

**RESOLUTION NO. 2012- 1852**

**A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND SUPPLEMENTAL AGREEMENT ON BEHALF OF THE CITY OF FREMONT FOR CONSTRUCTION OF AN OFF-STREAM RAW WATER SUPPLY RESERVOIR AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Fremont is currently engaged in the construction of an off-stream raw water supply reservoir; and

**WHEREAS**, the City of Fremont obtained a loan through the Water Pollution Control Loan Fund (WPCLF) for the construction of the reservoir;

**WHEREAS**, previously the City of Fremont obtained a supplemental loan for the installation of a liner system in the reservoir;

**WHEREAS**, an additional supplemental loan is needed to complete the installation of a liner system; and

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

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FREMONT, STATE OF OHIO:**

**SECTION 1.** That, subject to the limitations described in Section 2, below, the Mayor is hereby authorized to apply on behalf of the City of Fremont, Ohio for a WPCLF supplemental loan in the maximum principal sum of \$5,000,000.00, sign all documents for and enter into a Water Pollution Control Loan Fund Supplemental Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the payment of work previously done in the construction of the reservoir and the completion of the construction of the reservoir.

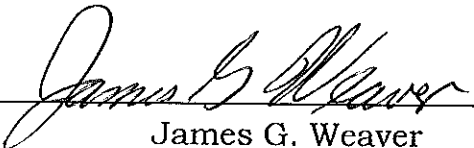
**SECTION 2.** That, prior to the execution of a Water Pollution Control Loan Fund Supplemental Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority by the Mayor, the City Council shall

approve both: (1) a change order to the contract with H. M. Miller Construction Co. effective May 27, 2010 for the payment of work previously done in the construction of the reservoir and (2) a change order to the contract with H. M. Miller Construction Co. effective May 27, 2010 for the completion of the reservoir.

**SECTION 3.** That the dedicated source of repayment will be user fees.

**SECTION 4.** The immediate operation of the provisions of this resolution is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the need to apply for the supplemental loan in a timely manner to complete the reservoir by October 31, 2012.

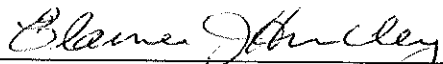
This resolution, provided it receives a two-thirds ye or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this resolution shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.

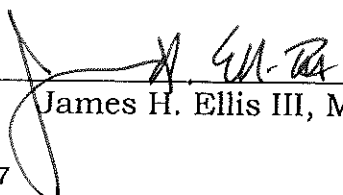
  
James G. Weaver  
President of Council

PASSED: 7-19-12

Effective date: 7-19-12

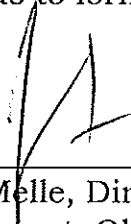
YEAS: 6 NAYS: 0

  
Elaine J. Huntley, City Council Clerk

  
James H. Ellis III, Mayor

RES337

Approved as to form:

A handwritten signature in black ink, appearing to be 'JFM', is written over a horizontal line.

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James F. Melle, Director of Law  
City of Fremont, Ohio