

RESOLUTION NO. 2019 - 366

RESOLUTION BY 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 approved drinking water projects; 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. 2019-74 passed and adopted by the Board of County Commissioners of St. Johns County, Florida on the 19th day of March, 2019 authorized eligible projects proposed in its Facility Planning Document relating to St. Johns County's utility system (the "System"), including the Northeast Ground Storage Tank and High Service Pumping Station and An Expansion of the Northwest Water Treatment Plant projects (collectively, the "Projects"), are eligible for available financing under the State Revolving Loan Program and the principal amount of such financing will not exceed \$10,837,200 including capitalized interest; and recommends St. Johns County submit a loan application for such financing; and

WHEREAS, after the completion of the competitive bid process 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 and the principal amount of such financing that will not exceed \$12,110,393 including capitalized interest;

WHEREAS; the Board of County Commissioners of St. Johns County, Florida, 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 \$12,110,393, 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 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 appropriate St. Johns County staff to carry out technical, financial and administrative activities associated with the application and the loan agreement.

Section 5. The St. Johns County Administrator or their 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 15th day of October, 2019.

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

Attest: Hunter S. Conrad, Clerk

Paul Halterman
Deputy Clerk

By:

Paul M. Waldron
Paul M. Waldron, Chair



RENDITION DATE 10/17/19

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

_____, 2019

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

Re: Northwest Water Treatment Facilities and NE Pumping Station/Proposed St. Johns County
2019 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 \$12,110,393, including capitalized interest, from the State Revolving Loan Program for construction of the Northeast Ground Storage Tank and High Service Pumping Station and an expansion of the Northwest Water Treatment Plant, 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. 2019 - ____ (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



State Revolving Loan (SRF) Projects

