



NORWOOD, OHIO

Resolution No. 18 2024

RESOLUTION EXPRESSING SUPPORT FOR SAFETY-SERVICE DIRECTOR'S LOAN APPLICATION THROUGH OHIO ENVIRONMENTAL PROTECTION AGENCY FOR APPROXIMATELY \$700,000.00 TO REPLACE LEAD WATER SERVICE LINES TO PRIVATELY-HELD PROPERTIES (ROLSTON AVENUE), AND DECLARING AN EMERGENCY

WHEREAS, Council desires to express its support for the Safety-Service Director of City of Norwood to apply for a loan through the Ohio Environmental Protection Agency expected to not exceed \$700,000.00 to replace consumer-side lead water service lines, to be reimbursed by the private property owners, either directly or by assessment against their properties;

WHEREAS, the purpose of the loan is to replace consumer-side lead service lines along the Rolston Avenue Improvement Project, for the portion of the lines that run from the residential properties to the City's connection at the street which would typically be at the expense of the property owner and would be in the range of \$8,000 per line, which loan will take advantage of the excavations to expose the water lines; now, therefore,

BE IT RESOLVED, by the Council of the City of Norwood, State of Ohio, that it supports the Safety-Service Director's application for a loan through the Ohio Environmental Protection Agency expected to not exceed \$700,000.00 to replace consumer-side lead water service lines, to be reimbursed by the private property owners, either directly or by assessment against their properties.

SECTION 1. The Council supports the Safety-Service Director's proposal to apply for a loan not to exceed \$700,000.00 and hereby authorizes the application for a loan from the Ohio Environmental Protection Agency, to replace consumer side lead water service lines on a reimbursement basis, in an amount not to exceed \$700,000.00 for the purpose of replacing individual consumer-side lead service lines along the Rolston Avenue Improvement Project, for the portion of the lines that run from the residential properties to the City's connection at the street, and to prepare and sign all documents necessary to apply for the loan on behalf of the City.

SECTION 2. The City Auditor is hereby authorized to draw and the City Treasurer to pay warrants, if any, for the foregoing purpose out of **LEAD WATER SERVICE LINE REPLACEMENT FUND 5050-0853-57297**.

SECTION 3. This Resolution is hereby declared to be an emergency resolution and a measure necessary for the immediate preservation of the public peace, health, safety, and general welfare and shall go into effect forthwith. The reason for said emergency is the necessity to expedite the project timelines and to ensure the funding can be used during construction to protect the health of drinking water users living along the site of the project.

PASSED 6/25/2024
Date



Joseph S. Geers
President of Council

ATTEST:

Natalie Assaf, the duly appointed Clerk of Council, attests that this ordinance was passed at a regular/special meeting of Norwood City Council on the 25 day of June, 2024, in compliance with the rules of Norwood City Council and the laws of the State of Ohio. The foregoing ordinance was submitted to the Mayor of the City of Norwood, Ohio for his signature on the 25 day of June, 2024.

Natalie Assaf
Natalie Assaf
Clerk of Council

APPROVED 25 June 24
Date

Victor Schneider
Victor Schneider
Mayor

CERTIFICATION OF PUBLICATION:

Natalie Assaf, the duly appointed Clerk of Council, attests that this ordinance was published in the

Cincinnati Enquirer on 7/9/24 and 7/16/24
(Name of Newspaper) (date) (date)

Natalie Assaf
Natalie Assaf
Clerk of Council

1st Reading _____
Date

2nd Reading _____
Date

3rd Reading _____
Date

All 3 Readings 6/25/24
Date

Tabled _____
Date

Vetoed _____
Date



Environmental Protection Agency

**Division of Environmental & Financial Assistance (DEFA)
Office of Financial Assistance (OFA)**

50 West Town Street, Suite 700, Columbus, Ohio 43215

Ph: 614.644.2798

www.epa.ohio.gov/defa/ofa

This application must be completed in its entirety. Incomplete forms may result in delay of loan approval.

1.0 Program Funding Selection

Please indicate what type of project funding is needed. *A selection must be made for the loan application to be reviewed.*

- Wastewater Water Pollution Control Loan Fund (WPCLF)
- Drinking Water Water Supply Revolving Loan Account (WSRLA)

2.0 Borrower's Information

Borrower (County, City, Village, or District): City of Norwood
 Borrower's Population: 19,856 County: Hamilton Date of Application: 5/21/2024

3.0 Project Name and Description

Project Name: Lincoln Ave. private side LSL replacement

In the box below, please provide a brief description of the project requesting Ohio EPA funding.

**** Will land and/or easement acquisitions be required for this project?**

- Yes, please indicate acquisition commencement date(s).
- No additional land and/or easements are needed for the project.

* **Note:** If the site title opinion letter is not able to be sent with the loan application, it can be sent at a later date. However, this opinion **MUST** be submitted with the bid package for review.

** A Site Title Opinion Letter must be submitted and signed by the Borrower's Solicitor/Law Director, to insure legal vested interest in all real property for the project. (Example see ATTACHMENT B)

4.0 Funding Type and Proposed Loan Terms

Estimated Loan Amount: \$202,700.00 *This field autofills from Tab 4*
An estimated loan award date must be entered. This date should be the 1st of Month in which the loan would be awarded. This date is dependent on the type of loan that is requested, the estimated loan date will autofill on to TAB 3-Project Schedule.

Estimated Loan Award Date: _____

Please consider my application for the following interest rate discount (construction loans only):

Wastewater Discounts:

- Green Project Reserve
- Nutrient Reduction
- Septage Facilities
- Water Resource Restoration Sponsor Program (WRRSP)
- Other: (Specify) _____

Water Discounts:

- Harmful Algal Bloom / Emerging Contaminants
- Lead Service Line Replacement
- Regionalization
- Other: (Specify) _____

**** Please select only ONE loan type****

The Borrower's interest rate will be determined based on the current year's Program Management Plan requirements. The first payment date must occur no later than 12 months after the project completion date. If you would like the repayment to begin earlier, please indicate a date. Payments are due semiannually: **January 1 and July 1.**

- Planning Loan** Planning loans have a maximum 5-year term.
First Payment Date: _____
- Design Loan** Design loans have a maximum 5-year term.
First Payment Date: _____
(Previous incurred project costs for Planning may be included in the design loan.)
- Construction Loan** Minimum 5-year term. Maximum 30-year term.
Requested Term: 30 Years
First Payment Date: _____
(Previous incurred project costs for Planning & Design may be included in the construction loan.)
- Supplemental Loan** **Loan Number:** _____

**** Please complete the appropriate schedule on Tab 3 "Project Schedule" that correlates with the selected loan type.**

5.0 Contact Information

The authorized representative listed in Section 5.0 will be required to electronically sign the following documents after loan approval and prior to loan disbursement: Term Sheet and Payment Instruction Form. Signing these documents will require two factor authentication via SMS text message, which requires an accurate cellular phone number for the authorized representative.

****As a courtesy and if possible, please provide accurate cellular phone numbers for all contacts below.**

Authorized Representative to Execute Contracts

Name Noah Powers III, Esq. Title Safety Service Director
Address 4645 Montgomery Rd.
City Norwood, Ohio Zip 45212
Telephone 513-458-4503 Cell _____
Email ssd@norwoodohio.gov

Address to Mail Loan Agreement (If different than Authorized Representative)

Name _____ Title _____
Address _____
City _____, Ohio Zip _____
Telephone _____ Cell _____
Email _____

Billing Notices

Name _____ Title _____
Address _____
City _____, Ohio Zip _____
Telephone _____ Cell _____
Email _____

Disbursements - Borrower's representative to contact regarding disbursement

Name _____ Title _____
Address _____
City _____, Ohio Zip _____
Telephone _____ Cell _____
Email _____

Consulting Engineer

Name John Goedde Title Supervising Engineer
Firm JMA Associates
Address 4537 Harrison Ave, Unit 100
City Cincinnati State, Zip Ohio 45211
Telephone 513-721-5500 Cell _____
Email jgoedde@jmaconsult.com

7.0 Estimated Cost Data

Select Funding Sources From Dropdown Box Below					
Estimated Costs		Local Funds	OPWC	OEPA / WSRLA	Total Project Cost
Technical Services					
Administration					
Engineering Services					
Planning					
Design					
Force Account					
Planning Loan Pay-off					
Design Loan Pay-off					
Construction					
<i>(Please enter number of anticipated contractors below)</i>					
Contract "A"		\$425,000.00	\$1,556,000.00		\$1,981,000.00
Contract "B"				\$200,000.00	\$200,000.00
Contract "C"					
Equipment					
Other Costs					
Contingency					
Subtotal		\$425,000.00	\$1,556,000.00	\$200,000.00	\$2,181,000.00
Application Fee				\$2,700.00	
<i>There is a 0.35% OWDA fee on WPLCF loans and a 1.35% fee on WSRLA loans (0.35% OWDA and 1.00% Ohio EPA/WSRLA). Fees are based on total loan amount. Both program have a minimum fee of \$400. Please see application instructions for more information.</i>					
Total Estimated Costs		\$425,000.00	\$1,556,000.00	\$202,700.00	\$2,181,000.00

For construction loan request, please indicate below if the project has an *Ohio EPA or **OWDA planning/design loan affiliated with the project. The planning/design loans will be closed once the construction loan is approved. If funds have been disbursed from the planning/design loans, the payoff balance will be rolled into the construction loan. If no funds have been disbursed and planning funds are needed, please include a line item for planning and/or design in the construction loan.

*Ohio EPA Planning Loan # _____ Planning Loan Payoff Amount _____
 *Ohio EPA Design Loan # _____ Design Loan Payoff Amount _____
 **OWDA Planning Loan # _____ Planning Loan Payoff Amount _____

8.0 Contractor Payment

Please indicate below if the Borrower would like the contractors paid directly. Reimbursement requests for Technical Services line items will be made directly to the Borrower.

Pay contractors directly

9.0 Source of Pledged Revenues

To obtain a loan from Ohio EPA, the Borrower is required to pledge the user revenues derived from the ownership and operation of their system as a security instrument (i.e. collateral) for the repayment of the loan. It can also be used as the dedicated source of repayment. The user revenues, after deductions for the operating and maintenance and previous debt obligations, must be able to support the repayment of the loan. However, unless prohibited by law, the Borrower can also choose any of the following as a dedicated source of loan repayment, with the user rates remaining the collateral. *(Reference Article IV in the WPCLF and the WSRLA Standard Loan Agreement).*

Please indicate the intended source of loan repayment below. More than one source can be used.

Revenue from:

- User Charges
- Assessments - Provide authorizing legislation
- General Taxes
- Other: Indicate source _____
- Other: Indicate source _____

10.0 Revenue Analysis

Current Revenues (Last Audit Year):

YEAR:

User Classes	Total Revenue	Total Number of Users	Annual Revenue Per User
Residential			
Commercial			
Industry / Gov.			
Other			
TOTAL			

Total Revenue should reconcile to the "Revenues to System" column on the Projection of Revenues (TAB 7) for the associated year.

Current Average Monthly Residential User Rate

Projected Revenues for first year following project completion

YEAR:

User Classes	Projected Total Revenue	Projected Total Number of Users	Projected Annual Revenue Per User
Residential			
Commercial			
Industry / Gov.			
Other			
TOTAL			

Total Revenue should reconcile to the "Revenues to System" column on the Projection of Revenues (TAB 7) for the associated year.

Projected Average Monthly Residential User Rate

Ten Largest Users

Customer	% of Revenue

11.0 Revenue Analysis Continued

3-Year Revenue Allocation

Please provide the revenue allocation for 3 years ending with most recent audit.

Year autofills from TAB 5	-2	-1	
Revenue			
	Expenditures		
Operating Expenses			
Debt Service Payments			
Other:			
Total Expenditures			
Surplus or Loss			

Outstanding System Debt (do not include loan being applied for):

Debt Type	Debt Balance	Annual Payment	Final Payment Date
Ohio EPA Loans			
OWDA			
OPWC			
GO bonds			
Revenue Bonds			
USDA-RD Loans			
Other			
TOTAL			

The annual payment total will autofill in the current year debt service column on TAB 7 "Projection of Revenues" sheet.

12.0 Borrowers Credit Rating (If applicable)

	Moody's	S&P
General Obligation		
Water and Sewer Revenues		

13.0 Rate Schedule

Indicate the year of the last rate increase: _____

What was the % of the last rate increase? _____

Please describe the planned rate increases for the next 2 years:

14.0 Capital Improvement Plan

Brief Description of Major Projects:

Ten Year Capital Improvement Plan:

Years	Enter Year	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
\$ in 000's										

15.0 Projection of Revenues and Expenses of the System

Borrower: City of Norwood

Project Name: Lincoln Ave. private side LSL replacement

Year	Revenues to System Only	Operations, Maintenance & Replacement (O,M & R) Expenses	DEBT SERVICE paid from Revenue to the System (i.e. OPWC, USDA, etc.)	NEW Ohio EPA Loan Repayment	Total Expense to the System	Annual Surplus	Cumulative Surplus
The first Year and Current User Revenues autofills from Section 10.0 on Tab 5. The first year of O, M & R and debt service will autofill from Section 11.0 on Tab 6.				***Indicate previous year carryover surplus in the yellow Cumulative Surplus box***			
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Preparer Signature: _____

Date: _____

Authorized Representative Signature: _____

Date: _____

NOTES:



EPA Project Control Number _____

United States Environmental Protection Agency
Washington, DC 20460

Certification Regarding
Debarment, Suspension, and Other Responsibility Matters

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Typed Name & Title of Authorized Representative

Signature of Authorized Representative

Date

I am unable to certify to the above statements. My explanation is attached.



Environmental Protection Agency

Division of Environmental & Financial Assistance

50 West Town Street, Suite 700, Columbus, Ohio 43215

Ph: (614) 644-2798 Fx: (614) 644-3687

www.epa.ohio.gov/defa

OHIO WATER POLLUTION CONTROL LOAN FUND COMPLIANCE CERTIFICATION

BORROWER City of Norwood

PROJECT NAME Lincoln Ave. private side LSL replacement

I certify that I am the duly authorized representative of the above-named legal entity (Borrower) and that the Borrower agrees to comply with all Federal and State laws, executive orders, regulations, policies and conditions relating to WPCLF assistance. I also certify that the Borrower:

1. Has the legal, institutional, managerial and financial capability to ensure adequate construction, operation, maintenance and replacement of the project facilities.
2. Will, if the project includes a new wastewater collection system, require all planned users to connect to the said system no later than one-year after the initiation of operation of the project facilities.
3. Does assure that the mitigative measures stated in the environmental assessment and detailed plans and specifications will be implemented in the construction of the project facilities.
4. Has not and will not violate any Federal, State or local law pertaining to fraud, bribery, graft, collusion or other unlawful or corrupt practices.
5. Will, during the construction of the project facilities, comply with the provisions of:
 - a. Federal Executive Order 11246 relating to Equal Employment Opportunity.
 - b. Federal Executive Orders 12432 relating to the use of Women's and Minority Business Enterprises.
 - c. Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition and Policies Act of 1970 (P.L. 91-646).
 - d. Federal Executive Order 11988 relating to evaluation of potential effects of any actions in a floodplain and Federal Executive Order 11990 relating to minimizing harm to wetlands.
 - e. The National Historic Preservation Act of 1966 (P.L. 89-665 as amended.)
 - f. State Executive Order 90-68 relating to construction impacts on wetland areas.
 - g. The Federal Davis-Bacon Act as codified at 40 U.S.C. 276a-276a-5 unless waived in writing by the State.
6. Will, when disbursements exceed \$750,000 in any year under this agreement, comply with:
 - a. The Single Audit Act of 1984, (SAA), as amended by the Single Audit Act of 1996. The Borrower will also have an audit of its use of Federal Financial Assistance, keep a copy of the SAA for review for the life of the loan.
7. Will comply with Federal Water Pollution Control Act 602(b)(14) pertaining to the procurement of A/E services.
8. Will comply with Federal Water Pollution Control Act 603(d)(1)(E) pertaining to the development of a Fiscal Sustainability Plan.
9. Will comply with Subpart C of 2 CFR Part 180 and will ensure the same compliance from any and all contractors and subcontractors.
10. Will not retain the services of, solicit offers or bids from, or award contracts to any contractor or subcontractor who is presently debarred, suspended or proposed for debarment.
11. Will take steps to ensure that all contractors and subcontractors are not listed on the System for Award Management (SAM) exclusion list, and will have any and all proposed contractors and subcontractors certify they are not presently debarred, suspended, or otherwise excluded.

I certify that I have read and understand these requirements and agree that WPCLF assistance is conditional upon the above-named Borrower maintaining compliance with these requirements. I understand that a false statement on this certificate may be grounds for rejection of this proposal or termination of the award. In addition, under 18 U.S.C. Sec. 1001, a false statement may result in a fine of up to \$10,000.00 or imprisonment for 5 years, or both.

Signature of Authorized Official

Date



Environmental Protection Agency

Division of Environmental & Financial Assistance

50 West Town Street, Suite 700, Columbus, Ohio 43215

Ph: (614) 644-2798 Fx: (614) 644-3687

www.epa.ohio.gov/defa

OHIO WATER SUPPLY REVOLVING LOAN ACCOUNT COMPLIANCE CERTIFICATION

BORROWER City of Norwood

PROJECT NAME Lincoln Ave. private side LSL replacement

I certify that I am the duly authorized representative of the above-named legal entity (Borrower) and that the Borrower agrees to comply with all Federal and State laws, executive orders, regulations, policies and conditions relating to WSRLA assistance. I also certify that the Borrower:

1. Has the legal, institutional, managerial and financial capability to ensure adequate construction, operation, maintenance and replacement of the project facilities.
2. Will, if the project includes a new wastewater collection system, require all planned users to connect to the said system no later than one-year after the initiation of operation of the project facilities.
3. Does assure that the mitigative measures stated in the environmental assessment and detailed plans and specifications will be implemented in the construction of the project facilities.
4. Has not and will not violate any Federal, State or local law pertaining to fraud, bribery, graft, collusion or other unlawful or corrupt practices.
5. Will, during the construction of the project facilities, comply with the provisions of:
 - a. Federal Executive Order 11246 relating to Equal Employment Opportunity.
 - b. Federal Executive Orders 12432 relating to the use of Women's and Minority Business Enterprises.
 - c. Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition and Policies Act of 1970 (P.L. 91-646).
 - d. Federal Executive Order 11988 relating to evaluation of potential effects of any actions in a floodplain and Federal Executive Order 11990 relating to minimizing harm to wetlands.
 - e. The National Historic Preservation Act of 1966 (P.L. 89-665 as amended.)
 - f. State Executive Order 90-68 relating to construction impacts on wetland areas.
 - g. The Federal Davis-Bacon Act as codified at 40 U.S.C. 276a-276a-5 unless waived in writing by the State.
6. Will, when disbursements exceed \$500,000 in any year under this agreement, comply with:
 - a. The Single Audit Act of 1984, (SAA), as amended by the Single Audit Act of 1996. The Borrower will also have an audit of its use of Federal Financial Assistance, keep a copy of the SAA for review for the life of the loan.
7. Will comply with Subpart C of 2 CFR Part 180 and will ensure the same compliance from any and all contractors and subcontractors.
8. Will not retain the services of, solicit offers or bids from, or award contracts to any contractor or subcontractor who is presently debarred, suspended or proposed for debarment.
9. Will take steps to ensure that all contractors and subcontractors are not listed on the System for Award Management (SAM) exclusion list, and will have any and all proposed contractors and subcontractors certify they are not presently debarred, suspended, or otherwise excluded.

I certify that I have read and understand these requirements and agree that WSRLA assistance is conditional upon the above-named Borrower maintaining compliance with these requirements. I understand that a false statement on this certificate may be grounds for rejection of this proposal or termination of the award. In addition, under 18 U.S.C. Sec. 1001, a false statement may result in a fine of up to \$10,000.00 or imprisonment for 5 years, or both.

Signature of Authorized Official

Date



**OHIO WATER POLLUTION CONTROL LOAN FUND
CONSULTANT DEBARMENT CERTIFICATION**

CONSULTANT: _____
BORROWER: City of Norwood
PROJECT NAME: Lincoln Ave. private side LSL replacement

I certify that I am the above-named Consultant, and that the Consultant agrees to comply with all Federal and State laws, executive orders, regulations, policies and conditions relating to WPCLF assistance. I also certify that the Consultant and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification;
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default;
5. Will comply with Subpart C of 2 CFR Part 180; and
6. Will not utilize or recommend Borrower to utilize any subcontractor who is unable to certify the above provisions (1) – (5).

I certify that I have read and understand these requirements and agree that employment as a consultant on this project is conditional upon maintaining compliance with these requirements. I understand that a false statement on this certificate may be grounds for rejection of this proposal or termination of the award. In addition, under 18 U.S.C. Sec. 1001, a false statement may result in a fine of up to \$10,000.00 or imprisonment for 5 years, or both.

Consultant's Signature and Title

Date



**OHIO WATER SUPPLY REVOLVING LOAN ACCOUNT
CONSULTANT DEBARMENT CERTIFICATION**

CONSULTANT: _____
BORROWER: City of Norwood
PROJECT NAME: Lincoln Ave. private side LSL replacement

I certify that I am the above-named Consultant, and that the Consultant agrees to comply with all Federal and State laws, executive orders, regulations, policies and conditions relating to WSRLA assistance. I also certify that the Consultant and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification;
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default;
5. Will comply with Subpart C of 2 CFR Part 180; and
6. Will not utilize or recommend Borrower to utilize any subcontractor who is unable to certify the above provisions (1) – (5).

I certify that I have read and understand these requirements and agree that employment as a consultant on this project is conditional upon maintaining compliance with these requirements. I understand that a false statement on this certificate may be grounds for rejection of this proposal or termination of the award. In addition, under 18 U.S.C. Sec. 1001, a false statement may result in a fine of up to \$10,000.00 or imprisonment for 5 years, or both.

Consultant's Signature and Title

Date

17.0 Application Check List

- Facilities Plan
- A copy of Legislation authorizing current rates/tap in fees
- A copy of Legislation authorizing the borrower to enter into a Loan Agreement with Ohio EPA & OWDA (Example: see ATTACHMENT A)
- Planning & Design Loan Only:** Draft or Executed Copy of Engineering Agreement
- Construction Loan Only:** Engineer's Estimate for project costs. Bid tabs are required to be submitted prior to project approval.
Detailed estimate for Equipment and Force Account
Draft or Executed Copy of the Engineering Agreement if engineering costs are included in the loan.
- If the borrower is using special assessments to cover any portion of the Ohio EPA loan payments, attach a certified statement from a Solicitor/Law Director stating the status of the assessment proceedings, resolutions or ordinances, and notices.
- Site Title Opinion Letter signed by Solicitor/Law Director (Example: see ATTACHMENT B)
* **Note:** If the site title opinion letter is not able to be sent with the loan application, it can be sent at a later date. However, this opinion MUST be submitted with the bid package for review.
- Intermunicipal Service Agreement (if applicable)
- Documentation of outstanding debt for planning and/or design costs, to be included in the Ohio EPA loan (if applicable)

*****ITEMS LISTED BELOW ARE NOT NEEDED WITH THE LOAN APPLICATION.***
These are required after the Borrower has reviewed and SIGNED the Ohio EPA Loan Agreement and Exhibits.**

- General Certificate (Example: see ATTACHMENT C)
- Legal procedural letter signed by the Solicitor/Law Director (Example: see ATTACHMENT D)

18.0 Preparer Information

This Application Submitted by (Name & Title) : _____

Signature: _____

Date: _____ Telephone Number: _____

19.0 Authorized Representative Approval

To the best of my knowledge and belief, the information contained in this application is true and correct. The application has been duly authorized by the governing body of the applicant and the applicant will maintain compliance with all the laws, rules, executive orders and policies pertaining to the Ohio EPA - Water Pollution Control Loan Fund (WPCLF) or the Water Supply Revolving Loan Account (WSRLA) programs.

Authorized Representative _____

Title _____

Signature: _____ Date: _____

Resolution No. _____ (EXAMPLE)

A RESOLUTION AUTHORIZING _____ TO APPLY FOR, ACCEPT, AND ENTER INTO A **WATER POLLUTION CONTROL LOAN FUND (WPCLF)** or **WATER SUPPLY REVOLVING LOAN ACCOUNT (WSRLA)** AGREEMENT ON BEHALF OF THE **CITY/COUNTY/VILLAGE/DISTRICT** OF _____ FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF **WASTEWATER or WATER** FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN:

Whereas, the **City/County/Village/District** of _____ seek to upgrade its existing wastewater facilities; and

Whereas, the **City/County/Village/District** of _____ intends to apply for **Water Pollution Control Loan Fund (WPCLF)** or **Water Supply Revolving Loan Account (WSRLA)** for the planning, design and or construction of the **wastewater or water** facilities; and

Whereas, the Ohio **Water Pollution Control Loan Fund (WPCLF)** or **Water Supply Revolving Loan Account (WSRLA)** 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/County/Village/District** of _____, Ohio:

SECTION 1. That _____ be and is hereby authorized to apply for a **WPCLF or WSRLA** loan, sign all documents for and enter into a **Water Pollution Control Loan Fund (WPCLF) or Water Supply Revolving Loan Account (WSRLA)** with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of **wastewater or water** facilities on behalf of the **City/County/Village/District** of _____, Ohio.

SECTION 2. That the dedicated source of repayment will be _____.

SECTION 3. That is resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____ after _____ reading. Vote: Yeas ____ Nays ____

Approved: _____

President of Council or Board of Commissioners

Attest: _____
Clerk

Mayor

Offered by: _____

Seconded by: _____

NOTE: MODIFY THIS FORM AS NEEDED TO REFLECT YOUR COMMUNITY.

[FORWARD THIS SIGNED LETTER TO DEFA PROJECT COORDINATOR]

Date

[DEFA Project Coordinator's Name]

Division of Environmental and Financial Assistance
Ohio Environmental Protection Agency
P. O. Box 1049
Columbus, Ohio 43216-1049

RE: [Project name]
[Borrower's name]

Dear **[Mr. or Ms]**:

I am the _____ for the _____ of _____ (Borrower). The purpose of this letter is to provide a site title opinion that demonstrates the Borrower has sufficient legal vested interest in all real property to ensure such construction in accordance with the project schedule and undisturbed operation and maintenance of the completed project for its intended useful life. **[The opinion must apply to all contracts.]**

Further, this will confirm that all property acquired for this construction project were obtained in compliance with the Federal Uniform Relocation Assistance and Real Property Acquisition Act of 1970 as amended.

Closing

GENERAL CERTIFICATE
TO BE DELIVERED TO
OHIO ENVIRONMENTAL PROTECTION AGENCY
AND OHIO WATER DEVELOPMENT AUTHORITY

The undersigned, being the [insert name of officer responsible for records— example: Clerk of Council] of the [insert subdivision name — example: County of Orange], Ohio (the “Local Government”), hereby certifies that:

- I. At the times of the enactment of the Loan Legislation (as defined below) and the execution of the *Water Pollution Control Loan Fund (WPCLF) or Water Supply Revolving Loan Account (WSRLA)* Agreement (as defined below), the following were the incumbents of the listed offices:

	<u>Title</u>	<u>Name</u>
Chief Executive Officer:	_____	_____
Chief Fiscal Officer:	_____	_____
Chief Legal Officer:	_____	_____
Officer Responsible for Records:	_____	_____
Legislators:	_____	

- II. The regular meetings of [insert name of legislative body] (the “Legislative Body”) of the Borrower are held on [insert meeting date]. [If applicable, add the following: The Loan Legislation (as defined below) was approved at a special meeting of the Legislative Body held on [insert date of special meeting]].
- III. Attached hereto is (a) a true and exact copy of [Resolution or Ordinance] No. [_____] (the “Loan Legislation”), approved by the Legislative Body on [insert date of enactment of Loan Legislation], authorizing the Borrower to enter into a *Water Pollution Control Loan Fund (WPCLF) or Water Supply Revolving Loan Account (WSRLA)* Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority in the form attached to the Legislation as Exhibit A (the “*Water Pollution Control Loan Fund (WPCLF) or Water Supply Revolving Loan Account (WSRLA)*”), including a description of the Project Facilities being financed under the *Water Pollution Control Loan Fund (WPCLF) or Water Supply Revolving Loan Account (WSRLA)* Agreement, and (b) a copy of the *Water Pollution Control Loan Fund (WPCLF) or Water Supply Revolving Loan Account (WSRLA)* Agreement executed by the official or officials of the Local Government authorized by the Loan Legislation to execute the *Water Pollution Control Loan Fund (WPCLF) or Water Supply Revolving Loan Account (WSRLA)* Agreement on behalf of the Local Government. The undersigned hereby certifies that the Legislation remains in full force and effect and has not been repealed, rescinded, amended or modified.
- IV. Attached hereto is a true and exact copy of [Resolution or Ordinance] No. [_____] (the “Rate Legislation”), approved by the Legislative Body on [insert date of enactment of Rate Legislation], authorizing the current rates or tap-in fees of the utility of the Local Government to which the *Water Pollution Control Loan Fund (WPCLF) or Water Supply Revolving Loan Account (WSRLA)* Agreement relates, and of any special assessment legislation related to any special assessments of the Local Government referred to in the *Water Pollution Control Loan Fund (WPCLF) or Water Supply Revolving Loan Account (WSRLA)* Agreement.
- V. All meetings of the Legislative Body and of its committees and any other public bodies, at which the formal actions referred to in Sections III or IV above were taken, or at which deliberations that resulted in such formal actions were held, were open meetings, and such formal actions were taken and any such deliberations took place while such meetings were open to the public, in compliance with all legal requirements including (if applicable) Section 121.22, Revised Code. Notice and notification of the aforementioned meetings were given Section 121.22, in compliance with all legal requirements including (if applicable) Section 121.22, Revised Code and the rules of the Legislative Body.

[Signature of officer responsible for records]
[Title]

(Date)

(LEGAL LETTER EXAMPLE)

Date

Division of Environmental and Financial Assistance
Ohio Environmental Protection Agency
P. O. Box 1049
Columbus, Ohio 43216-1049

and

Ohio Water Development Authority
480 South High Street
Columbus, Ohio 43215-3516

Executive Director:

The undersigned is the duly appointed and serving Director of Law/Solicitor for the _____ and as such has examined the documents, or copies thereof certified to his/her satisfaction, referred to in the following paragraphs. As said Director of Law/Solicitor, the undersigned advises you that:

1. Ordinance No. _____ passed/adopted on _____ by the Council of the _____ (the "Borrower") authorizing the execution and delivery of the Water Pollution Control Loan Fund (WPCLF) or Water Supply Revolving Loan Account (WSRLA) was (were) duly and lawfully passed/adopted by the Legislative Authority on said date(s), is (are) in full force and effect and has (have) not been withdrawn or repealed as of this date.
2. All formal actions of the Borrower concerning or relating to the enactment of the legislation described in paragraph 1 were taken in an open meeting of the Borrower and of 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 Ohio Revised Code.
3. The Water Pollution Control Loan Fund (WPCLF) or Water Supply Revolving Loan Account (WSRLA) has been duly executed and delivered and constitutes a valid, legal and binding obligation of the Legislative Authority enforceable in accordance with its terms, subject to the provisions of federal bankruptcy laws and other laws affecting creditor's rights.

Very truly yours,

Director of Law/Solicitor