

RESOLUTION NO. R-2019-244

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, RELATING TO THE STATE REVOLVING FUND PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION FOR \$20,526,000.00 INCLUDING CAPITALIZED INTEREST AND LOAN SERVICE FEE FOR CONSTRUCTION FUNDING FOR THE OCEAN OUTFALL REGULATORY COMPLIANCE DEEP INJECTION WELLS PROJECT # 18-9119; AUTHORIZING THE APPROPRIATE CITY OFFICIAL TO EXECUTE A LOAN AGREEMENT FOR THE FUNDING; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS AND SEVERABILITY; AMENDING THE APPROVED FISCAL YEAR 2019 OPERATING BUDGET FOR THE WATER AND SEWER ENTERPRISE FUND (442); AMENDING THE APPROVED FY2019 – FY2023 CAPITAL IMPROVEMENT PLAN.

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of water and wastewater facilities; and

WHEREAS, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative, to provide assurances of compliance with loan program requirements, and to enter into a loan agreement; and

WHEREAS, the State Revolving Fund (“SRF”) Program with the Florida Department of Environmental Protection (“DEP”) will hold a hearing in August 2019 to approve funding for construction funds for the Ocean Outfall Regulatory Compliance Deep Injection Wells (DW0604A) project; and

WHEREAS, the City intends to enter into a loan agreement with the DEP under the SRF Program for financing in the amount of \$20,526,000.00, including Capitalized Interest and Loan Service Fees of \$526,000.00; and

WHEREAS, on September 26, 2018, the City Commission approved Resolution Nos. R-2018-301 and R-2018-302, which approved the FY2019-FY2023 Capital Improvement Program; and

WHEREAS, it is necessary to amend the approved FY 2019 Water and Sewer Fund (442) operating budget and the approved FY 2019-FY2023 Capital Improvement Program, as detailed in the attached Exhibit “1”; and

WHEREAS, the Department of Public Utilities recommends that the City Commission authorize the appropriate City officials to enter into a loan agreement with the DEP under the SRF Program for project financing in an amount of \$20,526,000.00, including Capitalized Interest and Loan Service Fees of \$526,000.00 for the Ocean Outfall Regulatory Compliance Deep Injection Wells (DW0604A) project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clause are ratified and confirmed as being true and correct and incorporated in this Resolution.

Section 2: That the City is authorized to apply for a loan to finance Ocean Outfall Regulatory Compliance Deep Injection Wells Phase I project with the Department of Environmental Protection.

Section 3: That the revenues pledged for the repayment of the loan are net water and sewer utility system revenues after payment of debt service on the City's Series 2010, 2014 and 2016 Water and Sewer Revenue Bonds and the State of Florida Revolving Fund Loans issued through 2019.

Section 4: That the City Manager is designated as the authorized representative to provide the assurances and commitments required by the loan application.

Section 5: That the City Manager is designated as the authorized representative to execute the loan agreement that will become a binding obligation in accordance with its terms when signed by both parties.

Section 6: That the City Manager is authorized to delegate responsibility to appropriate City staff to carry out technical, financial, and administrative activities associated with the loan agreement.

Section 7: That the legal authority for borrowing monies to construct this project is the Florida Statutes.

Section 8: That these amendments, Adjustments and Transfers of funding to the FY 2019 Operating Budget and the FY 2019 – FY 2023 Capital Improvement Program for the Fiscal Year beginning October 1, 2018 and set forth in detail in the attached Exhibit "1" are adopted and authorized as Amendments and/or Adjustments to the various Operating Budgets of the Funds of the City of Hollywood, Florida, for the Fiscal Year 2019.

Section 9: That it authorizes the Department of Financial Services to create and establish certain accounts to recognize the receipt of funds and appropriate those funds for expenditures as may be required.

Section 10: That all resolutions or part of resolutions in conflict with any of the provisions of this Resolution are repealed.

Section 11: That if any Section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Resolution.

Section 12: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 28 day of August, 2019.



JOSH LEVY, MAYOR

ATTEST:



PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida only.



DOUGLAS R. GONZALES
CITY ATTORNEY

DR

Exhibit 1: Amendments / Transfers / Reallocations
Water & Sewer Enterprise Fund (442)

Additional funding request for the SRF application (DWSRF) to provide additional costs needed for Deep Injection Wells 3 & 4

Revenue

Description	Account Number	Amount
SRF Proceeds Deep Injection Wells (DWSRF)	To Be Established	20,000,000.00
SRF Proceeds (Fees & Capital Interest)	To Be Established	<u>526,000.00</u>
Total		\$ 20,526,000.00

Expenses

Description	Account Number	Amount
SRF Deep Injection Wells No. 3 and No. 4 Construction	To Be Established	20,000,000.00
Fees & Capital Interest	To Be Established	<u>526,000.00</u>
Total		\$ 20,526,000.00