

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

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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

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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

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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

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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.

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62 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY**
63 **COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

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

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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.

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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

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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.

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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.

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90 **SECTION 6. Legal Authorization.** The legal authority for borrowing moneys to
91 construct this Project is per Section 403.1835, Florida Statutes.

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94 the provisions of this Ordinance are hereby repealed.

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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.

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

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103 PASSED AND ADOPTED on 1st reading on August 15, 2018.

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105 PASSED AND ADOPTED on 2nd reading on September 17, 2018.

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107

KEITH S. LONDON

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109

MAYOR

110 SPONSORED BY: CITY ADMINISTRATION

111 ATTEST:

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113

114 JENORGEN GUILLEN

115 CITY CLERK

116

117 APPROVED AS TO LEGAL SUFFICIENCY

118 FORM

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120

121 JENNIFER MERINO

122 CITY ATTORNEY