

RESOLUTION NUMBER 24-_____

“A RESOLUTION OF MARTIN COUNTY, FLORIDA, RELATING TO THE CLEAN WATER 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, SEVERABILITY, AND EFFECTIVE DATE.”

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of water and wastewater 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 Clean Water Project No. 43026 (the “Project”) as eligible for available funding; and

WHEREAS; Martin County, Florida (the “County”) intends to enter into a loan agreement with the Florida Department of Environmental Protection (the "FDEP") under the State Revolving Fund to finance the Project.

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 a 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 WWG12063607P, as amended (matures April 15, 2025); (iii) the Clean Water State Revolving Fund Loan Agreement WW430250, as amended; (iv) the Drinking Water Revolving Fund Loan Agreement WW430240, as amended; (v) the Clean Water Revolving Fund Loan Agreement pertaining to Project No. 43027, as amended, if such loan occurs (application pending); and (vi) the Drinking Water Revolving Fund Loan Agreement pertaining to Project No. 43028, as amended, if such loan occurs (application pending).

SECTION IV. The County Administrator is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

SECTION V. The Chairman of the Board of County Commissioners of the County (the “Board”) is hereby designated as the authorized representative to execute the loan agreement or agreements to be subsequently approved in substantially final form by the Board, which will become a binding obligation in accordance with the terms when signed by both parties. The Chairman is authorized to represent the County in carrying out the County’s responsibilities under the loan agreement. The Chairman is authorized to delegate responsibility to appropriate County staff to carry out technical, financial, and administrative activities associated with the loan application and agreement.

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.

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

PASSED and ADOPTED this 12th day of November, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

HAROLD E. JENKINS II, CHAIRMAN

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

APPROVED AS TO FORM &
LEGAL SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY