

RESOLUTION NO. _____
PASSED _____

A resolution of the City Commission of the City of Gainesville, Florida, relating to the State Revolving Fund Loan Program, making findings; authorizing the loan application; authorizing the loan agreement; establishing pledged revenues; designating authorized representatives; providing assurances; providing for conflicts, severability and an immediate effective date.

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of water pollution control 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 State Revolving Fund loan priority list designates Project No. SW12049716P as eligible for available funding; and

WHEREAS, the City of Gainesville, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

1. The foregoing findings are incorporated herein by reference and made a part hereof.

2. The City of Gainesville, Florida, is authorized to apply for a loan in an amount not to exceed \$16,000,000 to finance the Project.

3. The revenues pledged for the repayment of the loan are (a) stormwater utility revenues and (b) payments received by the City from the City's Gas Utility fund after the making of all other payments required to be made therefrom under the City's Utilities System Revenue Bond Resolution, as supplemented and amended and in accordance with the provisions of a Memorandum of Understanding between the City and Gainesville Regional Utilities.

4. The City Manager is hereby designated the authorized representative to provide the assurances and commitments required by the loan application.

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2 5. The City Manager is hereby ~~designated~~ the authorized representative to
3 execute the loan agreement which will become a binding obligation in accordance with its
4 terms when signed by both parties and which will have terms consistent with this
5 resolution. The City Manager is authorized to represent the City in carrying out the City's
6 responsibilities under the loan agreement. The City Manager is authorized to delegate
7 responsibility to appropriate City staff to carry out technical, financial, and administrative
8 activities associated with the loan agreement.

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10 6. The legal authority for borrowing moneys to construct this Project is
11 § 166.111(1), Florida Statutes.

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13 7. All resolutions or parts of resolutions in conflict with any of the provisions
14 of this resolution are hereby repealed.

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16 8. If any section or portion of a section of this resolution proves to be invalid,
17 unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force,
18 or effect of any other section of this resolution.

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20 9. This resolution shall become effective immediately upon adoption.

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22 **PASSED AND ADOPTED** this _____ day of _____, 2004.

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27 **THOMAS D. BUSSING**
28 **MAYOR**

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31 **ATTEST:**

Approved as to form and legality

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34 **KURT M. LANNON**
35 **CLERK OF THE COMMISSION**

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MARION J. RADSON
CITY ATTORNEY

**MEMORANDUM OF UNDERSTANDING
CITY OF GAINESVILLE GENERAL GOVERNMENT AND
GAINESVILLE REGIONAL UTILITIES (GRU)
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE REVOLVING FUND LOAN – DEPOT PARK**

The City of Gainesville is in the process of making application for a loan from the State Department of Environmental Protection Revolving Loan Fund. The principal amount of the loan is \$15,010,000, with the proceeds scheduled to fund two projects:

- \$4,312,000 for construction of an 11.5 acre wet-detention basin to treat stormwater from approximately 108 downtown acres. This basin will be a part of the City's "Depot Park " project (General Government).
- \$10,698,000 for removal of contaminants from a former manufactured gas plant operated near the Depot Park site. (GRU)

While the City of Gainesville is the borrower of record on the state loan, the obligation for repayment of the principal and interest on the issue is divided proportionately between General Government and the City's utility enterprise fund, GRU, along the project lines above.

This Memorandum of Agreement evidences GRU's obligation to General Government to fund the principal and interest on the Depot Park state loan related to the \$10,698,000 project cost for the manufactured gas plant contaminant removal. GRU will transfer their pro rata share of the debt service cost no later than the business day preceding the payment due date of each semiannual payment to the state through the life of the loan.

Under this Memorandum of Agreement, GRU commits to comply with the provisions of the Construction Loan Agreement between the State of Florida Department of Environmental Protection and the City of Gainesville.

For General Government

For Gainesville Regional Utilities

Wayne Bowers
City Manager

Michael L. Kurtz
General Manager for Utilities