

RESOLUTION NO. 2019 – 365

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING LOAN PROGRAM; APPROVING THE TERMS, PROVISIONS, CONDITIONS AND REQUIREMENTS OF A DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT AMENDMENT TO INCLUDE THE CONSTRUCTION AND FINANCING OF THE PREVIOUSLY EXECUTED LOAN AGREEMENT DW550110; AUTHORIZING THE EXECUTION AND DELIVERY OF SAID LOAN AGREEMENT AMENDMENT ON BEHALF OF ST. JOHNS COUNTY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (“Department”) and ST. JOHNS COUNTY, FLORIDA (“County”) entered into a Drinking Water State Revolving Fund Loan Agreement, Number DW550110, as amended, authorizing a Loan amount of \$5,823,755.99, including Capitalized Interest; and

WHEREAS, the Loan Amount, Loan Service Fee, and Project costs need adjustment to reflect actual costs; and

WHEREAS, the Semiannual Loan Payment amount needs revision to reflect adjustment of project costs and the multiple Semiannual Loan Payments received by the Department from the County;

WHEREAS, revised provisions for audit and monitoring are needed;

WHEREAS, the County desires to enter into Amendment 3 to Loan Agreement DW550110 (“Amendment 3”) as attached and incorporated in this Resolution;

WHEREAS, the County Administrator, or his or her designee, is authorized to enter into and execute three copies of the attached Amendment 3;

NOW, THEREFORE, be it resolved by the Board of County Commissioners:

1. The above recitals are adopted as findings of fact.
2. The Board of County Commissioners of St. Johns County, Florida, hereby authorizes the County Administrator or his or her designee to enter into and sign an agreement in substantially the same form as the attached Amendment 3 to Loan Agreement DW550110 (“Amendment 3”), an amendment to the Drinking Water State Revolving Fund Loan Agreement. Three copies of the attached Amendment 3 shall be signed and executed by the County Administrator or his or her designee.
3. Effective Date. This Resolution shall take effect upon signing.

4. Scriveners Errors. To the extent that there are typographical, scriveners or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 15th day of October, 2019.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

Attest: Hunter S. Conrad, Clerk

Pam Halterman
Deputy Clerk

By:

Paul M. Waldron
Paul M. Waldron, Chair

RENDITION DATE 10/17/19



**STATE REVOLVING FUND
AMENDMENT 3 TO LOAN AGREEMENT DW550110
ST. JOHNS COUNTY**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and ST. JOHNS COUNTY, FLORIDA, (Project Sponsor) existing as a local governmental entity under the laws of the State of Florida. Collectively, the Department and the Project Sponsor shall be referred to as "Parties" or individually as "Party".

The Department and the Project Sponsor entered into a Drinking Water State Revolving Fund Loan Agreement, Number DW550110, as amended, authorizing a Loan amount of \$6,742,410, excluding Capitalized Interest; and

The Loan Amount, Semiannual Loan Payment amount and Project costs need adjustment to reflect actual costs; and

Certain provisions of the Agreement need to be revised.

The Parties hereto agree as follows:

1. The total amount awarded is reduced by \$1,156,850. The revised total amount awarded is \$5,585,560.
2. The Loan Service Fee is \$134,848.00, and the capitalized Loan Service Fee interest is \$7,207.54.
3. The total amount of the Loan is \$5,823,755.99, which consists of \$5,585,560.00 disbursed to the Project Sponsor, \$96,140.45 of accrued Capitalized Interest and \$142,055.54 of service fee charges.
4. The total amount remaining to repay, which amount accounts for the Department's receipt of 6 Semiannual Loan Payments is \$4,861,965.10, at an interest rate of 2.12 percent per annum.
5. The Semiannual Loan Payment amount, adjusted to account for repayments received to date, is hereby revised and shall be in the amount of \$171,060.34. Such payments shall be received by the Department on October 15, 2019 and semiannually thereafter on April 15 and October 15 of each year until all amounts due hereunder have been fully paid.
6. Subsection 2.03(1) of the Agreement is deleted and replaced as follows:

(1) The financial assistance authorized pursuant to this Loan Agreement consists of the following:

State Resources Awarded to the Project Sponsor Pursuant to this Agreement Consist of the Following:					
State Program Number	Funding Source	CSFA Number	CSFA Title or Fund Source Description	Funding Amount	State Appropriation Category
Original Agreement	Drinking Water Revolving Loan TF	37.076	Drinking Water Facility Construction	\$5,585,560	140129

7. Subsection 2.03(4) of the Agreement is deleted.

8. Section 8.02 of the Agreement is deleted and replaced as follows:

Books, records, reports, engineering documents, contract documents, and papers shall be available to the authorized representatives of the Department for inspection at any reasonable time after the Project Sponsor has received a disbursement and until five years after the Final Amendment date.

9. The Project Sponsor and the Department acknowledge that changes in Project costs may occur as a result of an audit. Unless this Agreement is amended subsequent to an audit, the following Project disbursements shall be final.

<u>CATEGORY</u>	<u>PROJECT COSTS (\$)</u>
Administrative Allowance	35,178.00
Engineering Allowance	375,232.00
Construction and Demolition	5,175,150.00
SUBTOTAL (Total Disbursed)	5,585,560.00
Capitalized Interest	96,140.45
TOTAL (Loan Principal Amount)	5,681,700.45

10. All other terms and provisions of the Loan Agreement shall remain in effect.

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This Amendment 3 to Loan Agreement DW550110 may be executed in two 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 Secretary or Designee, and the Project Sponsor has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Department.

for
ST. JOHNS COUNTY

Chairman, Board of County Commissioners

Attest:

Approved as to form and legal sufficiency:

County Clerk

County Attorney

SEAL

for
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Secretary or Designee

Date