE IT RESOLVED THAT:**

The State Water Board:

1. Waives the competitive bidding requirements of Section XIV of the Policy, the Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) requirement of Section X.F of the Policy, and the competitive bidding requirement of Section X of the Guidelines.
2. Will only execute the Loan and Grant Agreements for this Project if the District's voters have approved a Proposition 218 assessment sufficient to support repayment of the SRF Loan and adequately operate and maintain the constructed facilities.
3. Extends the Preliminary SRF Loan Commitment expiration date in the Division's, September 8, 2006 approval; the Preliminary SRF Loan Commitment will expire if the District does not issue NTP by February 8, 2008.

**CERTIFICATION**

The undersigned, Clerk to the 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 June 5, 2007.

AYE: Tam M. Doduc  
Arthur G. Baggett, Jr.  
Charles R. Hoppin  
Frances Spivy-Weber

NO: None

ABSENT: Gary Wolff, P.E., Ph.D.

ABSTAIN: None



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Clerk to the Board