

RESOLUTION NO. 08-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VADER, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE DEPARTMENT OF ECOLOGY FUNDING AGREEMENT TO CLOSE OUT THE PROJECT, DEOBLIGATE FUNDS, AND ESTABLISH A FINAL LOAN REPAYMENT SCHEDULE.

WHEREAS, the City signed an agreement on December 1, 2012 with the State of Washington Department of Ecology (DOE) for a Planning and Design Loan in the amount of \$900,000.00 of which 50% of the loan principal is forgivable; and

WHEREAS, the purpose of the loan is to amend the City's Wastewater Treatment Facility Plan and to select a preferred alternative for treatment system upgrades as well as the design of the selected alternative; and

WHEREAS, on January 28, 2016 the City Council approved the First Amendment to the loan agreement to increase the planning portion of the budget by two hundred thousand dollars (\$200,000.00) as well as to extend the loan agreement to June 30, 2017; and

WHEREAS, on May 25, 2017 the City Council approved the Second Amendment to the loan agreement to extend the end date from June 30, 2017 to June 30, 2018; and

WHEREAS, a final amendment, the Third Amendment, is now needed to officially close out the project, de-obligate unused funds, and establish a final loan repayment schedule; and

WHEREAS, the City Council finds it is in the public interest to authorize the Mayor to execute the proposed Third Amendment to the DOE Loan Agreement; **NOW, THEREFORE,**

**THE CITY COUNCIL OF THE CITY OF VADER, WASHINGTON, DOES
HEREBY RESOLVE AS FOLLOWS:**

Section 1. Third Amendment Authorized. The Mayor is hereby authorized to execute the Department of Ecology Loan Agreement #L1300027 Amendment Number 3 between the City of Vader and the State of Washington Department of Ecology in substantially the form attached to this Resolution as Exhibit "1".

RESOLVED this 23rd day of May, 2019.

APPROVED:


Lois Wilson, Mayor

ATTEST/AUTHENTICATED:

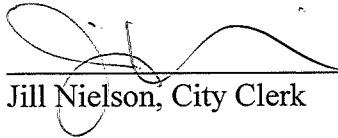
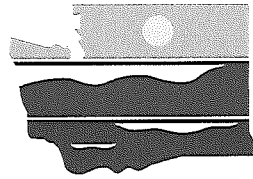

Jill Nielson, City Clerk

EXHIBIT - 1 (Res. 08-2019)



DEPARTMENT OF
ECOLOGY
State of Washington

AMENDMENT NO. 3 [FINAL]
TO
LOAN NO. L1300027 / L13S0027
BETWEEN THE
STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
AND
THE CITY OF VADER

PURPOSE: To amend the Agreement between the State of Washington Department of Ecology, hereinafter referred to as 'DEPARTMENT,' and the City of Vader, hereinafter referred to as 'RECIPIENT,' for the Wastewater Treatment Facility Upgrade Design project. This amendment is needed to officially close out the project, deobligate funds, and establish a final loan repayment schedule.

The RECIPIENT should review the original agreement conditions and requirements that apply during the loan repayment phase. For example:

- Attachment 4, Page 10. Loan Repayment
- Attachment 4, Page 4. Reserve Requirements

IT IS MUTUALLY AGREED that the LOAN agreement is amended as follows:

- 1) The original forgivable loan amount is decreased by \$243,381.48, from \$450,000.00 to \$206,618.52 based upon the final eligible costs for the project and does not have to be repaid.
- 2) The original repayable loan amount is decreased by \$243,381.48, from \$450,000.00 to \$206,618.52 based upon the final eligible costs for the project.
- 3) In addition, \$13,688.32 of interest has accrued from previous payments and is included in the final repayment amount.
- 4) The project completion date shall be June 30, 2018, and based on that date loan repayment shall commence no later than June 30, 2019.
- 5) The Estimated Loan Repayment Schedule Number 2390 created on April 27, 2017, shall be replaced with the attached Final Loan Repayment Schedule Number 2647 created on April 23, 2019.

All other terms and conditions of the original Agreement including any Amendments remain in full force and effect, except as expressly provided by this Amendment.

This Amendment is signed by persons who represent that they have the authority to execute this Amendment and bind their respective organizations to this Amendment.

This Amendment is effective on June 30, 2019.

IN WITNESS WHEREOF: the parties hereto, having read this Amendment in its entirety, including all attachments, do agree in each and every particular and have thus set their hands hereunto.

State of Washington
Department of Ecology

City of Vader

By _____
Signature Date

Heather R. Bartlett
Water Quality Program Manager

By *Lois M Wilson* 5/28/2019

Signature Date

Lois Wilson
Mayor

Approved as to form only.
Assistant Attorney General