

RESOLUTION NO. 2012-13

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS AND REQUIREMENTS OF THE CLEAN WATER STATE REVOLVING FUND LOAN AMENDMENT 1 TO THE PREVIOUSLY EXECUTED CONSTRUCTION LOAN AGREEMENT WW550301 BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO THE CONSTRUCTION OF SEWER IMPROVEMENTS TO PHASE-OUT EXISTING SEPTIC TANKS IN THE CITY, UNDER WHICH LOAN AGREEMENT ST. JOHNS COUNTY, FLORIDA, AGREED TO REPAY THE RELATED LOAN MADE TO THE CITY IN ACCORDANCE WITH SAID LOAN AGREEMENT AND THE INTERLOCAL AGREEMENT, AS AMENDED, BETWEEN THE CITY AND THE COUNTY RELATING THERETO; AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE SAID AMENDMENT 1 ON BEHALF OF ST. JOHNS COUNTY, FLORIDA.

WHEREAS, the St. Johns County, Florida (the "County"), and the City of St. Augustine Beach, Florida (the "City"), entered into an Interlocal Agreement dated April 28, 1992, in order to establish terms and conditions related to transportation level of service, road maintenance, water and sewer, protection of potable water wellfields, emergency medical services and fire protection, recreation, solid waste recycling, and solid waste; and

WHEREAS, in order to more fully establish the terms, conditions, provisions, requirements, responsibilities and obligations of the County and the City in connection with a phase-out of existing septic tanks and the implementation of the sewer project contemplated by the County and the City (the "Sewer Project") and to pursue and secure loan funds for the Sewer Project, the County and the City entered into a First Addendum and a Second Addendum to said Interlocal Agreement, dated June 5, 2006 and July 8, 2009, respectively (collectively, the "Interlocal Agreement"); and

WHEREAS, the County and the City qualified the Sewer Project for the American Recovery and Reinvestment Act (the "ARRA") from the Stimulus Funds and for other available loan funds through the State of Florida Department of Environmental Protection (the "Department"); and

WHEREAS, pursuant to St. Johns County Resolution No. 2009-257, St. Johns County accepted the terms, provisions, conditions and requirements of Clean Water State Revolving Loan Agreements, WW550300 and WW550301, to construct and finance the Sewer Project; and

WHEREAS, pursuant to requirements of the Federal Program Number 95423009-0, that funded the ARRA, contingency funds required for construction of the Sewer Project could not be funded by the Clean Water State Revolving Loan Agreement WW550300; and

WHEREAS, Clean Water State Revolving Loan Agreement WW550301 was prepared to only cover the contingency funds of \$315,387.00 estimated in the Clean Water State Revolving Loan Agreement WW550300; and

WHEREAS, the final cost for the construction of the Sewer Project was below the estimated cost in the Clean Water State Revolving Loan Agreement WW550300, thereby not requiring the use of contingency funds included in Clean Water State Revolving Loan Agreement WW550301; and

WHEREAS, the County and the City requested that the Clean Water State Revolving Loan Agreement WW550301 be annulled; and

WHEREAS, the Department has no objections to annulling the Agreement;

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

SECTION 1. The above Recitals are incorporated into the body of this Resolution, and such Recitals are adopted as Findings of Fact.

SECTION 2. The Board of County Commissioners of St. Johns County, Florida, agrees that Clean Water State Revolving Loan Agreement WW550301 is hereby annulled, and authorizes the Chair of the Board of County Commissioners to execute the related Loan Amendment 1 attached hereto as Exhibit A on behalf of the County.

SECTION 3. The County Administrator is authorized to delegate responsibility to appropriate County staff, in order to carry out the technical, financial and administrative activities associated with this Resolution.

SECTION 4. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval of the Board of County Commissioners of St. Johns County.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 17<sup>th</sup> day of January, 2012.

BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, Florida

Attest:

*Pam Halterman*  
Deputy Clerk

By:

*Mark P. Miner*  
Mark P. Miner, Chair

RENDITION DATE 1/23/12



Exhibit A

LOAN AMENDMENT1



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

December 5, 2011

Mr. Neal Shinkre  
Engineering Manager  
St. Johns County Utility Department  
1205 State Road 16  
St. Augustine, Florida 32084

Re: WW550300 and WW550301 - St. Augustine Beach  
Collection Facilities  
(Eliminate Septic Tanks)

Dear Mr. Shinkre:

Enclosed are three original copies of proposed Amendment 1 to each of the City of St. Augustine Beach's above-referenced State Revolving Fund loan agreements. The amendment for WW550300 adjusts the project costs and reduces the semiannual loan payment. The adjustments are final unless further revisions become necessary as a result of an audit. A loan statement showing the calculation of the final payment amount and an amortization schedule are also enclosed. The amendment for WW550301 annuls the agreement at the request of the City.

Please have the appropriate officials sign and seal the enclosed six copies and return them to us within three weeks at 2600 Blair Stone Road, Mail Station 3505, Tallahassee, Florida, 32399-2400. We will arrange for the Deputy Division Director to sign the documents and mail a fully executed original to you. If you have any questions, please call Dawn Walker at (850) 245-8358.

Sincerely,

Robert E. Holmden, P.E., Chief  
Bureau of Water Facilities Funding

RH/dw

Enclosures

cc: Max Royle - City of St. Augustine Beach  
Cecile Toupiol - Camp, Dresser and McKee, Inc.

**CLEAN WATER STATE REVOLVING FUND  
AMENDMENT 1 TO CONSTRUCTION LOAN AGREEMENT WW550301  
CITY OF ST. AUGUSTINE BEACH**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the CITY OF ST. AUGUSTINE BEACH, FLORIDA, existing as a local government agency (Local Government) under the laws of the State of Florida.

WITNESSETH:

WHEREAS, the Department and the Local Government entered into a State Revolving Fund Loan Agreement, Number WW550301, dated September 21, 2009; and

WHEREAS, the Local Government has requested to withdraw from the Agreement; and

WHEREAS, the Department has no objections to annulling the Agreement.

NOW, THEREFORE, the parties hereto agree that Loan Agreement WW550301 is hereby annulled.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 1 annulling Loan Agreement WW550301 shall be executed in three or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Deputy Director, and the Local Government and St. Johns County have caused this amendment to be executed on their behalf by their Authorized Representatives and by their affixed seals. The effective date of this amendment shall be as set forth below by the Deputy Director.

for  
ST. AUGUSTINE BEACH

for  
ST. JOHNS COUNTY

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chairman, Board of County Commissioners

Attest as to form and correctness:

\_\_\_\_\_  
City Attorney

Seal

Attest:

\_\_\_\_\_  
City Clerk

Seal

for  
STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Deputy Director  
Division of Water Resource Management

\_\_\_\_\_  
Date