

RESOLUTION NO. 2017 - 378

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; AUTHORIZING APPLICATION FOR LOAN; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; AUTHORIZING SUBMITTAL OF LOAN APPLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide for state revolving loan program loans to local government agencies to finance the construction of wastewater treatment facilities; and

WHEREAS, said state revolving loan program (the "State Revolving Loan Program") requires evidence of local government authorization to apply for loans, establish pledged revenues, designate an authorized representative and provide assurances of compliance with loan program requirements; and

WHEREAS, Resolution No. 2017-118, passed and adopted by the Board of County Commissioners of St. Johns County, Florida ("Board") on the 4<sup>th</sup> day of April, 2017, authorized the submittal of a loan application for available financing under the State Revolving Loan Program for certain eligible projects proposed in its Facilities Plan relating to St. Johns County's utility system (the "System"), including construction of a water reclamation facility in Ponte Vedra Beach, designated lift station improvements, and related interconnect projects (collectively, the "Projects"), with the principal amount of such financing not to exceed \$33,371,800 including capitalized interest; and

WHEREAS, after the completion of a competitive bid process for the Projects with a higher than anticipated bid tabulation for project construction, St. Johns County will need to increase the available financing under the State Revolving Loan Program, with the principal amount of such financing not exceeding \$38,600,000 including capitalized interest;

WHEREAS, the Board, during a regular Board meeting, intends to enter into a binding loan agreement with the State of Florida Department of Environmental Protection for financing the Projects as required by the State Revolving Loan Program; and

WHEREAS, St. Johns County is authorized to borrow moneys to construct the Projects pursuant to Chapter 125, Part I, Florida Statutes, as amended, and St. Johns County Ordinance No 86-89, as amended; and

WHEREAS, St. Johns County has determined that participation in the State Revolving Loan Program will serve the interests of St. Johns County.

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

Section 1. The above Recitals are hereby incorporated into the body of this Resolution, and

are adopted as Findings of Fact.

Section 2. Application for a loan under the State Revolving Loan Program in the principal amount not to exceed \$38,600,000, including capitalized interest, and submittal of the related loan application to finance the Projects is hereby authorized.

Section 3. The revenues pledged for the repayment of the loan are the net water and sewer revenues of the System, together with legally available connection fees. Such pledge is subordinate to the pledge thereon in favor of all St. Johns County utility system revenue bonds and other obligations listed in Exhibit "A" attached hereto, together with any additional bonds or obligations that are later issued on a parity therewith.

Section 4. The Chair of the Board of County Commissioners of St. Johns County, Florida, is hereby designated as St. Johns County's authorized representative and is authorized to execute the application, execute the loan agreement upon approval of the loan agreement by the Board of County Commissioners of St. Johns County during a regularly scheduled meeting, provide assurances required by the application and the loan agreement, represent St. Johns County in carrying out St. Johns County's responsibilities under the loan agreement and delegate responsibility to the St. Johns County Administrator, or designee, to carry out technical, financial and administrative activities associated with the application and the loan agreement.

Section 5. The St. Johns County Administrator, or designee, is hereby authorized to submit the application, provide assurances required by the application and the loan agreement, represent St. Johns County in carrying out St. Johns County's responsibilities under the loan agreement, execute disbursement requests and delegate responsibility to appropriate St. Johns County staff to carry out technical, financial and administrative activities associated with the application and the loan agreement.

Section 6. To the extent that there are typographical and/or administrative errors and/or omissions that do not change the tone, tenor or context of this Resolution, then this Resolution may be revised without subsequent approval of the Board of County Commissioners of St. Johns County.

Section 7. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 21<sup>st</sup> day of NOV, 2017.

Attest: HUNTER S. CONRAD, CLERK

Pam Halterman  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, FLORIDA

By:

Henry O...  
Chair

RENDITION DATE 11/22/17



EXHIBIT "A"

The pledge of net water and sewer revenues of the System and legally available System connection fees described in the foregoing resolution is subject to the prior pledge thereof in favor of the following St. Johns County obligations:

- (1) Water and Sewer Revenue Bonds, Series 1991A
- (2) Water and Sewer Revenue and Refunding Bonds, Series 2013A
- (3) Water and Sewer Revenue Refunding Bonds, Series 2013B
- (4) Water and Sewer Revenue Refunding Bonds, Series 2014
- (5) Water and Sewer Revenue and Refunding Bonds, Series 2016
- (6) Obligations under the State Revolving Fund Loan Agreement between St. Johns County and State of Florida Department of Environmental Protection, Number CS12082802P, as amended
- (7) Obligations under the Clean Water State Revolving Fund Loan Agreement between St. Johns County and Florida Water Pollution Control Financing Corporation, Number WW550100, as amended
- (8) Obligations under the Drinking Water State Revolving Fund Construction Loan Agreement between St. Johns County and State of Florida Department of Environmental Protection, Number DW550110, as amended
- (9) Obligations under the Lease Purchase Schedule between St. Johns County and Johnson Controls, Inc. dated May 3, 2006, as amended (Capital Lease for Utility Department Fixed Base Metering System)
- (10) Obligations under Second Addendum to the St. Johns County/City of St. Augustine Beach Interlocal Agreement dated July 8, 2009, relating to Clean Water State Revolving Fund Construction Loan Agreements WW550300 and WW 550301 dated September 21, 2009, between City of St. Augustine Beach, Florida, and State of Florida, Department of Environmental Protection

\_\_\_\_\_, 2017

Angela Knecht  
Program Administrator  
State Revolving Fund Management  
3900 Commonwealth Blvd., Mail Station 3505  
Tallahassee, Florida 32399-3000

Re: Wastewater Treatment Facilities/Proposed St. Johns County 2017 State Revolving Fund Loan

Dear Ms. Knecht:

I am the duly appointed County Attorney for St. Johns County, Florida. I have been advised that St. Johns County proposes to borrow approximately \$38,600,000, including capitalized interest, from the State Revolving Loan Program for construction of wastewater treatment facilities, including construction of a water reclamation facility, for St. Johns County's utility system (the "System"). As part of the State Revolving Loan Program application process, I have been asked to address three matters relating to the proposed loan. In support of the application process, I hereby advise you of the following:

1. Pursuant to Resolution No. 2017 - \_\_\_\_ (the "Resolution"), St. Johns County has determined that the loan will be secured by the net water and sewer revenues of the System and legally available System connection fees. St. Johns County is lawfully empowered to pledge said net revenues and connection fees for the payment of the loan.
2. Pursuant to the Resolution, the pledge of said net revenues and connection fees will be subordinate to the pledge thereon in favor of all St. Johns County utility system revenue bonds and other obligations listed in Exhibit "A" attached to the Resolution, together with any additional bonds or obligations that are later issued on a parity therewith.
3. Under the St. Johns County rate ordinance relating to the System, all rates, deposits, charges, fees and costs established or contemplated by said ordinance may be modified or established at any time by resolution of the Board of County Commissioners of St. Johns County.

This letter is provided solely for your benefit in connection with the loan application process described above and may not be relied upon by any other persons or for any other purpose.

Sincerely,

Patrick F. McCormack  
County Attorney  
St. Johns County, Florida