

RESOLUTION NO. 10-20

**RESOLUTION OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST
AUTHORIZING
THE 2010 TRUST PLANNING FINANCING PROGRAM**

WHEREAS, the New Jersey Environmental Infrastructure Trust (the "Trust") pursuant to and in accordance with (i) the "New Jersey Environmental Infrastructure Trust Act", constituting Chapter 334 of the Pamphlet Laws of 1985 of the State (codified at N.J.S.A. 58:11B-1 *et seq.*), as the same has been, and in the future may from time to time be, amended and supplemented (the "Act") and (ii) the regulations promulgated pursuant to the Act (N.J.A.C. 7:22-2.1 *et seq.*), as the same have been, and in the future may from time to time be, amended and supplemented (the "Regulations"), is authorized to develop loan programs for local government units and public water utilities; and

WHEREAS, on December 18, 2008, the Trust duly adopted resolution No. 08-43 establishing the 2009 Planning Financing Program to provide zero and low interest planning and design interim loans to local government units and public water utilities (hereafter, each an "Eligible Borrower"), as those terms are defined in N.J.S.A. 58:11B-3, with the intent of encouraging the construction of environmental infrastructure projects; and

WHEREAS, a proposed project sponsor is eligible to be a Borrower for a Trust Planning Loan for purposes of financing the allowable planning and design costs of the environmental infrastructure project of such Borrower pursuant to the Trust Planning Loan Program, provided each of the following conditions is satisfied in full: (i) the project is listed on the project priority list developed in accordance with N.J.A.C. 7:22-4.8(a) for funding in the forthcoming State Fiscal Year; (ii) the proposed project sponsor has submitted a complete application for the project in accordance with N.J.A.C. 7:22-4.11; (iii) the project has been certified for funding by the Trust in accordance with N.J.A.C. 7:22-4.13; (iv) the project is in the fundable range in the forthcoming funding cycle given the project's rank and the anticipated availability of Department of Environmental Protection and Trust monies for Interim Loans; and (v) the proposed project sponsor has not previously received an Planning Loan through the Planning Financing Program for the same project scope; and

WHEREAS, it is the desire of the Trust, subject to the terms and provisions of the Act, the Regulations and this Resolution, to authorize the implementation of the 2010 Trust Planning Loan Program.

NOW, THEREFORE, BE IT RESOLVED THAT the Trust hereby directs the Executive Director of the Trust to:

1. Proceed with the implementation of a program to provide zero and low interest planning and design interim loans to local government units and public water utilities (hereafter, each an "Eligible Borrower"), as those terms are defined in N.J.S.A. 58:11B-3, with the intent of stimulating the implementation of environmental infrastructure projects (hereafter the "2010 Trust Planning Financing Program"), such Trust Planning Financing Program to consist of the following terms and provisions:

- a. Trust Planning Financing Program loans (hereafter, "Trust Planning Loans" or "Loans") shall be provided by the Trust to Eligible Borrowers in connection with environmental infrastructure projects to be owned and/or operated by such Eligible Borrowers;
- b. Loans to (i) all local government units and (ii) those public water utilities serving fewer than 10,000 residents shall be provided by the Trust at an annual interest rate of 0%; and Loans to all other Eligible Borrowers shall be provided by the Trust at an annual interest rate of 2%;
- c. Loans to any Eligible Borrower with respect to a particular Trust Planning Project (as hereinafter defined) shall not exceed \$500,000 in principal amount;
- d. Loans shall be limited to Eligible Borrowers that are undertaking environmental planning and engineering design activities for environmental infrastructure projects (each a "Trust Planning Project"), provided that such Eligible Borrowers and their Trust Planning Project comply with each of the provisions of N.J.A.C. 7:22-4.47;
- e. Loans shall mature on or before the date of issuance by the Trust of its final Trust bond issuance that shall close at any time during State Fiscal Year 2011;
- f. The source of funding for Trust Planning Loans shall be the Interim Financing 2010 Trust Loan Program, as established by the terms of Resolution No. 09-42, and, specifically, the "Available Funds", as defined and identified, and to the extent permitted, therein, which Resolution No. 09-42 is hereby amended for the purpose of authorizing the provision by the Trust of Trust Planning Loans as a subcategory or component of the Interim Financing 2010 Trust Loan Program, and the issuance of Trust Planning Loans shall fully comply with the terms and provisions, as well as the procedures, established in Resolution No. 09-42, except to the extent that the specific terms and provisions of the Trust Planning Loans as set forth herein shall conflict with the standard terms and provisions with respect to the Interim Financing 2010 Trust Loan Program as set forth in Section 2 of Resolution No. 09-42, in which case the specific terms and provisions of the Trust Planning Loans as set forth herein shall prevail; and
- g. Loans shall not be subject to the imposition by the Trust of an administrative fee;

BE IT FURTHER RESOLVED THAT, the Executive Director of the Trust shall take all actions necessary for the immediate implementation of the aforementioned direction.

Adopted Date: January 21, 2010

Motion Made By: Mr. Victor

Motion Seconded By: Mr. Barrack

Ayes: 7

Nays: 0

Abstentions: 0