

RESOLUTION NO. 18-2024 OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA AUTHORIZING THE ISSUANCE BY THE CITY OF NOT EXCEEDING \$15,000,000 IN PRINCIPAL AMOUNT OF ITS CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2024, TO PROVIDE FUNDS FOR CAPITAL IMPROVEMENTS WITHIN THE CITY; AUTHORIZING THE AWARD OF THE SALE OF THE 2024 NOTE UPON COMPLIANCE WITH CERTAIN PARAMETERS; AUTHORIZING THE EXECUTION AND DELIVERY OF THE FORM OF ATTACHED LOAN AGREEMENT BETWEEN THE CITY AND REGIONS CAPITAL ADVANTAGE, INC., AS PURCHASER OF THE 2024 NOTE; COVENANTING TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM REVENUES TO PAY THE 2024 NOTE; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This resolution is adopted pursuant to the provisions of Chapter 166, Part II, Florida Statutes, the City Charter of the City of Lake Worth Beach, Florida and other applicable provisions of law.

SECTION 2. FINDINGS. It is hereby ascertained, determined and declared that:

A. The City of Lake Worth Beach, Florida (the "City") desires to obtain financing for the acquisition and/or construction of various capital projects in and for the City (the "Project").

B. It is necessary and desirable to provide for the execution and delivery of a Loan Agreement (the "Loan Agreement") and the issuance of the City's Capital Improvement Revenue Note, Series 2024 (the "2024 Note") in an amount not to exceed \$15,000,000 to finance the Project. Amounts due under the Loan Agreement and the 2024 Note shall be payable from non-ad valorem revenues of the City derived from the City's covenant to budget and appropriate from legally available non-ad valorem funds each year such monies sufficient to pay principal and interest on the 2024 Note.

C. In accordance with the provisions of Part III, Chapter 218, Florida Statutes, a negotiated sale of the 2024 Note is in the best interest of the City because of the flexibility available in structuring the 2024 Note and its terms.

SECTION 3. AUTHORIZING AND AWARD OF THE 2024 NOTE. The issuance by the City of the 2024 Note for the purposes described above; to be dated, to bear interest at a rate or rates not exceeding the maximum legal rate per annum, to be payable, to mature, to be subject to redemption and to have such other characteristics as are provided in the Loan Agreement attached hereto as Exhibit A; and secured by a covenant of the City to budget and appropriate from legally available non-ad valorem funds each year monies sufficient to pay the principal and interest on such 2024 Note, is hereby authorized. The sale of the 2024 Note is hereby authorized to Regions Capital Advantage, Inc., with the approval of the final terms providing the best overall benefit to the City being hereby delegated to the Mayor of the City, providing the following

parameters are complied with: (A) the aggregate principal amount of the 2024 Note shall be not in excess of \$15,000,000; (B) the interest rate on the 2024 Note (subject to default and tax adjustments as provided in the Loan Agreement) shall not exceed 4.75%; (C) the costs of issuance associated with issuing the 2024 Note shall not be greater than \$100,000; (D) the final maturity of the 2024 Note shall not be later than June 1, 2028; and (E) the 2024 Note shall be redeemable at the option of the City at any time without penalty, commencing not later than May 15, 2026, subject to certain conditions set forth in the Loan Agreement attached hereto.

SECTION 4. APPROVAL OF LOAN AGREEMENT AND THE 2024 NOTE. The Loan Agreement and the 2024 Note in the form attached thereto as Exhibit A are hereby approved in substantially such forms, with such modifications as may be approved by the Mayor and City Clerk of the City, such approval to be conclusively determined by their execution thereof, the execution and delivery thereof by the Mayor and City Clerk is hereby authorized, and such officials are also hereby authorized to execute and deliver such instruments and other ancillary documents, including any rate lock agreement, and to take such other actions as shall be necessary to implement the transaction contemplated by said agreements.

SECTION 5. REPEAL OF INCONSISTENT PROVISIONS. All resolutions or parts thereof in conflict with this Resolution are hereby repealed to the extent of such conflict.

SECTION 6. SEVERABILITY. In the event that any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Resolution, which shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon its final passage and adoption.

The passage of this resolution was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Sarah Malega
- Commissioner Christopher McVoy
- Commissioner Mimi May
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted on the 4th day of June, 2024.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk

EXHIBIT A
LOAN AGREEMENT