

RESOLUTION NUMBER 25-____

“A RESOLUTION OF MARTIN COUNTY, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; APPROVING THE FORM AND AUTHORIZING EXECUTION AND DELIVERY OF AMENDMENT NO. 1 TO CLEAN WATER STATE REVOLVING FUND CONSTRUCTION LOAN AGREEMENT WW430280 BETWEEN THE COUNTY AND THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.”

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of wastewater treatment 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. WW43028 (the "Project") as eligible for available funding; and

WHEREAS, Martin County, Florida (the "County") previously entered into Clean Water State Revolving Fund Loan Agreement WW430280 with the Florida Department of Environmental Protection ("FDEP") to finance costs of the Project in the amount of \$4,132,977, excluding Capitalized Interest; and

WHEREAS, the County intends to borrow additional funds for the Project from FDEP in the amount of \$ 4,593,523, excluding Capitalized Interest, through Amendment 1 to Loan Agreement WW430280; and

WHEREAS, Loan Agreement WW430280, together with Amendment 1 thereto, are collectively referred to herein as the "Loan".

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, AS FOLLOWS:

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

SECTION II. The County is authorized to apply for the Loan to finance the Project.

SECTION III. The revenues pledged for the repayment of the Loan are the net operating revenues of the County's utility system after payment of debt service on (i) the County's Utilities System Refunding Revenue Bonds, Series 2016A, (ii) any refunding obligations which refund some or all of the obligations described above, and (iii) any new money obligations incurred in the future on parity therewith. With respect to the net operating revenues of the County's utility system, the loan will be on parity basis with the following loan agreements between the County and FDEP: (i) the Clean Water State Revolving Fund Loan Agreement WW430210, as amended, (ii) the Clean Water State Revolving Fund Loan Agreement WW430250, as amended; (iii) the

Drinking Water State Revolving Fund Loan Agreement WW430240, as amended; (iv) the Clean Water State Revolving Fund Construction Loan Agreement WW430260, as amended; and (v) the Drinking Water State Revolving Fund Construction Loan Agreement DW430270, as amended.

SECTION IV. The Chair or the Vice Chairman of the Board of County Commissioners of the County is hereby designated as the authorized representative to provide the assurances and commitments required by the Loan and loan application.

SECTION V. The Chair or the Vice Chairman of the Board of County Commissioners of the County is hereby authorized to execute Amendment 1 to Loan Agreement WW430280 to be attested by the Clerk of the Circuit Court and Comptroller or any Deputy Clerk of the County and to be approved as to form & legal sufficiency by the County Attorney or any acting Acting County Attorney or Assistant County Attorney, in substantially the form attached hereto as Appendix A, which will become a binding obligation in accordance with its terms when signed by both parties. The Chair or the Vice Chairman of the Board of County Commissioners of the County is authorized to represent the County in carrying out the County's responsibilities under the Loan. The Chair or the Vice Chairman of the Board of County Commissioners of the County is authorized to delegate responsibility to appropriate County staff to carry out technical, financial, and administrative activities associated with the Loan and loan application, including execution of supporting documentation required by FDEP.

SECTION VI. The legal authority for borrowing moneys to construct this Project is Chapter 125, Florida Statutes, and other applicable provisions of law.

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.

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

PASSED and ADOPTED this _____ Day of _____, 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

SARAH HEARD, CHAIR

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

APPROVED AS TO FORM &
LEGAL SUFFICIENCY:

ELYSSE A. ELDER
ACTING COUNTY ATTORNEY

APPENDIX A

AMENDMENT 1