

**CITY OF MARATHON, FLORIDA
RESOLUTION 2007-153**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, AUTHORIZING THE CITY TO ENTER INTO A LOAN AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING FUND LOAN PROGRAM TO OBTAIN PRE-CONSTRUCTION LOANS FOR WASTEWATER INFRASTRUCTURE PROJECTS; ESTABLISHING PLEDGED REVENUES; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO FINALIZE THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Marathon (the “City”) is engaged in a capital improvement project to construct and install wastewater management infrastructure in the City (the “Project”);

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 Florida Department of Environmental Protection State Revolving Fund loan priority list designates Project No. WW63706P – Marathon Collection, Transmission, Treatment & Reuse Facilities (Service Areas 1, 2, and 5) as eligible for available funding; and

WHEREAS, the City wishes to enter into loan agreements with the Florida Department of Environmental Protection under the State Revolving Fund for pre-construction loans for the Project.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, AS FOLLOWS:

Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. The City of Marathon, Florida is authorized to apply for loans from the Florida Department of Environmental Protection Revolving Fund program for pre-construction loans on the Project.

Section 3. Wastewater non-ad valorem assessments to be adopted in accordance with City of Marathon, Florida Ordinance 2002-07-13, and the City's notice of intent to levy wastewater non-ad valorem assessments set forth in City of Marathon, Florida Resolution No. 2006-181.

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

Section 5. The City Manager 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 loan agreement must be reviewed by the City Attorney as to form and legality. The City Manager is authorized to represent the City in carrying out the City's responsibilities under the loan agreement. The City Manager is authorized to delegate responsibility to appropriate City staff to carry out technical, financial, and administrative activities associated with the loan agreement.

Section 6. The legal authority for borrowing moneys to construct this Project is pursuant to the City Charter, Code, Ordinances and the laws of the State of Florida.

Section 7. All resolutions or part of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 8. 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 9. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 23rd day of October, 2007.


THE CITY OF MARATHON, FLORIDA



Christopher Bull, Mayor

AYES: Cinque, Tempest, Vasil, Worthington, Bull
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier
City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**



City Attorney