

RESOLUTION NUMBER 19-26

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING A LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AN AUTHORIZED REPRESENTATIVE; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of water 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. DW36080 (the "Project") as eligible for available funding; and

WHEREAS; the Town of Fort Myers Beach, Florida, intends to enter into a loan agreement with the Florida Department of Environmental Protection under the State Revolving Fund for Project financing.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein by this reference.

Section 2. The Town Manager or designee is authorized to apply for a loan to finance the Project.

Section 3. The revenues pledged for the repayment of the loan are the gross revenues derived yearly from the operation of the Town's water system, after payment of the operation and maintenance expenses and the satisfaction of all yearly senior debt payment obligations listed below:

- Town of Fort Myers Beach, Florida Utility Revenue Refunding Bond, Series 2013.
- Florida Department of Environmental Protection Drinking Water State Revolving Fund Loan DW360800.

Section 4. The Mayor is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

Section 5. The Town Manager designee is hereby designated as the authorized representative to execute the loan agreement and any subsequent amendments which will become a binding obligation in accordance with its terms when signed by both parties.

Section 6. The Town Manager or designee is authorized to represent the Town of Fort Myers Beach in carrying out responsibilities under the loan agreement. The Town Manager is authorized to delegate responsibility to appropriate staff to carry out technical, financial, and administrative activities associated with the loan agreement.

Section 7. The legal authority for borrowing moneys to construct the Project is Section 166.111, *Fla. Stat.* and Section 403.8532, *Fla Stat.*

Section 8. All Resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 9. 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.

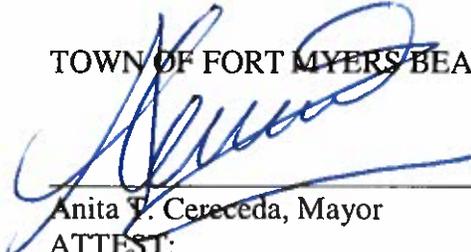
Section 10. This Resolution shall become effective immediately upon its passage and adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember Hosafros and seconded by Councilmember Shamp and upon being put to a vote, the result was as follows:

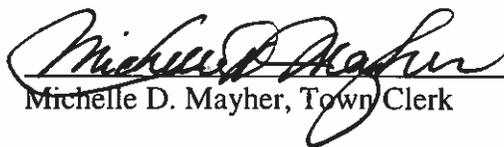
Anita Cereceda, Mayor	Aye
Ray Murphy, Vice Mayor	Aye
Joanne Shamp, Councilmember	Aye
Rexann Hosafros, Councilmember	Aye
Bruce Butcher, Councilmember	Aye

ADOPTED this 23rd day of September, 2019 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

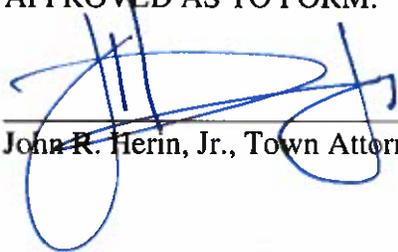


Anita T. Cereceda, Mayor
ATTEST:



Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM:



John R. Herin, Jr., Town Attorney