

RESOLUTION NO. 85-2019

**TITLE: ENTER INTO AGREEMENT – WPCLF
BRENTWOOD SANITARY SEWER AND PACKAGE PLANT ELIMINATION
PROJECT – PHASE 3**

A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF BARBERTON FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF THE BRENTWOOD SANITARY SEWER AND PACKAGE PLANT ELIMINATION PROJECT – PHASE 3; DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Barberton is in the process of completion of the planning and design of the Brentwood Sanitary Sewer and Package Plant Elimination Project – Phase 3; and

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

WHEREAS, the City of Barberton intends to apply for a WPCLF construction loan to repay itself for advancing funds for the planning and design of the aforementioned improvements and to assist the City to pay for the construction of the wastewater facilities costs of the aforementioned wastewater facilities improvements; and

WHEREAS, the City of Barberton has agreed on a time schedule with the Ohio EPA for the construction of said 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 the planning, design and/or construction of the Brentwood Sanitary Sewer and Package Plant Elimination Project – Phase 3 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 aforementioned improvements.

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 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.

SECTION 5. 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 6. 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 Ohio EPA WPCLF and Ohio Water Development Authority time constraints which must be met in order to receive such loans, and provided it receives the necessary votes require 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 _____ 2019

Clerk of Council

President of Council

Approved _____ 2019

Mayor