

**CITY OF MARIANNA  
COMMISSION AGENDA MEMO  
SPECIAL MEETING  
December 18, 2018**

**ADMINISTRATIVE STAFF REPORT**

- Subject:** Florida Department of Environmental Protection (FDEP)  
State Revolving Fund (SRF)  
Amendment 4 to Loan Agreement DW320220  
Amendment 5 to Loan Agreement WW320200  
Amendment 3 to Loan Agreement DW320210  
Amendment 10 to Loan Agreement CS12045114P
- Subject Background:** At the December 4, 2018 Regular Commission Meeting the City Commission discussed the subject Loan Agreements and reaching out to SRF to request forbearance on these Agreements to assist the City financially as a result of Hurricane Michael.
- SRF is offering to give forbearance on the Agreements to suspend payments for 2 years and not capitalize interest.
- Recommendation:** The Amendments to the Loan Agreements have been reviewed by staff and the City Attorney and found to be acceptable. It is recommended the City execute all Amendments.
- Potential Motion:** I move to approve execution of Amendments to Loan Agreements: DW320220, WW320200, DW320210, CS12045114S.

Approved for agenda by:



# FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

December 11, 2018

Mr. Jim Dean  
City Manager  
City of Marianna  
Post Office Box 936  
Marianna, Florida 32446

Re: DW320210, DW320220, WW320200, CS12045114P – Marianna  
Forbearance Extension

Dear Mr. Dean:

Attached is a copy of the proposed Forbearance Amendments to the City's State Revolving Fund loan agreements. The amendments provide the City the ability to delay repayment activities in order to recover from hurricane damage.

**Please have the appropriate officials sign and seal two copies of each amendment, and return them to us within three weeks at 3900 Commonwealth Boulevard, MS 3505, Tallahassee, Florida, 32399-3000. We will sign the documents and mail a fully executed of each original to you.**

If you have any questions about these amendments, please call Megan Strohl at (850)245-2899.

Sincerely,

A handwritten signature in blue ink that reads "Angela Knecht".

Angela Knecht, Program Administrator  
State Revolving Fund Management

AK/ms

Attachment

cc: Honorable Allen Ward, II – City of Marianna

**STATE REVOLVING FUND  
AMENDMENT 4 TO LOAN AGREEMENT DW320220  
CITY OF MARIANNA**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the CITY OF MARIANNA, FLORIDA, (Project Sponsor) existing as a local governmental entity under the laws of the State of Florida. Collectively, the Department and the Project Sponsor shall be referred to as "Parties" or individually as a "Party".

The Department and the Project Sponsor entered into a State Revolving Fund Loan Agreement, Number DW320220, as amended; and

Executive Order No. 18-276 and 18-277 declared a state of emergency in Florida due to Hurricane Michael which made landfall on October 10, 2018; and

The Department has the authority to provide Loan repayment activity rescheduling to allow the Project Sponsor time to recover from hurricane damage; and

The Project Sponsor has requested and the Department has agreed to loan revisions to allow the Project Sponsor to address immediate health and safety needs attributed to Hurricane Michael.

The Parties hereto agree as follows:

1. The Loan Debt Service Account requirement set forth in Section 3.01 of the Agreement is suspended for a period of 18 months and shall resume six months prior to the next Semiannual Loan Payment, scheduled below.

2. Section 10.04 of the Agreement is deleted and replaced as follows:

The Loan term shall be 22 years, which includes the period of suspension of repayment activities.

3. Repayment activities, including interest, will be suspended for a period of two years. Semiannual Loan Payments in the amount of \$13,226.45 shall resume and be received by the Department beginning on December 15, 2020, and semiannually thereafter on June 15 and December 15 of each year until all amounts due under the Agreement have been fully paid.

4. All other terms and provisions of the Loan Agreement shall remain in effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 4 to Loan Agreement DW320220 may be executed in two or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Secretary or Designee and the Project Sponsor has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Department.

for  
**CITY OF MARIANNA**

\_\_\_\_\_  
Mayor or Mayor Pro-Temp

Attest:

Approved as to form and legal sufficiency:

\_\_\_\_\_  
City Clerk  
SEAL

\_\_\_\_\_  
City Attorney

for  
**STATE OF FLORIDA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

\_\_\_\_\_  
Secretary or Designee

\_\_\_\_\_  
Date

**STATE REVOLVING FUND  
AMENDMENT 5 TO LOAN AGREEMENT WW320200  
AMENDMENT 5 TO GRANT AGREEMENT SG320201  
CITY OF MARIANNA**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the CITY OF MARIANNA, FLORIDA, (Local Government) existing as a local governmental entity under the laws of the State of Florida. Collectively, the Department and the Local Government shall be referred to as "Parties" or individually as a "Party".

The Department and the Local Government entered into a State Revolving Fund Loan Agreement, Number WW320200 and Grant Agreement Number SG320201, as amended; and

Executive Order No. 18-276 and 18-277 declared a state of emergency in Florida due to Hurricane Michael which made landfall on October 10, 2018; and

The Department has the authority to provide Loan repayment activity rescheduling to allow the Local Government time to recover from hurricane damage; and

The Local Government has requested and the Department has agreed to loan revisions to allow the Local Government to address immediate health and safety needs attributed to Hurricane Michael.

The Parties hereto agree as follows:

1. The Loan Debt Service Account requirement set forth in Section 3.01 of the Agreement is suspended for a period of 18 months and shall resume six months prior to the next Semiannual Loan Payment, scheduled below.

2. Section 10.04 of the Agreement is deleted and replaced as follows:

The Loan term shall be 22 years, which includes the period of suspension of repayment activities.

3. Repayment activities, including interest, will be suspended for a period of two years. Semiannual Loan Payments in the amount of \$40,488.76 shall resume and be received by the Department beginning on December 18, 2020, and semiannually thereafter on June 15 and December 15 of each year until all amounts due under the Agreement have been fully paid.

4. All other terms and provisions of the Loan Agreement shall remain in effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 5 to Loan Agreement WW320200 and Grant Agreement SG320201 may be executed in two or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Secretary or Designee and the Local Government has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Department.

for  
**CITY OF MARIANNA**

\_\_\_\_\_  
Mayor

Attest:

Approved as to form and legal sufficiency:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

SEAL

for  
**STATE OF FLORIDA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

\_\_\_\_\_  
Secretary or Designee

\_\_\_\_\_  
Date

**STATE REVOLVING FUND  
AMENDMENT 3 TO LOAN AGREEMENT DW320210  
CITY OF MARIANNA**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the CITY OF MARIANNA, FLORIDA, (Project Sponsor) existing as a local governmental entity under the laws of the State of Florida. Collectively, the Department and the Project Sponsor shall be referred to as "Parties" or individually as a "Party".

The Department and the Project Sponsor entered into a State Revolving Fund Loan Agreement, Number DW320210, as amended; and

Executive Order No. 18-276 and 18-277 declared a state of emergency in Florida due to Hurricane Michael which made landfall on October 10, 2018; and

The Department has the authority to provide Loan repayment activity rescheduling to allow the Project Sponsor time to recover from hurricane damage; and

The Project Sponsor has requested and the Department has agreed to loan revisions to allow the Project Sponsor to address immediate health and safety needs attributed to Hurricane Michael.

The Parties hereto agree as follows:

1. The Loan Debt Service Account requirement set forth in Section 3.01 of the Agreement is suspended for a period of 18 months and shall resume six months prior to the next Semiannual Loan Payment, scheduled below.

2. Section 10.04 of the Agreement is deleted and replaced as follows:

The Loan term shall be 22 years, which includes the period of suspension of repayment activities.

3. Repayment activities, including interest, will be suspended for a period of two years. Semiannual Loan Payments in the amount of \$47,502.73 shall resume and be received by the Department beginning on October 15, 2020, and semiannually thereafter on April 15 and October 15 of each year until all amounts due under the Agreement have been fully paid.

4. All other terms and provisions of the Loan Agreement shall remain in effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 3 to Loan Agreement DW320210 may be executed in two or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Secretary or Designee and the Project Sponsor has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Department.

for  
**CITY OF MARIANNA**

\_\_\_\_\_  
Mayor

Attest:

Approved as to form and legal sufficiency:

\_\_\_\_\_  
City Clerk

SEAL

\_\_\_\_\_  
City Attorney

for  
**STATE OF FLORIDA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

\_\_\_\_\_  
Secretary or Designee

\_\_\_\_\_  
Date



**STATE REVOLVING FUND  
AMENDMENT 10 TO LOAN AGREEMENT CS12045114P  
CITY OF MARIANNA**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the CITY OF MARIANNA, FLORIDA, (Local Government) existing as a local governmental entity under the laws of the State of Florida. Collectively, the Department and the Local Government shall be referred to as "Parties" or individually as a "Party".

The Department and the Local Government entered into a State Revolving Fund Loan Agreement, Number CS12045114P, as amended; and

Executive Order No. 18-276 and 18-277 declared a state of emergency in Florida due to Hurricane Michael which made landfall on October 10, 2018; and

The Department has the authority to provide Loan repayment activity rescheduling to allow the Local Government time to recover from hurricane damage; and

The Local Government has requested and the Department has agreed to loan revisions to allow the Local Government to address immediate health and safety needs attributed to Hurricane Michael.

The Parties hereto agree as follows:

1. The Loan Debt Service Account requirement set forth in Section 3.01 of the Agreement is suspended for a period of 18 months and shall resume six months prior to the next Semiannual Loan Payment, scheduled below.

2. Section 10.04 of the Agreement is deleted and replaced as follows:

The Loan term shall be 24 years, which includes the period of suspension of repayment activities.

3. Repayment activities, including interest, will be suspended for a period of two years. Semiannual Loan Payments in the amount of \$149,731.14 shall resume and be received by the Department beginning on January 15, 2021, and semiannually thereafter on July 15 and January 15 of each year until all amounts due under the Agreement have been fully paid.

4. All other terms and provisions of the Loan Agreement shall remain in effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 10 to Loan Agreement CS12045114P may be executed in two or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Secretary or Designee and the Local Government has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Department.

for  
**CITY OF MARIANNA**

\_\_\_\_\_  
Mayor

Attest:

Approved as to form and legal sufficiency:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

SEAL

for  
**STATE OF FLORIDA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

\_\_\_\_\_  
Secretary or Designee

\_\_\_\_\_  
Date