

ORDINANCE NO. 85-2016

TITLE: WPCLF CONSTRUCTION LOAN

AN ORDINANCE AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND 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 CONSTRUCTION OF THE 15 MG EQUALIZATION BASIN SEWER NASH HEIGHTS SANITARY SEWER AND PUMPS STATION, ALL PHASES IN THE CITY OF NORTON, OHIO; DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Barberton, Ohio has completed the planning and design of improvements to the Nash Heights Sanitary Sewer and Pump Station, All Phases for a Water Pollution Control Loan Fund (WPCLF) loan through the Ohio Environmental Protection Agency (OEPA); and

WHEREAS, the City of Barberton seeks to upgrade the existing aforementioned wastewater facilities; and

WHEREAS, the City of Barberton has agreed on a time schedule with the U.S. Environmental Protection Agency, U.S. Department of Justice and the Ohio EPA for design and construction of various wastewater facilities improvements; and

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

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

NOW, THEREFORE, BE IT ORDAINED 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 loan, 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 improvements to the Nash Heights Sanitary Sewer and Pump Station, All Phases 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.

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 WPCLF Cooperative Agreement for a loan for the purpose stated therein.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were conducted in an open meeting of this council and that all deliberations of this Council and any of its committees that resulted in such formal actions were conducted in meetings open to the

public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That this ordinance 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 to comply with the U.S. EPA, U.S. Department of Justice, Ohio EPA WPCLF and Ohio Water Development Authority time constraints which must be met in order to receive such a loan and/or to remain in compliance with previous agreements with said agencies, 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 _____ 2016

Clerk of Council

President of Council

Approved _____ 2016

Mayor