

RESOLUTION NO. 04-2020

**TITLE: ENTER INTO A SUPPLEMENTAL WPCLF
CONSTRUCTION LOAN AGREEMENT
NORTON ACRES PACKAGE PLANT ELIMINATION**

A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A SUPPLEMENTAL WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT 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, FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF THE NORTON ACRES PACKAGE PLANT ELIMINATION IMPROVEMENTS; DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Barberton has authorized improvements for the Norton Acres Package Plant Elimination Project financed through the water Pollution Control Loan Fund pursuant to Resolution No. 02-2018; and

WHEREAS, the City of Barberton has determined that additional work outlined in Change Order #1 to the existing agreement is necessary for the timely completion of the Norton Acres Package Plant Elimination Project; and

WHEREAS, the City of Barberton has received Change Order #1 to the Norton Acres Package Plant Elimination Project for the additional work as outlined in Change Order #1 and which Change Order #1 has been approved by the Ohio EPA; and

WHEREAS, the City of Barberton intends to finance the total cost of Change Order #1 for the Norton Acres Package Plant Elimination Improvements by financing said costs as a supplemental loan to the existing long term construction loan for said facilities previously financed through the Ohio EPA Water Pollution Control Loan Fund, as authorized under Resolution No. 02-2018; and

WHEREAS, the finance of Change Order #1 to the Norton Acres Package Plant Elimination Improvements agreement is a necessary precedent to payment for the construction of the needed additional work outlined Change Order #1; and

WHEREAS, the City of Barberton intends to apply for a Supplemental Water Pollution Control Loan Fund (WPCLF) low interest construction loan to assist the City to pay for the costs of Change Order #1 to the existing WPCLF Loan for the Norton Acres Package Plant Elimination Improvements Project; and

WHEREAS, the Ohio EPA Water Pollution Control Loan Fund requires the City of Barberton to pass legislation to authorize the application for a supplemental construction loan and the execution of a Supplemental WPCLF Construction Loan Agreement, as well as designation of a dedicated repayment source(s); and

WHEREAS, a supplemental cooperative loan agreement for the Norton Acres Package Plant Elimination Improvements Project is necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, and

WHEREAS, the City of Barberton has agreed on a time schedule with the Ohio EPA for the construction of said wastewater facilities improvements.

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

SECTION 1. That the Mayor be and is hereby authorized to apply for a WPCLF Supplemental Construction Loan, sign all documents for and enter into a Supplemental Water Pollution Control Loan Fund agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the construction of the Norton Acres Package Plant Elimination Improvements Project, Change Order No. 1, for the improvements as outlined in said Change Order #1 on behalf of the City of Barberton, Ohio.

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 repayment of said Supplemental WPCLF Construction Loan.

SECTION 3. That, if approved, the Mayor is hereby authorized to execute any and all documentation that may be required by the Ohio EPA and the OWDA to secure and administer a Supplemental WPCLF Cooperative Construction Loan Agreement for a loan for the purpose stated therein.

SECTION 4. 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 supplemental construction loan application.

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 that time is of the essence to comply with the Ohio EPA, Division of Environmental and Financial Assistance and Ohio Water Development Authority time constraints that must be met in order to receive a Supplemental WPCLF Construction Loan, 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 _____ 2020

Clerk of Council

President of Council

Approved _____ 2020

Mayor