



Town Council Special Meeting

August 05, 2024 at 10:30 AM
Howey-in the-Hills Town Hall
101 N. Palm Ave.,
Howey-in-the-Hills, FL 34737

Join Zoom Meeting: <https://us06web.zoom.us/j/82994887372?pwd=1LeUzpIk1raF1mHz7NR5TcxKtzOjJA.1>
Meeting ID: 829 9488 7372 | **Passcode:** 529470

AGENDA

Call the Town Council Meeting to order
Pledge of Allegiance to the Flag
Invocation by Councilor Reneé Lannamañ

ROLL CALL

Acknowledgement of Quorum

AGENDA APPROVAL/REVIEW

NEW BUSINESS

1. Consideration and Approval: **Resolution 2024-004 - State Revolving Fund Wastewater Application**

PUBLIC COMMENTS

Any person wishing to address the Mayor and Town Council and who is not on the agenda is asked to speak their name and address. Three (3) minutes is allocated per speaker.

ADJOURNMENT

To Comply with Title II of the Americans with Disabilities Act (ADA):

Qualified individuals may get assistance through the Florida Relay Service by dialing 7-1-1. Florida Relay is a service provided to residents in the State of Florida who are Deaf, Hard of Hearing, Deaf/Blind, or Speech Disabled that connects them to standard (voice) telephone users. They utilize a wide array of technologies, such as Text Telephone (TTYs) and ASCII, Voice Carry-Over (VCO), Speech to Speech (STS), Relay Conference Captioning (RCC), CapTel, Voice, Hearing Carry-Over (HCO), Video Assisted Speech to Speech (VA-STS) and Enhanced Speech to Speech.

Howey Town Hall is inviting you to a scheduled Zoom meeting.

Topic: **Town Council Special Meeting**

Time: **Aug 5, 2024 10:30 PM Eastern Time (US and Canada)**

Join Zoom Meeting

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Meeting ID: 829 9488 7372

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Dial by your location

+1 646 558 8656 US (New York)

+1 346 248 7799 US (Houston)

Meeting ID: 829 9488 7372

Passcode: 529470

Find your local number: <https://us06web.zoom.us/u/kbajAK7ZXC>

Please Note: In accordance with F.S. 286.0105: Any person who desires to appeal any decision or recommendation at this meeting will need a record of the proceedings, and that for such purposes may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based. The Town of Howey-in-the-Hills does not prepare or provide this verbatim record. Note: In accordance with the F.S. 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact Town Hall, 101 N. Palm Avenue, Howey-in-the-Hills, FL 34737, (352) 324-2290 at least 48 business hours in advance of the meeting.

RESOLUTION 2024-004

A RESOLUTION
of the
Town Council
of the
TOWN OF HOWEY-IN-THE-HILLS, FLORIDA
regarding a proposed
STATE REVOLVING FUND LOAN

Principal Amount
\$3,185,000

WHEREAS, Florida Statutes provide for loans to local governments to finance the evaluation, planning, design, and construction of wastewater-treatment facilities; and

WHEREAS, the Florida Administrative Code requires authorization to apply for loans, to establish pledged revenues, to designate an authorized representative, to provide assurances of compliance with loan program requirements, and to enter into a loan agreement; and

WHEREAS, the State Revolving Fund (“SRF”) loan priority list designates Project No. CW35023 as eligible for available funding. Project No. CW35023 will be a project to evaluate the existing and future wastewater-collection and -transmission facilities and the potential construction and/or acquisition of a regional wastewater-treatment plant (“Project”); and

WHEREAS, the Town of Howey-in-the-Hills, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

SECTION 1. Recitals. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. Authorizations for the Project and the Loan. The Town Council hereby authorizes the Town of Howey-in-the-Hills, Florida, to undertake the Project and to enter into the proposed loan agreement with the State of Florida Department of Environmental Protection (FDEP). The Town Council further ratifies, authorizes, directs, and designates the following:

- a. The application for the SRF loan is ratified and confirmed.
- b. The Mayor, the Town Manager, and the Town Clerk are each authorized and directed to execute and deliver to FDEP the loan agreement and to execute and deliver all other documents and instruments necessary or useful for undertaking the Project and carrying out the loan agreement and other matters related to the Project.
- c. The Town Manager is designated the Town's representative to provide the assurances and commitments required by the loan application and is authorized and directed to represent the Town in carrying out the Town's responsibilities under the loan agreement.
- d. The Town Manager is further authorized to delegate authority and responsibility to appropriate Town staff to carry out technical, financial, and administrative activities associated with the loan agreement.

SECTION 3. Binding effect of Loan Agreement. When signed by both parties the loan agreement will become a binding obligation of the Town in accordance with its terms.

SECTION 4. Pledge of revenues. The Town hereby pledges, for the repayment of the principal of and interest on the loan, when due, the net revenues of the Town's Utility Fund, after payment of principal and interest, when due, on the following existing obligations:

- a. the City's Revenue Refunding Note, Series 2013,
- b. the CWSRF Loan, and
- c. Equipment Lease/Purchase Agreements.

SECTION 5. Legal Authority. The Town's power legally to enter into the loan agreement and to undertake the Project is granted under Article VIII, section 2 of the Constitution of the State of Florida, Parts I and II of Chapter 166 of Florida Statutes, including particularly section 166.111, and the Town's Charter.

SECTION 6. Conflicting resolutions. All resolutions in conflict with this resolution are hereby superseded to the extent of the conflict.

SECTION 7. Severability. If a part of this resolution is held by a court of competent jurisdiction to be invalid, unlawful, or unconstitutional, the holding shall not affect the validity, force, or effect of the remainder of this resolution. To that end, this resolution is declared to be severable.

SECTION 8. This resolution takes effect immediately upon its approval.

APPROVED this 5th day of August, 2024.

**Town of Howey-in-the-Hills,
Florida**
By: its Town Council

By: _____
Hon. Martha MacFarlane
Mayor

ATTEST:

**APPROVED AS TO FORM AND
LEGALITY** (For the use and reliance of the Town
only)

John Brock, Town Clerk

Town Attorney

—

#61157403 v2

August 5, 2024

Ms. Angela Knecht, Program Administrator
State Revolving Fund Management
3900 Commonwealth Blvd., Mail Station 3505
Tallahassee, Florida 32399-3000

Re: CW35023 – Town of Howey-in-the-Hills – Evaluation of wastewater collection and transmission system and potential regional wastewater-treatment plant

Dear Ms. Knecht:

Our firm serves as the Town Attorney for the Town of Howey-in-the-Hills, Florida. The Town proposes to borrow \$3,185,000 from the State Revolving Fund (“SRF”) for planning, design, and pre-construction activities, plus a 2% service fee, but excluding capitalized interest, in a proposed evaluation of the Town’s existing wastewater collection and transmission systems and a potential regional wastewater-treatment plant.

In rendering this opinion we have reviewed those parts of the Constitution of the State of Florida, state statutes, and Chapter 62-503 of the Florida Administrative Code that we deem pertinent to such a proposed loan from the State Revolving Fund, as well as pertinent parts of the Town’s Charter and the Town’s Code of Ordinances, plus Resolution 2024-004 approved by the Town Council of the Town of Howey-in-the-Hills on August 5, 2024. We have not been provided the Loan Agreement that we understand will govern the loan from the SRF, but we have reviewed a “Planning and Design Loan Agreement” that governed a planning-and-design loan from the SRF for another municipality.

We are pleased inform you that, based on our review, we are of the opinion that if and when the Town and the Department of Environmental Protection both execute and deliver a Planning and Design Loan Agreement:

1. The loan agreement will be duly authorized, executed and delivered to the Department and, assuming the validity and enforceability of the

loan agreement against the Department, will be a legal, valid, and binding obligation of the Town, enforceable by the Department against the Town in accordance with its terms.

2. The Town's payment obligations under the loan agreement will be secured by the Town's pledge of the net revenues of the Town's Utility Fund. The net revenues of the Utility Fund are legally available to the Town for its pledge thereof for that purpose.
3. The Town legally has the power to increase its water and wastewater rates to ensure net revenues sufficient for repayments required under the loan agreement.
4. The pledge of net revenues is subject to a prior liens in connection with the following outstanding borrowings:
 - a. Town of Howey-in-the-Hills, Florida, Revenue Refunding Note, Series 2013.
 - b. Town of Howey-in-the-Hills, Florida, Clean Water State Revolving Fund (SRF) Loan Program.

Our opinion is rendered solely for the reliance and benefit of the Department. This opinion may not be reprinted in any publication without our firm's express permission.

Gray Robinson, P.A.

By: _____
Thomas J. Wilkes

#61157413 v2