

RESOLUTION NO. 23-03

**A RESOLUTION OF THE CITY OF SPRINGFIELD, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.**

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the design and construction of sewer system facilities; 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 State Revolving Fund loan priority list designates Project No. WW030532 as eligible for available funding; and

WHEREAS; the City of Springfield, Florida, intends to enter into a loan agreement with the 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 SPRINGFIELD, FLORIDA, AS FOLLOWS:

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

SECTION II. The City of Springfield, Florida, is authorized to apply for a loan to finance the Project.

SECTION III. The revenues pledged for the repayment of the loan are net sewer system revenues after payment of the City's debt service component on the City of Callaway, Florida and Bay County, Florida, Wastewater System Revenue Refunding Bonds, Series 2004 (the "Series 2004 Bonds"), as refunded by means of issuance of the City of Callaway, Florida and Bay County, Florida, Wastewater System Revenue Refunding Note, Series 2014 (the "Series 2014 Note"), pursuant to the terms of the Wastewater Treatment Contract between the City of Springfield and Bay County, Florida, acting through its Board of County Commissioners as the operator of the System pursuant to the Military Point Advanced Wastewater Treatment Facility Interlocal Agreement dated as of September 12, 1996, as amended.

The pledge on revenues under the above referenced project would then only be subject to any prior liens associated with the State Revolving Fund loans including:

- Florida Department of Environmental Protection, SRF Loan, Project #WW030501
- Florida Department of Environmental Protection, SRF Loan, Project #WW030520

and that certain Lease-Purchase Agreement with Government Capital Corporation dated September 28, 2018.

SECTION IV. The Mayor is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

SECTION V. The Mayor is hereby 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. The Mayor is authorized to represent the City in carrying out the City's responsibilities under the loan agreement. The Mayor is authorized to delegate responsibility to appropriate City staff to carry out technical, financial, and administrative activities associated with the loan agreement.

SECTION VI. The legal authority for borrowing moneys to construct this Project is 166.111 Florida Statutes.

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

SECTION VIII. 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 IX. This Resolution shall become effective immediately upon its passage and adoption.

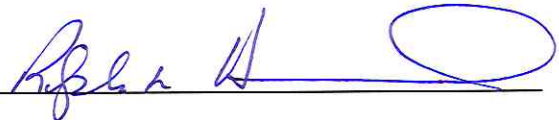
PASSED and ADOPTED this 6<sup>th</sup> day of February, 2023.

ATTEST:

CITY OF SPRINGFIELD, FLORIDA



Teresa Cox, City Clerk



Ralph Hammond, Mayor

January 31, 2023

Ms. Teresa Robson  
Program Administrator  
State Revolving Fund Management  
2600 Blair Stone Road, Mail Station 3505  
Tallahassee, Florida 32399-2400

RE: WW030532 – City of Springfield, Florida  
Project Description: Sewer System rehabilitation

Dear Ms. Robson:

I am the duly appointed City Attorney for the City of Springfield, Florida. The City proposes to borrow \$10,713,029.00 from the State Revolving Fund for rehabilitation of the City's sewer system. The loan will be secured by the net revenues of the City's sewer system which are legally available to pledge. The City of Springfield, Florida, has the legal authority to increase utility rates to ensure repayment of the loan.

As stated in my February 1, 2021 and February 9, 2016 letters to you, regarding project WW3050, and again in my September 2, 2016 letter regarding Project WW3050-1, and finally in my September 4, 2018 letter regarding Project WW03052, I found no lien on the City's water and sewer revenues. However, as a practical matter, the City must maintain sufficient water and sewer rates to meet its contractually agreed debt service component under its wholesale wastewater treatment contract with Bay County, as operator of the Military Point Advanced Wastewater Treatment System. Therefore, any City sewer revenues net of its contractual obligations mentioned herein are free to be pledged.

The pledge on revenues under the above referenced project would then only be subject to any prior liens associated with the State Revolving Fund loans including:

- Florida Department of Environmental Protection, SRF Loan, Project #WW030501
- Florida Department of Environmental Protection, SRF Loan, Project #WW03052
- Florida Department of Environmental Protection, SRF Loan, Project #DW03051

Sincerely,



Kevin D. Obos