BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 77-2020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELATING TO THE DRINKING WATER STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; APPROVING THE FORM AND AUTHORIZING EXECUTION OF THE LOAN AGREEMENT FOR CONSTRUCTION OF THE MONTEREY ROAD SUBDIVISION WATERMAIN IMPROVEMENTS PROJECT; PROVIDING FOR CONFLICTS; SEVERABILITY, AND EFFECTIVE DATE.

* * * * *

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of clean water projects; 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 City of Stuart, Florida (the "City") has previously adopted Resolution No. 42-2020 on April 27, 2020 authorizing the loan application, establishing pledged revenues, providing assurances and designating authorized representatives; and

WHEREAS, the City, now intends to approve the form and authorize execution of the loan agreement attached hereto as Exhibit A (the "Loan Agreement") with the State of Florida Department of Environmental Protection ("FDEP") under the Drinking Water State Revolving Fund for project financing.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2: The loan evidenced by the Loan Agreement in the amount of not to exceed $781,230.00 is hereby approved. The estimated amount of principal forgiveness is $384,998.00 and $330,000.00 of funding is being provided by FDEP. Therefore, the estimated principal amount of the loan to be repaid is $66,232.00. The interest rate on such loan of 0.00% is hereby approved. The Mayor of the City is hereby authorized to execute and deliver the Loan Agreement to be attested and countersigned by its City Clerk of the City, subject to the approval of the City Attorney of the City as to form and legality, and the corporate seal of the City shall be affixed thereto or reproduced thereon.

SECTION 3: If net utility systems revenues are insufficient in any fiscal year to pay the debt service due pursuant to the Loan Agreement in such fiscal year, the City shall covenant, in the Loan Agreement, to budget and appropriate legally available non-ad valorem revenues in the amount of the deficiency. Notwithstanding any provisions of this Resolution or the Loan Agreement to the contrary, (i) the Loan Agreement and the indebtedness evidenced thereby shall not constitute a lien upon any real or personal property of the City, or any part thereof, or any other tangible personal property of or in the City, but shall constitute a lien only on funds budgeted and appropriated for the repayment of the loan, all in the manner and to the extent provided in the Loan Agreement, and (ii) the City shall never be obligated to maintain or continue any of the activities of the City which generate user service charges, regulatory fees or any non-ad valorem revenues.

SECTION 4: All resolutions or part of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 5: 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 6: This Resolution shall be in full force and take effect immediately upon its passage and adoption.

Resolution No. 77-2020
Authorize Loan Agreement – Monterey Road Subdivision Watermain Improvements

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
VACANT, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				

ADOPTED this 13th day of July, 2020.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL
CITY ATTORNEY

EXHIBIT A

Loan Agreement