

RESOLUTION NO. 2013- 1883

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 reservoir project; and

WHEREAS, the Ohio Water Pollution Control Loan Fund requires the government authority to pass legislation approving the application for 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 \$7,000,000.00, 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 loan, which will be used for payment of work previously done in the construction of the reservoir and the completion of the construction of the reservoir.

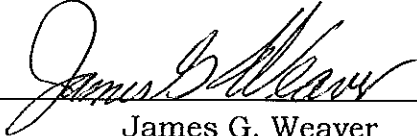
SECTION 2. That, prior to the execution of a Water Pollution Control Loan Fund Supplemental Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority by the Mayor, the City Council shall approve change order number seven to the contract with H. M. Miller Construction Co. effective upon finalization of the settlement for the payment of work previously done in the construction of the reservoir.

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

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 5. 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 compliance with the settlement of the litigation between the City of Fremont and HM Miller.


This resolution, provided it receives a two-thirds yea 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.

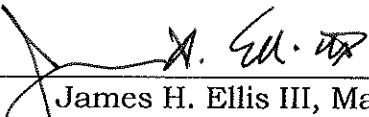

James G. Weaver
President of Council

PASSED: _____ 2-21-13

Effective date: _____ 2-21-13

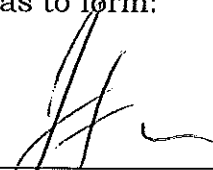
YEAS: _____ 7 NAYS: _____ 0


Elaine J. Huntley, City Council Clerk


James H. Ellis III, Mayor

RES371

Approved as to form:



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