

RESOLUTION NO. _____

A RESOLUTION OF BAY COUNTY, 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 EFFECTIVE DATE.

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of Frankford Booster Upgrades and Dupont Subaqueous watermain improvement; 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. DW0302J as eligible for available funding; and

WHEREAS; Bay County, 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 BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA, AS FOLLOWS:

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

SECTION II. Bay County, Florida, is authorized to apply for a loan to finance the Project.

SECTION III. The loan will be secured by the net revenues of the County's wholesale water system and are legally available to be pledged. The pledged revenues for the repayment of the loan are defined in Drinking Water State Revolving Fund Construction Loan Agreement, DW0302J, after payment of debt service on the Water System Revenue Note 2014 and the Water System Revenue Refunding Bonds 2016 as defined in that same instrument. The County has the legal authority to increase rates to ensure repayment of the loan.

SECTION IV. The County Manager is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

SECTION V. The Chairman of the Board of County Commissioners is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The County Manager is

authorized to represent the County in carrying out the County's responsibilities under the loan agreement. The County Manager is authorized to delegate responsibility to appropriate County staff to carry out technical, financial, and administrative activities associated with the loan agreement.

SECTION VI. The legal authority for borrowing moneys to construct this Project is 125.01, Florida Statutes.

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 All resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION VIII. 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 IX. This Resolution shall become effective immediately upon its passage and adoption.

PASSED and ADOPTED this 5th day of November, 2024.

ATTEST

**BOARD OF COUNTY
COMMISSIONERS, BAY COUNTY,
FLORIDA**

Bill Kinsual, Clerk of Court

Tommy Hamm, Chairman

**APPROVED AS TO FORM AND
LEGALITY**

County Attorney