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**ORDINANCE NO. 2018-026**

**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.**

**WHEREAS**, Section 403.1835, Florida Statutes provides for loans to local government agencies to finance the construction of wastewater treatment facilities; and

**WHEREAS**, on December 2, 2015, the City Commission adopted Ordinance No. 2015-16 approving the State Revolving Fund loan program for Project No. 06172 for the planning phase (Phase 1) of the City's Inflow and Infiltration Project; and

**WHEREAS**, the City and the Florida Department of Environmental Protection ("FDEP") fully executed the loan agreement on March 1, 2016. A total amount of state financial assistance was awarded in the amount of five hundred fifty thousand dollars (\$550,000); and

**WHEREAS**, the City Commission awarded RFP # FY 2016-2017-001 CCNA Inflow & Infiltration Study and Analysis to Public Utility Management & Planning Services, Inc. at the City Commission meeting on March 15, 2017 for Phase 1 of the City's Inflow and Infiltration Project; and

**WHEREAS**, Phase I of the project, the Sanitary Sewer Evaluation Survey ("SSES") Report is now complete, and the City is ready to proceed with Phase II of the Inflow & Infiltration project, which includes construction and rehabilitation to repair the system deficiencies outlined in SSES Report; and

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

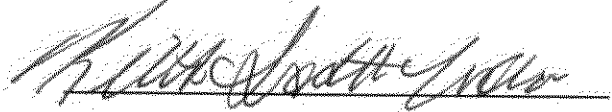
103            PASSED AND ADOPTED on 1st reading on August 15, 2018.

104

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

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107



108

KEITH S. LONDON

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MAYOR

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SPONSORED BY: CITY ADMINISTRATION

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ATTEST

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113

114

JENORGEN GUILLEN

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CITY CLERK

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APPROVED AS TO LEGAL SUFFICIENCY

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FORM

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120

121

JENNIFER MERINO

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CITY ATTORNEY

VOTE  
AYE/NAY

Mayor London	<input checked="" type="checkbox"/> / <input type="checkbox"/>
Vice Mayor Lazarow	<input checked="" type="checkbox"/> / <input type="checkbox"/>
Comm. Butler	<input checked="" type="checkbox"/> / <input type="checkbox"/>
Comm. Daily	<input checked="" type="checkbox"/> / <input type="checkbox"/>
Comm. Taub	<input checked="" type="checkbox"/> / <input type="checkbox"/>