

**RESOLUTION NO. 24-1843**

**A RESOLUTION OF THE CITY OF HAINES CITY, FLORIDA; RELATING TO THE STATE REVOLVING FUND AGREEMENT FOR PROJECT WW530470; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR APPROVAL OF AMENDMENT 2 TO THE CLEAN WATER STATE REVOLVING FUND CONSTRUCTION LOAN AGREEMENT WW530470; PROVIDING FOR STATUTORY AUTHORITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide for loans to local government agencies to finance the construction of wastewater 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 City Commission of the City of Haines City, Florida, (the “City”), has previously adopted a resolution authorizing the Clean Water State Revolving Fund Construction Loan Agreement WW530470 (the “Loan Agreement”); and

**WHEREAS**, the City and the State of Florida Department of Environmental Protection (“FDEP”) entered into the Loan Agreement, authorizing a loan in the amount of \$10,415,240; and

**WHEREAS**, the City entered into Amendment 1, to the Loan Agreement with FDEP in order to receive a schedule extension for the completion of construction activities; and

**WHEREAS**, the City now intends to enter into Amendment 2 to the Loan Agreement with FDEP in order to receive a schedule extension for the completion of construction activities; and

**WHEREAS**, the City Commission of the City hereby determines that approval of the Amendment 2 is in the best interest of the citizens of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are incorporated herein by reference and made a part hereof.

**SECTION 2.** The Amendment 2 in substantially the form attached hereto as Exhibit “A” is hereby approved.

**SECTION 3.** The Mayor of the City is hereby authorized to execute and deliver and the City Clerk of the City is hereby authorized to attest under seal, and the City Attorney of the City

is hereby authorized to approve as to form and correctness the Amendment 2, which will become a binding obligation in accordance with its terms when signed by both parties. The Mayor of the City is authorized to represent the City in carrying out the City's responsibilities under the Loan Agreement as amended by Amendment 2. The Mayor of the City is authorized to delegate responsibility to appropriate City staff to carry out technical, financial, and administrative activities associated with the Loan Agreement as amended by the Amendment 2.

**SECTION 4.** The Chief Financial Officer and the Public Services Administrator of the City are hereby designated as the authorized representative to provide the assurances and commitments required under the Loan Agreement, as amended by the Amendment 2.

**SECTION 5.** The legal authority for borrowing moneys to design the project described in the Loan Agreement as amended by the Amendment 2 is granted by the Florida Statute Section 403.1835 and Chapter 166, Part II, Florida Statutes.

**SECTION 6.** All resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 7.** 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 8.** This Resolution shall become effective immediately upon its passage and adoption.

**APPROVED** in regular session of the City Commission of the City of Haines City, this 2<sup>nd</sup> day of December, 2024.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sharon Lauther, CMC, City Clerk

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Omar Arroyo, Mayor-Commissioner

**APPROVED AS TO FORM AND CORRECTNESS:**

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Fred Reilly, City Attorney

Exhibit A  
Amendment 2