

***A RESOLUTION***  
*of the*  
**Town Council**  
*of the*  
**TOWN OF HOWEY-IN-THE-HILLS, FLORIDA**  
*regarding a proposed*  
**STATE REVOLVING FUND LOAN**

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**Principal Amount**  
**\$3,185,000**

**WHEREAS**, Florida Statutes provide for loans to local governments to finance the evaluation, planning, design, and construction of wastewater-treatment facilities; and

**WHEREAS**, the Florida Administrative Code requires 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 (“SRF”) loan priority list designates Project No. CW35023 as eligible for available funding. Project No. CW35023 will be a project to evaluate the existing and future wastewater-collection and -transmission facilities and the potential construction and/or acquisition of a regional wastewater-treatment plant (“Project”); and

**WHEREAS**, the Town of Howey-in-the-Hills, 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 TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:**

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

**SECTION 2. Authorizations for the Project and the Loan.** The Town Council hereby authorizes the Town of Howey-in-the-Hills, Florida, to undertake the Project and to enter into the proposed loan agreement with the State of Florida Department of Environmental Protection (FDEP). The Town Council further ratifies, authorizes, directs, and designates the following:

- a. The application for the SRF loan is ratified and confirmed.
- b. The Mayor, the Town Manager, and the Town Clerk are each authorized and directed to execute and deliver to FDEP the loan agreement and to execute and deliver all other documents and instruments necessary or useful for undertaking the Project and carrying out the loan agreement and other matters related to the Project.
- c. The Town Manager is designated the Town's representative to provide the assurances and commitments required by the loan application and is authorized and directed to represent the Town in carrying out the Town's responsibilities under the loan agreement.
- d. The Town Manager is further authorized to delegate authority and responsibility to appropriate Town staff to carry out technical, financial, and administrative activities associated with the loan agreement.

**SECTION 3. Binding effect of Loan Agreement.** When signed by both parties the loan agreement will become a binding obligation of the Town in accordance with its terms.

**SECTION 4. Pledge of revenues.** The Town hereby pledges, for the repayment of the principal of and interest on the loan, when due, the net revenues of the Town's Utility Fund, after payment of principal and interest, when due, on the following existing obligations:

- a. the City's Revenue Refunding Note, Series 2013,
- b. the CWSRF Loan, and
- c. Equipment Lease/Purchase Agreements.

**SECTION 5. Legal Authority.** The Town's power legally to enter into the loan agreement and to undertake the Project is granted under Article VIII, section 2 of the Constitution of the State of Florida, Parts I and II of Chapter 166 of Florida Statutes, including particularly section 166.111, and the Town's Charter.

**SECTION 6. Conflicting resolutions.** All resolutions in conflict with this resolution are hereby superseded to the extent of the conflict.

**SECTION 7. Severability.** If a part of this resolution is held by a court of competent jurisdiction to be invalid, unlawful, or unconstitutional, the holding shall not affect the validity, force, or effect of the remainder of this resolution. To that end, this resolution is declared to be severable.

**SECTION 8.** This resolution takes effect immediately upon its approval.

***APPROVED*** this 5<sup>th</sup> day of August, 2024.

**Town of Howey-in-the-Hills,  
Florida**

By: its Town Council

By: \_\_\_\_\_  
Hon. Martha MacFarlane  
Mayor

ATTEST:

**APPROVED AS TO FORM AND  
LEGALITY** (For the use and reliance of the Town  
only)

\_\_\_\_\_  
John Brock, Town Clerk

\_\_\_\_\_  
Town Attorney

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