

RESOLUTION NO. R-2024-056

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE STATE REVOLVING FUND LOAN PROGRAM APPLICATION IN THE ESTIMATED AMOUNT OF \$4,700,215.08 INCLUDING CAPITALIZED INTEREST AND LOAN SERVICE FEES FOR FUNDING OF PROJECTS RELATED TO EMERGING CONTAMINANTS COMPLIANCE; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE A LOAN AGREEMENT FOR THE FUNDING; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS AND SEVERABILITY.

WHEREAS, Florida Statutes provide for loans to local government agencies to finance projects that upgrade water treatment facilities and equipment to comply with Safe Drinking Water Act ("SDWA") regulations; 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's public water system is regulated by the SDWA, which has established protective drinking water standards for more than 90 emerging contaminants, including Per- and polyfluoroalkyl substances ("PFAS"); and

WHEREAS, the City's water sampling program has detected PFAS that are listed on the United States Environmental Protection Agency's ("USEPA") Fifth Unregulated Contaminant Monitoring Rule ("UCMR5") in the raw water that the water treatment plant processes into potable water; and

WHEREAS, the USEPA established maximum contaminant levels for PFOS and PFOA, which are PFAS substances, with a compliance deadline of December 2026; and

WHEREAS, the Department of Public Utilities ("Department") is evaluating alternatives to improve the City's Water Treatment Plant's processes and equipment to comply with the proposed PFAS regulations; and

WHEREAS, the Florida Department of Environmental Protection ("FDEP") State Revolving Fund ("SRF") loan program has funding available for projects designed to bring public water systems in compliance with revisions to the USEPA UCMR5; and

WHEREAS, the SRF loan priority list designates Project No. LS-0604F as eligible for available funding; and

WHEREAS, the City intends to enter into a loan agreement with FDEP for SRF financing in the estimated amount of \$4,700,215.08 including capitalized interest and loan service fees of \$182,515.08; and

WHEREAS, the Department recommends that the City Commission authorize the appropriate City officials to enter into a loan agreement with FDEP SRF for project financing in the estimated amount of \$4,700,215.08, including capitalized interest and loan service fees for the USEPA UCMR5 PFAS compliance projects.

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 are incorporated in this Resolution.

Section 2: That the City is authorized to apply for an FDEP SRF loan to finance the removal of PFAS contaminants from the City's drinking water.

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 2020 and 2016 Water and Sewer Revenue Bonds and SRF loans issued through 2023.

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.

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 for these projects is the Florida Statutes.

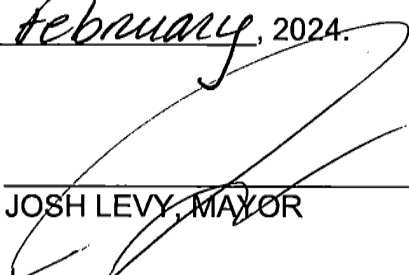
Section 8: That all resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are repealed.

Section 9: That if any section or portion of a section of this Resolution is found 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.

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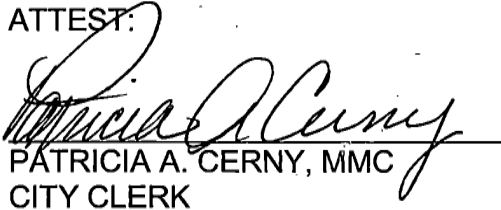
Section 10: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 21 day of February, 2024.



JOSH LEVY, MAYOR

ATTEST:



PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:



DOUGLAS R. GONZALES 
CITY ATTORNEY