

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, ACCEPTING AND RATIFYING STAFF'S RECOMMENDATION FOR BID NO. IFB-4636-20-GJ, A BID FOR FISCAL YEAR 2020 BANK LOAN; ACCEPTING THE RESPONSE OF SYNOVUS BANK FOR LOANS TO FINANCE CERTAIN CAPITAL IMPROVEMENT PROJECTS; AUTHORIZING THE LOANS AND THE RELATED ISSUANCE OF BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$11,700,000.00; AWARDING THE BONDS; APPROVING EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND THE BONDS IN CONNECTION WITH SUCH LOANS; AUTHORIZING PROPER OFFICERS AND EMPLOYEES TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

WHEREAS, the City Commission of the City of Hollywood, Florida ("City") approved Resolution R-2020-028 on January 15, 2020, authorizing the City Manager or designee to seek loan proposals to finance capital improvements within the City consisting of ERP systems implementation; construction of lifeguard and first aid towers; the design and engineering of the Johnson Street Complete Street project; street resurfacing at various locations throughout the City, and the Hollywood Boulevard Complete Street project (collectively, the "Ten Year Project Loan"), and the purchase of a local government radio system (non-public safety), including infrastructure equipment and subscriber/radio units, the installation of new alarm hardware and software at fire stations, recreation management software, and a closed circuit TV security camera system (collectively, the "Seven Year Project Loan", and together with the Ten Year Project Loan, the "Loans"), all as more fully described in the Bid (collectively, the "Projects") in an amount not to exceed \$11,700,000.00 in the aggregate; and

WHEREAS, the City issued Bid No. IFB-4636-20-GJ ("Bid") seeking proposals from qualified financial institutions willing to provide the Loans in an aggregate principal amount not to exceed \$11,700,000.00 to finance the cost of the Projects; and

WHEREAS, funding for the debt service payment is available in account number 001.190103.58100.571290.000000.000.000; and

WHEREAS, the Loans are to be secured by and payable from a pledge of the City's Local Business Taxes; and

WHEREAS, in compliance with the City's Code of Ordinances, the Bid was issued on March 3, 2020, and proposal documents were made available for electronic download from BidSync; and

WHEREAS, the Loans are to be evidenced by Loan Agreements with the successful bank ("Loan Agreements"), and by the City's Capital Improvement Revenue Bond, Series 2020A, and its Capital Equipment Revenue Bond, Series 2020B, (collectively, the "Bonds") issued by the City; and

WHEREAS, on April 16, 2020, the date specified in the Bid, as amended, as the deadline for submitting responses, the City received a single response to the Bid from Synovus Bank; and

WHEREAS, upon review of the bid, staff recommends that the City accept the bid of Synovus Bank for the Ten Year Project Loan and for the Seven Year Project Loan, and to award the sale of the Bonds to Synovus Bank for the Ten Year Project Loan and for the Seven Year Project Loan.

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

Section 1: Incorporation of Recitals. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: Authority for this Resolution. The City Commission is authorized to adopt this Resolution ("Resolution") under the authority granted by the provisions of Chapter 166, Florida Statutes, and other applicable provisions of law.

Section 3: Negotiated Sale; Acceptance of Response to Bid. The City accepts and approves the response to the Bid of Synovus Bank for the Ten Year Project Loan and for the Seven Year Project Loan, and awards the Bonds and Loan Agreement to Synovus Bank. The City finds that, due to the present volatility of the market for obligations such as the Bonds, and the complexity of the transactions relating to the Bonds, it is in the best interest of the City to award the Bonds to Synovus Bank by a negotiated sale rather than by public sale at a specified advertised date, in order to permit the City to obtain the best possible terms and conditions, including interest rate, for the Bonds. As a condition of the delivery of the Bonds to Synovus Bank, Synovus Bank shall deliver to the City the disclosure statement and truth-in-bonding statements required by Chapter 218, Florida Statutes, and an investor letter substantially in the form attached as Form 10 to the Bid.

Section 4: Authorization of Projects and Bonds. The Projects and the financing of the cost thereof through the issuance of the Bonds are each approved. The City authorizes the issuance of the Bonds in an aggregate principal amount not to exceed \$11,700,000.00 for the purpose of providing funds that will be used to finance the cost of the Projects and pay costs of issuance of the Bonds.

Section 5: Approval of Loan Documents. The City approves the form of the attached Loan Agreement. Upon execution by the City Attorney to signify his approval of the legal sufficiency thereof, the Mayor of the City, or in his absence the Vice Mayor, are authorized and directed to execute, and the City Clerk or designee is authorized to attest the Loan Agreement and the Bonds, in each case in a form consistent with the provisions of the Bid and the response from Synovus Bank, and to deliver the Loan Agreement to Synovus Bank. The Loan Agreement shall be in substantially the form of the attached Loan Agreement with such changes, amendments, modifications, omissions and additions as may be approved by the Mayor or Vice Mayor and City Attorney. Each of the Bonds shall be secured by a pledge of the Local Business Tax as further described in the Loan Agreement. Execution of the Loan Agreement and the Bonds by such officials shall constitute conclusive evidence of approval by the City.

Section 6: Application of the Proceeds of the Bonds. The proceeds derived from the sale of the Bonds shall be applied by the City, consistent with this Resolution and the Bid, as set forth in a certificate executed by the City Manager and delivered at the time of issuance of the Bonds or in the Loan Agreement.

Section 7: Miscellaneous. The City Manager, City Clerk, City Attorney, Bond Counsel, and other authorized officers of the City are authorized and directed to execute and deliver all documents, contracts, instruments and certificates and to take all actions and steps on behalf of the City, including executing all closing certificates, that are necessary or desirable in connection with the Loans, the Loan Agreement, the Bonds, or otherwise in connection with any of the foregoing, which are not inconsistent with the terms and provisions of this Resolution.

Section 8: Severability. Should any sentence, section, clause, part, or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole or any part thereof, other than the part declared invalid.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, ACCEPTING AND RATIFYING STAFF'S RECOMMENDATION FOR THE AWARD OF BID NO. IFB-4636-20-GJ, A BID FOR FISCAL YEAR 2020 BANK LOAN, AND ACCEPTING THE RESPONSE OF SYNOVUS BANK FOR LOANS TO FINANCE CERTAIN CAPITAL IMPROVEMENT PROJECTS.

Section 9: Effective Date. This Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2020.

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