

RESOLUTION NO. 95-18

A RESOLUTION OF THE CITY COMMISSION OF DELRAY BEACH, FLORIDA; DELEGATING TO THE SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD (THE "BOARD") THE AUTHORITY TO ISSUE NOT TO EXCEED \$15,500,000.00 OF BONDS OR NOTES IN ONE OR MORE SERIES TO FINANCE THE BOARD'S CAPITAL IMPROVEMENT PLAN, SAID BONDS OR NOTES TO BE PAYABLE FROM AND SECURED BY THE NET REVENUES OF THE BOARD INCLUDING, BUT NOT LIMITED TO, AMOUNTS PAYABLE TO THE BOARD BY THE CITIES OF DELRAY BEACH AND BOYNTON BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach and the City of Boynton Beach (collectively, the "Cities") created, by Interlocal Agreement made and entered into on December 26, 1974 (as amended and supplemented, the "Interlocal Agreement"), the South Central Regional Wastewater Treatment and Disposal Board (the "Board") for the purpose of providing wastewater treatment and disposal services to the "South Central Region" of Palm Beach County; and

WHEREAS, the Board has considered the financing of the facilities operated by the Board and has determined that there is a need to issue bonds or notes to finance all or a portion of the Board's Capital Improvement Plan, as more particularly set forth on Exhibit "A" hereto (the "Project"); and

WHEREAS, each of the Cities has the legal authority to issue bonds or notes to finance the costs of the Project; and

WHEREAS, in accordance with Section 3(B)5. of the Interlocal Agreement, each of the Cities desires to delegate to the Board the authority to issue bonds or notes in one or more series in an aggregate amount not to exceed \$15,500,000.00 to finance the Cost of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF DELRAY BEACH, FLORIDA, THAT:

Section 1. The foregoing recitals are ratified as true and incorporated herein.

Section 2. The undertaking of the Project and the financing of the cost thereof is necessary for the Board. The City of Delray Beach delegates to the Board the authority to issue bonds or notes in one or more series in the aggregate principal amount not to exceed \$15,500,000.00 to pay the costs of the Project.

Section 3. The principal of and interest on the bonds or notes issued by the Board shall be payable from and secured by the net revenues received by the Board, including but not limited to revenues received by the Board from the Cities. The bonds or notes shall not be a general obligation of the City of Delray Beach, and shall not be secured by a pledge of or lien on the City of Delray Beach's ad valorem taxing power or any other revenues

of the City of Delray Beach other than payments that the City of Delray Beach is obligated to make to the Board pursuant to the Interlocal Agreement.

Section 4. The City of Delray covenants to remain bound to and will not exercise termination rights under the interlocal agreement, dated December 26, 1974, until no amounts shall remain outstanding under the Loan. Should one or both entities desire to or be required by law or judgement to, withdraw from or terminate its obligations under the interlocal agreement, the terminating entity or entities will continue to meet the obligations under the interlocal agreement through a separate guaranty agreement. Further, the terminating entity or entities shall repay their respective portion(s) of the outstanding balance on the Loan in accordance with the prepayment provisions in the Loan agreement or provide an agreement to provide for such repayment satisfactory to the Lender.

Section 5. All resolutions in conflict herewith are hereby repealed.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the ability of the remaining portions of this Resolution.

Section 7. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2018.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

R. Max Lohman, City Attorney

EXHIBIT “A”

DESCRIPTION OF THE PROJECT

The Series 2018 Bank Loan proceeds will be used to fund capital projects. The following is a list of proposed projects (including but not limited to):

Process air improvements (CIP 16-001)

- Purchase new and efficient blowers to save on electrical costs and provide additional blower capacity for the planned aeration tanks capacity expansion
- Replace fine bubble diffusers to transfer the oxygen into the water for more efficient treatment

Secondary Treatment Improvement (CIP 19-004)

- Add a selector zone to create a favorable environment of microscopic bugs to thrive, which will enhance effluent treatment process
- Modify aeration basins to add more depth (capacity – additional 6 MGD)
- Add dissolved oxygen and ammonium analyzers and controls to optimize efficiency and treatment
- Add additional filters to reclaimed facility to meet demands of additional plant capacity

Effluent Disposal Improvements (CIP 19-005)

- Construct a second deep injection well for redundancy and to alleviate the need for the ocean outfall except in case of emergencies
 - Construct hydraulic improvements which will provide additional piping to the reclaimed facility