1	ORDINANCE NO. 2018-026
2 3 4 5 6 7 8 9 10 11 12 13 14	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 FOR PHASE II OF THE CITY'S INFLOW AND INFILTRATION PROJECT; ESTABLISHING PLEDGED REVENUES; PROVIDING ASSURANCES OF COMPLIANCE WITH LOAN PROGRAM REQUIREMENTS; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
15	WHEREAS, Section 403.1835, Florida Statutes provides for loans to loca
16	government agencies to finance the construction of wastewater treatment facilities; and
17	WHEREAS, on December 2, 2015, the City Commission adopted Ordinance No
18	2015-16 approving the State Revolving Fund loan program for Project No. 06172 for the
19	planning phase (Phase 1) of the City's Inflow and Infiltration Project; and
20	
21	WHEREAS, the City and the Florida Department of Environmental Protection
22	("FDEP") fully executed the loan agreement on March 1, 2016. A total amount of state
23	financial assistance was awarded in the amount of five hundred fifty thousand dollars
24	(\$550,000); and
25	
26	WHEREAS, the City Commission awarded RFP # FY 2016-2017-001 CCNA
27	Inflow & Infiltration Study and Analysis to Public Utility Management & Planning
28	Services, Inc. at the City Commission meeting on March 15, 2017 for Phase 1 of the
29	City's Inflow and Infiltration Project; and
30	
31	WHEREAS, Phase I of the project, the Sanitary Sewer Evaluation Survey
32	("SSES") Report is now complete, and the City is ready to proceed with Phase II of the
33	Inflow & Infiltration project, which includes construction and rehabilitation to repair the
34	system deficiencies outlined in SSES Report; and
35	

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36	WHEREAS, the State Revolving Fund loan priority list designates Revolving		
37	Fund Construction Project No. WW06172 as eligible for available funding in the amount		
38	of three million six hundred thousand dollars (\$3,600,000); and		
39			
40	WHEREAS, the City intends to enter into a loan agreement with the FDEP under		
41	the State Revolving Loan Fund ("SRF") to fund Phase II of the Inflow & Infiltration		
42	project; and		
43			
44	WHEREAS, Florida Administrative Code Rule 62-503 requires authorization to		
45	apply for loans, to establish pledged revenues, to designate an authorized		
46	representative; to provide assurances of compliance with loan program requirements;		
47	and to enter into a loan agreement; and		
48 49	WHEREAS, Florida Administrative Code Rule 62-503 further provides that when		
50	a loan agreement executed by a local government project sponsor is submitted to the		
51	Department for execution, it shall include an affirmation by the project sponsor's legal		
52	counsel that (a) The loan agreement constitutes a valid and legal obligation of the		
53	borrower; (b) The loan agreement specifies the revenues pledged to the repayment of		
54	the loan; and (c) The pledge is valid and enforceable; and		
55			
56	WHEREAS, the submission of the application for funding from FDEP under the		
57	State Revolving Loan Fund is a request to borrow money; and		
58			
59	WHEREAS, Article V, Section 5.01 of the City Charter requires that the City's		
60	authorization to borrow money must be accomplished through an ordinance.		
61			
62	NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY		
63	COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:		
64			
65	SECTION 1. Findings. The foregoing findings are incorporated herein by		
66	reference and made a part hereof.		
67			

68	SECTION 2. City Authorization. The City is authorized to apply for a loan to		
69	finance Project WW06172 for Phase II of the City of Hallandale Beach Inflow &		
70	Infiltration Project.		
71			
72	SECTION 3. Pledged Revenues. The revenues pledged for the repayment of		
73	the loan are net water and sewer system revenues after payment of debt service on the		
74	City's current obligations:		
75	1. JPMorgan Chase Revenue Note, Series 2012		
76	2. BB&T Revenue Refunding Note, Series 2014		
77			
78	SECTION 4. Provision for Assurance of Compliance. The City Manager is		
79	hereby designated as the authorized representative to provide the assurance of		
80	compliance with loan program requirements.		
81			
82	SECTION 5. Authorization to Execute Loan Agreement. The Mayor is hereby		
83	designated as the authorized representative to execute the loan agreement which will		
84	become a binding obligation in accordance with its terms when signed by both parties.		
85	The Mayor is authorized to represent the City in carrying out the City's responsibilities		
86	under the loan agreement. The Mayor is authorized to delegate responsibility to		
87	appropriate City designee to carry out technical, financial, and administrative activities		
88	associated with the loan agreement.		
89			
90	SECTION 6. Legal Authorization. The legal authority for borrowing moneys to		
91	construct this Project is per Section 403.1835, Florida Statutes.		
92			
93	SECTION 7. Conflict. All Ordinances or part of Ordinance in conflict with any of		
94	the provisions of this Ordinance are hereby repealed.		
95			
96	SECTION 8. Severability. If any section or portion of a section of this Ordinance		
97	proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or		
98	impair the validity, force, or effect of any other section or part of this Ordinance.		
99			

100	SECTION 9. Effective Date. This Ordinance shall become effective immediately		
101	upon its passage and adoption.		
102			
103	PASSED AND ADOPTED on 1st reading on August 15, 2018.		
104			
105	PASSED AND ADOPTED on 2nd reading on September 17, 2018.		
106			
107			
108		KEITH S. LONDON	
109		MAYOR	
110	SPONSORED BY: CITY ADMINISTRATION		
111	ATTEST:		
112			
113			
114	JENORGEN GUILLEN		
115	CITY CLERK		
116			
117	APPROVED AS TO LEGAL SUFFICIENCY		
118	FORM		
119			
120			
121	JENNIFER MERINO		
122	CITY ATTORNEY		

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