

RESOLUTION NO. 34-2013

**TITLE: SUBMIT APPLICATION – ENTER INTO AGREEMENT
 WPCLF LOAN AGREEMENT
 WWTP IMPROVEMENTS**

A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT (WPCLF) ON BEHALF OF THE CITY OF BARBERTON WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY, DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE, AND THE OHIO WATER DEVELOPMENT AUTHORITY, THROUGH THE WATER POLLUTION CONTROL LOAN FUND, IN THE APPROXIMATE AMOUNT OF \$500,000, FOR CONSTRUCTION OF WASTEWATER FACILITIES AT THE WASTEWATER TREATMENT PLANT; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Barberton seeks to upgrade its existing wastewater facilities at the Wastewater Treatment Plant; and

WHEREAS, the City of Barberton intends to apply for a Water Pollution Control Loan Fund (WPCLF) loan to assist the City of Barberton to pay for the construction of the wastewater facilities costs to improve the Wastewater Treatment Plant; and

WHEREAS, the Ohio Water Pollution Control Loan Fund requires the responsible government authority to pass legislation for application for a loan and the execution of an agreement, as well as designation of a repayment source(s).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That the Mayor, or his designee, be and is hereby authorized, to apply for a WPCLF Loan in the approximate amount of Five Hundred Thousand Dollars and No Cents (\$500,000.00), sign all documents for and enter into a Water Pollution Control Loan Fund Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for construction of Wastewater Facilities at the Wastewater Treatment Plant on behalf of the City of Barberton.

SECTION 2. That the Council and Administration of the City of Barberton hereby designate sewer user fee revenue for a dedicated source of repayment to the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance, through the Water Pollution Control Loan Fund for the subject loan.

SECTION 3. That the Council and Administration of the City of Barberton hereby request that the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance, through the Water Pollution Control Loan Fund, consider and fund its application for a construction loan.

SECTION 4. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 5. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for the reason of the need to meet the funding schedule as established by the Ohio EPA, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2013

Clerk of Council

President of Council

Approved _____ 2013

Mayor