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ORDINANCE NO. 2015 - 16

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

15 **WHEREAS**, in December of 2011, the City completed Phase 1 of its Sanitary
16 Sewer Evaluation Survey ("SSES") to assess the magnitude of infiltration and inflow
17 throughout its wastewater collection system; and

18 **WHEREAS**, the City hired LMK Pipe Renewal to complete the first five (5)
19 priorities that were outlined in the SSES; and

20 **WHEREAS**, The City intends to enter into a loan agreement with the Florida
21 Department of Environmental Protection ("FDEP") under the State Revolving Loan Fund
22 ("SRF"); to investigate priorities six through fifteen (6-15), and conduct comprehensive
23 repair to the system in a shorter period of time than currently anticipated; and

24 **WHEREAS**, Florida Statutes authorize the FDEP to provide loans to local
25 government agencies for the financing of wastewater treatment facilities construction;
26 and

27 **WHEREAS**, the State Revolving Fund loan priority list designates the City's
28 Project for comprehensive repairs to our wastewater collection system, Project No.
29 06172, as eligible for available funding in the amount of five hundred fifty thousand
30 (\$550,000.00) dollars; and

31 **WHEREAS**, all entities requesting funding from FDEP, in compliance with Florida
32 Administrative Code rule 62-503, must submit an application which sets forth proof of
33 authorization to apply for loans; to establish pledged revenues; to designate an
34 authorized representative; and provide assurances of compliance with loan program
35 requirements; and to enter into a loan agreement; and

36 **WHEREAS**, the submission of the application for funding to FDEP under the
37 State Revolving Loan Fund is a request to borrow money; and

38
39 **WHEREAS**, Article V, Section 5.01 of the City Charter requires that the City's
40 authorization to borrow money must be accomplished through an ordinance; and

41
42 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY**
43 **COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

44 **SECTION 1. Findings.** The foregoing findings are incorporated herein by
45 reference and made a part hereof.

46 **SECTION 2. City Authorization.** The City is authorized to apply for a loan to
47 finance the Project.

48 **SECTION 3. Pledged Revenues.** The revenues pledged for the repayment of
49 the loan are water and sewer system revenues after payment of debt service on the
50 City's current obligations:

- 51 1. JPMorgan Chase bank Loan 2001A Refund
52 2. FMLC Bonds 2005A

53 **SECTION 4. Provision for Assurance and Commitments.** The City Manager
54 is hereby designated as the authorized representative to provide the assurances and
55 commitments required by the loan application.

56 **SECTION 5. Authorization to Execute Loan Agreement.** The Mayor is hereby
57 designated as the authorized representative to execute the loan agreement which will
58 become a binding obligation in accordance with its terms when signed by both parties.
59 The Mayor is authorized to represent the City in carrying out the City's responsibilities
60 under the loan agreement. The Mayor is authorized to delegate responsibility to
61 appropriate City designee to carry out technical, financial, and administrative activities
62 associated with the loan agreement.

63 **SECTION 6. Legal Authorization.** The legal authority for borrowing moneys to
64 construct this Project is per Florida Statute 403.1835(10).

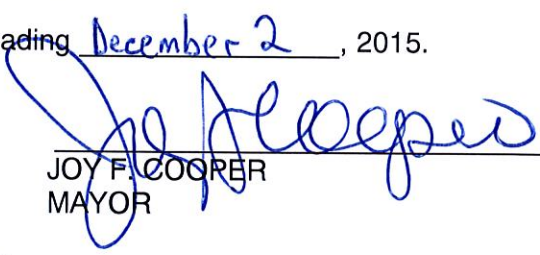
65 **SECTION 7. Conflict.** All Ordinances or part of Ordinance in conflict with any of
66 the provisions of this Ordinance are hereby repealed.

67 **SECTION 8. Severability.** If any section or portion of a section of this Ordinance
68 proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or
69 impair the validity, force, or effect of any other section or part of this Ordinance.

70 **SECTION 9. Effective Date.** This Ordinance shall become effective immediately
71 upon its passage and adoption.

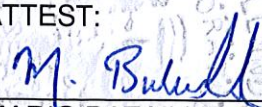
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74 PASSED AND ADOPTED on 1st reading October 28, 2015.

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76 PASSED AND ADOPTED on 2nd reading December 2, 2015.

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80 JOY F. COOPER
81 MAYOR

82 SPONSORED BY: CITY ADMINISTRATION

83
84 ATTEST:

85 
86 MARIO BATAILLE, CMC
87 CITY CLERK
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89 APPROVED AS TO LEGAL SUFFICIENCY
90 FORM

91
92 
93
94 V. LYNN WHITFIELD
95 CITY ATTORNEY

VOTE	
AYE/NAY	
Mayor Cooper	☒ / ☐
Vice Mayor Julian	☒ / ☐
Comm. Lazarow	☒ / ☐
Comm. London	☒ / ☐
Comm. Sanders	☒ / ☐