

**RESOLUTION NO. 2023-04**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE LINCOLN SMD-1 WASTEWATER AUTHORITY DELEGATING AUTHORITY TO THE GENERAL MANAGER TO PERFORM ACTIONS NECESSARY TO FINALIZE THE ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS AND EXECUTE AND DELIVER CERTIFICATES OF ACCEPTANCE**

**WHEREAS**, the Lincoln SMD-1 Wastewater Authority (“LiSWA” or “Authority”) is a joint powers agency organized and operating pursuant to the provisions of the Constitution and the laws of the State of California (“State”); and

**WHEREAS**, the LiSWA was established pursuant to a Joint Powers Agreement (“JPA”) entered into by and between the City of Lincoln (“City”) and the County of Placer (“County” and collectively with the City, the “Member Agencies” and each a “Member Agency”); and

**WHEREAS**, from time-to-time, the Authority will acquire, or will need to acquire, (1) easements or rights-of-way in real property necessary to operate its facilities and/or infrastructure; and/or (2) fee interests in real property necessary to operate its facilities and/or infrastructure, pursuant to the terms and conditions of agreements, grants, deeds or similar instruments which may be separately approved by the LiSWA Board of Directors (“Board”); and

**WHEREAS**, California law requires public agencies to execute a certificate of acceptance, which must be recorded along with any documents or deeds granting property interests to such agency; and

**WHEREAS**, to facilitate the acquisition of real property interests, or to otherwise complete the transfer of real property interests to the Authority, the Board has determined that it is appropriate to delegate authority to the Authority’s General Manager (“General Manager”) to perform various actions necessary or desirable in connection therewith,

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LINCOLN SMD-1 WASTEWATER AUTHORITY DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are each true and correct and are incorporated herein.

**Section 2. Authorization.** Pursuant to California Government Code Section 27281, and related California law, the Board hereby authorizes the General Manager or the General Manger’s designee(s) to:

(a) accept, on behalf of the Authority and the Board, interests in real property, or any portion thereof, to be conveyed to the Authority;

(b) accept on behalf of the Authority and the Board those easement interests reasonably necessary for the operation of the Authority’s wastewater systems or infrastructure;

(c) consent to the recording of deeds and other instruments providing for conveyance to the Authority of real property interests as referred to herein;

(d) take any and all such actions, and execute any and all other documents, as necessary or convenient for purposes of completing the acquisition of real property interests by the Authority as contemplated herein; and

(e) if applicable, cause to be disbursed all funds necessary, up to the amount separately approved by the Board, to complete the acquisition by the Authority of real property interests contemplated herein.

**Section 3. Certificate of Acceptance.** The acceptance and consent provided pursuant to Section 2(a) and (b) hereof may be evidenced by the execution of a “Certificate of Acceptance” by the General Manager, or the General Manager’s designee(s), either attached to or set forth on the face of the deed or other instrument conveying any portion of the contemplated real property interest, in substantially the following form:

CERTIFICATE OF ACCEPTANCE: This is to certify that the interests in real property conveyed by this deed or grant, dated \_\_\_\_\_, from \_\_\_\_\_ to the Lincoln SMD-1 Wastewater Authority, a governmental agency, is hereby accepted by the undersigned officer on behalf of the Board of Directors of the Lincoln SMD-1 Wastewater Authority, pursuant to authority conferred by Resolution No. \_\_\_\_\_ adopted by such Board on \_\_\_\_\_, 2023, and the Lincoln SMD-1 Wastewater Authority consents to recording hereof by the undersigned, duly authorized officer.

**Section 4. Other Actions.** The General Manager and other Authority officers and staff and the Authority’s consultants are hereby authorized and directed to take all necessary and appropriate actions as may be required or desirable to carry out the findings and directives of this Resolution.

**Section 5. Effective Date.** This Resolution shall be effective immediately upon adoption by the Board.

[Remainder of this page intentionally left blank]

**ADOPTED, SIGNED AND APPROVED** this 12<sup>th</sup> day of May, 2023.

THE BOARD OF DIRECTORS OF THE  
LINCOLN SMD-1 WASTEWATER AUTHORITY

By:                     *Dan Kaslo*                      
President of the Board of Directors of the  
Lincoln SMD-1 Wastewater Authority

ATTEST:

By:                     *George M. Barber*                      
Clerk of the Board of Directors of the  
Lincoln SMD-1 Wastewater Authority

STATE OF CALIFORNIA                                        )  
  ) ss.  
COUNTY OF PLACER                                        )

I, George Barber, Secretary of the Board of Directors of the Lincoln SMD-1 Wastewater Authority, do hereby certify that the foregoing resolution was duly adopted by the Board of Directors of such Authority, at a meeting thereof duly and regularly held at the regular meeting place thereof on May 12, 2023, of which meeting all of the members of such Board had due notice and at which a majority thereof were present; at which a quorum of such Board was present and acting throughout and for which notice and an agenda was prepared and posted as required by law and that at said meeting said resolution was adopted by the following vote.

AYES:           Dan Karleskint, Chair  
                   Jim Holmes, Vice Chair  
                   Holly Andreatta, Director  
                   Shanti Landon, Director

NOES:           None

ABSTAIN:       None

ABSENT:        None

*George M. Barber*  
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Secretary of the Board of Directors of the  
Lincoln SMD-1 Wastewater Authority

STATE OF CALIFORNIA

)

) ss.

COUNTY OF PLACER

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I, George Barber, Secretary of the Board of Directors of the Lincoln SMD-1 Wastewater Authority, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2023-04 of such Board and that the same has not been amended or repealed.

Dated: May 12, 2023

*George M. Barber*

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Clerk of the Board of Directors of the  
Lincoln SMD-1 Wastewater Authority