

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING A STATE REVOLVING FUND CLEAN WATER PROGRAM LOAN APPLICATION FOR \$1,173,714.38 FOR CAPITALIZED INTEREST AND LOAN SERVICE FEES FOR FUNDING OF THE OCEAN OUTFALL REGULATORY COMPLIANCE PHASE II - DEEP INJECTION WELLS NOS. 3 AND 4 PUMP STATION PROJECT; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO AUTHORIZE ADDITIONAL FUNDING FOR THE PROGRAM; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES.

WHEREAS, on July 1, 2008, the Florida Legislature approved, and the Governor signed into law, House Bill No. 7139 and Senate Bill No. 1302 to what is now called the 2008 Ocean Outfall Legislation ("OOL"), which was later amended in 2013; and

WHEREAS, the OOL requires the elimination of effluent disposal through the Southern Regional Wastewater Treatment Plant ("SRWWTP") ocean outfall by the year 2025; and

WHEREAS, the City chose to comply with this legislation by disposing of SRWWTP effluent via a new deep injection well ("IW") system that required drilling two IWs (Nos. 3 and 4) and constructing a pump station to convey effluent into these IWs; and

WHEREAS, this project was constructed in two phases, Phase I includes IWs 3 and 4; Phase II includes the pump station for those IWs; and

WHEREAS, Florida law provides for loans to local government agencies to finance the construction of water and wastewater facilities through the State Revolving Fund ("SRF") Program; and

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

WHEREAS, on April 17, 2019 and August 28, 2019, the City Commission approved Resolutions R-2019-094 and R-2019-244, respectively, to fund the Ocean Outfall Regulatory Compliance Phase I Project ("OO Phase I") through the Florida Department of Environmental Protection ("FDEP") SRF program using both Clean Water and Drinking Water Funding; and

WHEREAS, on August 28, 2019, pursuant to Resolution R-2019-246, the City Commission authorized appropriate City officials to execute a contract with Youngquist Brothers, Inc. for construction services related to OO Phase I at the SRWWTP in the amount of \$39,939,939.00; and

WHEREAS, on June 16, 2021, pursuant to Resolution R-2021-161, the City Commission approved the City's loan agreement with FDEP under the Drinking Water SRF Program in the amount of \$59,943,579.00, including Capitalized Interest and Loan Service Fees of \$1,604,329.00; and

WHEREAS, on June 16, 2021, pursuant to Resolution R-2021-159, the City Commission approved the City's loan agreement with the FDEP under the Clean Water SRF Program in the amount of \$36,882,000.00, including Capitalized Interest and Loan Service Fees of \$882,000.00; and

WHEREAS, additional funding through FDEP under the Drinking Water SRF Program in the amount of \$18,395.671.00 has been approved; and

WHEREAS, on March 1, 2023, pursuant to Resolution No. R-2023-063, the City Commission approved additional funding in the amount of \$12,393,719.00; and

WHEREAS, additional funding through FDEP under the Clean Water SRF program in the amount of \$1,173,714.38 was approved and is necessary to cover Capitalized Interest and Loan Service fees; and

WHEREAS, the Department of Public Utilities recommends that the City Commission authorize the appropriate City officials to authorize additional funding with FDEP under the Clean Water SRF Program for project financing in an amount of \$1,173,714.38, including Capitalized Interest and Loan Service Fees, for the OO Phase II Pump Station Project No. WW0604C0; and

WHEREAS, the Department of Public Utilities will enter into a loan agreement with FDEP under the Clean Water SRF Program for project financing in a total amount of \$49,275,719.00, plus Capitalized Interest and Loan Service Fees of \$1,173,714.38, for the OO Phase II Pump Station Project, Project No. CW0604C0.

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

Section 1: That the foregoing "WHEREAS" clauses 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 the OO Phase II Pump Station Project No. CW0604C0 (19-9119A) with FDEP.

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, 2016, and 2020 Water and Sewer Revenue Bonds, and the State of Florida Revolving Fund Loans issued through 2024.

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, which will become a binding obligation in accordance with its terms when signed by both parties, and 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 6: That the legal authority for borrowing monies to construct this project is pursuant to Florida Statutes.

Section 7: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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JOSH LEVY, MAYOR

ATTEST:

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PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM

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DOUGLAS R. GONZALES  
CITY ATTORNEY