BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 121-2018

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELATED TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE MAYOR TO EXECUTE THE DRINKING WATER FACILITIES STATE REVOLVING FUND LOAN AGREEMENT FOR THE DESIGN OF PHASES I & II OF THE 1.0 MGD RO WTP PROJECT; DESIGNATING AUTHORIZED REPRESENTATIVES; ESTABLISHING PLEDGED REVENUES; PROVIDING ASSURANCES; 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, On October 8, 2018, the City Commission authorized the Financial Services Director to apply for the Drinking Water Facilities State Revolving Fund Loan Application and to enter into the loan agreement attached hereto as Exhibit A; and

WHEREAS, the City of Stuart, Florida intends to enter into a loan agreement with the Florida Department of Environmental Protection under the State Revolving Fund for project financing.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AS FOLLOWS:

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

SECTION 2: The City of Stuart, Florida has previously authorized Staff to apply for the Drinking Water Facilities State Revolving Fund Loan Application for the $768,375.00 design of Phases I & II of the 1.0 MGD RO WTP Project. The loan principal amount of $779,275.00, which includes $10,900.00 of capitalized interest is hereby approved. The interest rate on such loan of 1.94% is hereby approved.

SECTION 3: The revenues pledged for the repayment of the loan are net water and sewer utility system revenues after payment of operating expenses of the water and sewer utility systems and debt service on the City's Subordinate Lien Public Utilities Revenue Refunding Note, Series 2006, Subordinate Lien Public Utilities Revenue Refunding Note, Series 2007, Subordinate Lien Public Utilities Revenue Refunding Note, Series 2007B, and any bonds or notes issued on parity therewith. Such revenues pledged to repay the loan are on parity and equal status with State Revolving Fund Loan WW430400 and State Revolving Fund Loan DW43042. If such 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: The City's Financial Services Director is hereby designated as the authorized representative to provide assurances and commitments required by the loan application.

SECTION 5: The Mayor is hereby designated as the authorized representative to execute the loan agreement in substantially final form attached hereto as Exhibit A, which will become a binding obligation in accordance with its terms when signed by both parties. The Mayor is authorized to represent the City in carrying out the City's responsibilities under the loan agreement.

SECTION 6: The legal authority for borrowing moneys to design this Project is Chapter 166, Florida Statutes.

SECTION 7: All Resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 8: 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 9: This Resolution shall become effective immediately upon its passage and adoption.

Resolution No. 121-2018
Authorize Loan Agreement – Design Phases I & II – 1.0 MGD RO WTP

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
KELLI GLASS LEIGHTON, MAYOR				
BECKY BRUNER, VICE MAYOR				
EULA R. CLARKE, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED this _____ day of _____.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
KELLI GLASS LEIGHTON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL MORTELL
CITY ATTORNEY