

RESOLUTION 2024-7

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) STATE REVOLVING FUND (SRF), RESOLUTION OF THE AUTHORIZATION AND ASSURANCES TO MAKE APPLICATION FOR FUNDING FOR WATER AND SEWER FACILITY IMPROVEMENTS, EFFECTIVE THIS DATE

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of water and sewer facilities; and Florida Administrative Code requires the formal authorization and assurances by Town Council to formally apply for funding through the State Revolving Fund (SRF) in accordance with the following:

(1) **AUTHORIZATION**. Provide an authorizing resolution of the Applicant's governing body or other evidence of authorization (Attachment # A) for the following:

(a) Pledging revenues to repay the loan. This in accordance with the FDEP Final Agency Action:

i. Clean Water SRF Priority List

a. SAHFI CWSRF IUP and Priority List – Whereby, EXHIBIT B, Page 1, authorizes the Town of Eatonville, Florida \$19,823,317 with 100% principal forgiveness.

ii. Drinking Water SRF Priority List

a. SAHFI DWSRF IUP and Priority List – Whereby, EXHIBIT C, Page 1, authorizes the Town of Eatonville, Florida \$14,565,300 with 100% principal forgiveness.

(b) Designation of the Authorized Representative(s) to file this application, provide assurances, execute the loan agreement, and represent the Applicant in carrying out responsibilities (including that of requesting loan disbursements) under the loan agreement.

(2) **ASSURANCES**. The Applicant agrees to comply with the laws, rules, regulations, policies and conditions relating to the loan for this project. Applicants should seek further information from the Drinking Water State Revolving Fund Program staff as to the applicability of the requirements if the necessity for the assurances is of concern.

Specifically, the Applicant certifies that it has complied, as appropriate, and will comply with the following requirements, as appropriate, in undertaking the Project:

(a) Assurances for capitalization grant projects.

1. Complete all facilities for which funding has been provided.
2. The Applicant is advised, pursuant to 40 CFR 35 Section 35.3575, that a number of Federal laws, executive orders, and government-wide policies can apply to your project or activity that is receiving Federal financial assistance. The Applicant agrees to read those provisions regarding the application of Federal cross-cutting authorities (cross-cutters) to determine their applicability to your specific project or activity.

(b) Assurances for other projects. Please note that Florida Statutes are available at <http://www.leg.state.fl.us>. They are also available at the following physical address: Florida Department of State Division of Library and Information Services R.A. Gray Building 500 South Bronough Street Tallahassee, Florida 32399-0250.

1. Chapter 161, Part I, F.S., "Beach and Shore Preservation Act" and Part III, "Coastal Zone Protection Act of 1985" which regulate coastal zone construction and all activities likely to affect the condition of the beaches or shore.
2. Chapter 163, Part II, F.S., the "Local Government Comprehensive Planning and Land Development Regulation Act" which requires units of local government to establish and implement comprehensive planning programs to control future development.
3. Chapter 186, F.S., State and Regional Planning, which requires conformance of projects with Regional Plans and the State Comprehensive Plan.
4. Chapter 253, F.S., "Emergency Archaeological Property Acquisition Act of 1988" which requires protection of archaeological properties of major statewide significance discovered during construction activities. Form Application DW-1 Incorporated in 62-552.430(1)(a), F.A.C. Page 5 of 9 Effective Date March 9, 2022
5. Chapter 258, Part III, F.S., which requires protection of components or potential components of the national wild and scenic rivers system.
6. Chapter 267, F.S., the "Florida Historical Resources Act" which requires identification, protection, and preservation of historic properties, archaeological and anthropological sites.
7. Chapter 287, Part I, F.S., which prohibits parties convicted of public entity crimes or discrimination from participating in State-assisted projects and which requires consideration of the utilization of Minority Business Enterprises in State assisted projects.
8. Chapter 372, F.S., the Florida Endangered and Threatened Species Act which prohibits the killing or wounding of an endangered, threatened, or special concern species or intentionally destroying their eggs or nest.

9. Chapter 373, Part IV, F.S., Florida Water Resources Act of 1972, which requires that activities on surface waters or wetlands avoid adversely affecting: public health, safety, welfare, or property; conservation of fish and wildlife, including endangered or threatened species or their habitats; navigation or the flow of water; the fishing or recreational values or marine productivity; and significant historical and archaeological resources.

10. Chapter 380, Part I, F.S., Florida Environmental Land and Water Management Act of 1972 as it pertains to regulation of developments and implementation of land and water management policies.

11. Chapter 381, F.S., Public Health, as it pertains to regulation of onsite wastewater systems.

12. Chapter 403, Part I, F.S., Florida Air and Water Pollution Control which requires protection of all waters of the state.

13. Chapter 582, F.S., Soil and Water Conservation Act which requires conformance with Water Management District's regulations governing the use of land and water resources.

14. Governor's Executive Order 95-359, which requires State Clearinghouse review of project planning documentation and intergovernmental coordination. (c) Assurances for all projects. The loan recipient certifies that it is not listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension.

WHEREAS, authorization and assurances is required for the Town of Eatonville to make application for the State Revolving Loan Fund Program;

WHEREAS, the Town Council of the Town of Eatonville, Florida agrees with the Authorization and Assurances necessary to make application for the State Revolving Loan Fund Program.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Eatonville, Florida formally approves the submittal of application as written and presented to the City Council on this date;

SECTION 1. FINDINGS

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

The Town Manager is hereby designated as the authorized representative to provide the assurances and commitments outlined in the Application.

The Mayor is hereby designated as the authorized representative to execute the SFR Application. The Mayor is authorized to delegate responsibility to appropriate Town Staff to carry out technical, financial, and administrative activities associated with the Application.

SECTION 2. CONFLICTS

All Resolution or parts of Resolutions in conflict with any other Resolution or any of the provisions of this Resolution are hereby repealed.

SECTION 3. SEVERABILITY

If any section or portion of a section of this Resolution is found 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 5. EFFECTIVE DATE

This Resolution shall take effect upon its approval and adoption by the Town Council

APPROVED AND ADOPTION THIS 26TH DAY OF MARCH 2024.

**TOWN COUNCIL
TOWN OF EATONVILLE, FLORIDA**

MAYOR (SEAL)

ATTEST:

Veronica King, Town Clerk (SEAL)

**APPROVED AS TO FORM AND
CORRECTNESS:**

Clifford Shepard, Town Attorney