

RESOLUTION NO. 3308

A RESOLUTION AMENDING RESOLUTION NO. 3150 A CLEAN WATER STATE REVOLVING FUND LOAN AGREEMENT TO FINANCE THE PUMP STATION DECOMMISSIONING PROJECT

Findings:

- A. Resolution No. 3150 was adopted by City Council on March 20, 2019, to authorize Clean Water State Revolving Fund ("CWSRF") Loan Agreement No. R14519 for the amount of \$8,000,000 to finance the Pump Station Decommissioning Project.
- B. Since the original loan was executed, project cost estimates have increased. The current estimate for the Pump Station Decommissioning Project is \$9,600,000.
- C. The City of Bend ("City") has entered into negotiations with the State of Oregon Department of Environmental Quality ("DEQ") to increase the loan amount to the City from the CWSRF for the Pump Station Decommissioning Project.
- D. The DEQ has provided an amendment to the Clean Water State Revolving Fund Loan Agreement No. R14519 as attached in Exhibit A to increase the loan amount from \$8,000,000 to not to exceed \$9,600,000.
- E. All other terms and conditions of Resolution No. 3150 will remain unchanged.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF BEND RESOLVES AS FOLLOWS:

1. The City Council authorizes and directs the City Manager or Finance Director acting for and on behalf of the City, to execute the amended CWSRF Loan Agreement and such other additional documents as may reasonably be required for the consummation and closing of the Pump Station Decommissioning Project Loan, and any amendments required thereafter.

Adopted by a vote of the Bend City Council on September 7, 2022.

YES: Mayor Gena Goodman-Campbell  
Mayor Pro Tem Anthony Broadman  
Councilor Barb Campbell  
Councilor Melanie Kebler  
Councilor Megan Perkins  
Councilor Stephen Sehgal  
Councilor Mo Mitchell

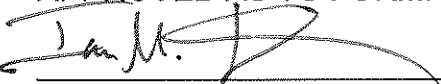
NO: none

  
\_\_\_\_\_  
Gena Goodman-Campbell, Mayor

ATTEST:

  
\_\_\_\_\_  
Robyn Christie, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ian Leitheiser, Assistant City Attorney

**CLEAN WATER STATE REVOLVING FUND  
LOAN AGREEMENT NO. R14519  
AMENDMENT NO. 2  
CITY OF BEND**

This Amendment No. 2 (“Amendment”) to Loan Agreement No. R14519 (the “Loan Agreement”) is executed between the STATE OF OREGON ACTING BY AND THROUGH ITS DEPARTMENT OF ENVIRONMENTAL QUALITY (“DEQ”) and City of Bend (the “Borrower”), effective as of the Effective Date indicated below. Capitalized terms used in this Amendment which are not defined herein have the meanings assigned to them in the Loan Agreement.

The purpose of this Amendment is to increase the loan amount by \$1,600,000 to include construction cost, update the project description, and update Appendices A and B and the Loan Reserve Requirement accordingly.

Date of Loan Agreement: April 8, 2019  
Date of Amendment #1: May 14, 2019

The parties agree as follows:

1. **EFFECTIVE DATE.** This Amendment is effective on the date that it is fully executed and approved as required by applicable law.
2. **DESCRIPTION OF THE PROJECT:**  
Decommission up to ten (10) pump stations and replace them with gravity sewer connections to existing mains. Design and construction activities related to the decommissioning of two additional pump stations (Camden and Ridgewater No. 2) which were previously approved. It is further amended to include additional design and construction activities related to decommissioning the Camden and Ridgewater No. 2 Pump Stations; installing approximately 3,300 LF of 18-inch diameter gravity sewer main; providing new sewer services to approximately 13 properties currently served by private onsite septic systems; reconnecting existing pressure sewer services to the new gravity sewer main; and abandoning existing pressure sewer mains.
3. **AMENDMENTS TO AGREEMENT.**
  - a. ARTICLE 1(C) is amended and restated as follows:  

“(C) LOAN AMOUNT:                   \$9,600,000.”

b. The second sentence of ARTICLE 5(C)(1) is amended and restated as follows:

“Until the Final Loan Amount is calculated, the Loan Reserve Requirement is \$184,683.”

c. The attached “Appendix A: Repayment Schedule” replaces the current “Appendix A: Repayment Schedule” in its entirety.

d. The attached “Appendix B: *Estimated* CWSRF Loan Disbursement Schedule” replaces the current “Appendix B: *Estimated* CWSRF Loan Disbursement Schedule” in its entirety.

3. **COUNTERPARTS.** This Amendment may be executed in two or more counterparts, each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.

4. **ORIGINAL AGREEMENT.** Except as expressly amended above, the terms and conditions of the Loan Agreement shall remain in full force and effect. The Borrower certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

**BORROWER: CITY OF BEND**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Typed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OREGON ACTING BY AND THROUGH ITS  
DEPARTMENT OF ENVIRONMENTAL QUALITY

By: \_\_\_\_\_

Date: \_\_\_\_\_

Jennifer Wigal, Administrator  
Water Quality Division

**APPENDIX A: PRELIMINARY REPAYMENT SCHEDULE**

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY  
 CLEAN WATER STATE REVOLVING FUND LOAN PROGRAM  
**REPAYMENT SCHEDULE**

<b>BORROWER:</b>	<b>City of Bend</b>	<b>INTEREST RATE:</b>	1.27%
<b>SRF LOAN NO.:</b>	<b>R14519</b>	<b>TERM IN YEARS:</b>	20
<b>LOAN AMOUNT:</b>	<b>\$ 9,600,000</b>	<b>PAYMENT AMOUNT: \$</b>	278,667
		<b>ANNUAL FEE:</b>	0.50%

Due Date	Pmt#	----- PAYMENT -----				Principal Balance
		Principal	Interest	Fees	Total	
						9,600,000
12/1/2023	1	0	212,951	0	212,951	9,600,000
6/1/2024	2	217,707	60,960	48,000	326,667	9,382,293
12/1/2024	3	219,089	59,578	0	278,667	9,163,204
6/1/2025	4	220,481	58,186	45,816	324,483	8,942,723
12/1/2025	5	221,881	56,786	0	278,667	8,720,842
6/1/2026	6	223,290	55,377	43,604	322,271	8,497,552
12/1/2026	7	224,708	53,959	0	278,667	8,272,844
6/1/2027	8	226,134	52,533	41,364	320,031	8,046,710
12/1/2027	9	227,570	51,097	0	278,667	7,819,140
6/1/2028	10	229,015	49,652	39,096	317,763	7,590,125
12/1/2028	11	230,470	48,197	0	278,667	7,359,655
6/1/2029	12	231,933	46,734	36,798	315,465	7,127,722
12/1/2029	13	233,406	45,261	0	278,667	6,894,316
6/1/2030	14	234,888	43,779	34,472	313,139	6,659,428
12/1/2030	15	236,380	42,287	0	278,667	6,423,048
6/1/2031	16	237,881	40,786	32,115	310,782	6,185,167
12/1/2031	17	239,391	39,276	0	278,667	5,945,776
6/1/2032	18	240,911	37,756	29,729	308,396	5,704,865
12/1/2032	19	242,441	36,226	0	278,667	5,462,424
6/1/2033	20	243,981	34,686	27,312	305,979	5,218,443
12/1/2033	21	245,530	33,137	0	278,667	4,972,913
6/1/2034	22	247,089	31,578	24,865	303,532	4,725,824
12/1/2034	23	248,658	30,009	0	278,667	4,477,166
6/1/2035	24	250,237	28,430	22,386	301,053	4,226,929
12/1/2035	25	251,826	26,841	0	278,667	3,975,103
6/1/2036	26	253,425	25,242	19,876	298,543	3,721,678
12/1/2036	27	255,034	23,633	0	278,667	3,466,644
6/1/2037	28	256,654	22,013	17,333	296,000	3,209,990
12/1/2037	29	258,284	20,383	0	278,667	2,951,706
6/1/2038	30	259,924	18,743	14,759	293,426	2,691,782
12/1/2038	31	261,574	17,093	0	278,667	2,430,208
6/1/2039	32	263,235	15,432	12,151	290,818	2,166,973
12/1/2039	33	264,907	13,760	0	278,667	1,902,066
6/1/2040	34	266,589	12,078	9,510	288,177	1,635,477
12/1/2040	35	268,282	10,385	0	278,667	1,367,195
6/1/2041	36	269,985	8,682	6,836	285,503	1,097,210
12/1/2041	37	271,700	6,967	0	278,667	825,510
6/1/2042	38	273,425	5,242	4,128	282,795	552,085
12/1/2042	39	275,161	3,506	0	278,667	276,924
6/1/2043	40	276,924	1,758	1,385	280,067	0

<b>TOTALS</b>		9,600,000	1,480,979	511,535	11,592,514	
<b>REQUIRED LOAN RESERVE:</b>	<b>\$</b>		<b>184,683</b>			
						8/25/2022

**APPENDIX B: ESTIMATED CWSRF LOAN DISBURSEMENT SCHEDULE**

<b>Disb. Number</b>	<b>Disb. Amount</b>	<b>Disb. Date</b>
1	205,446	5/25/2019
2	92,153	7/25/2019
3	136,326	10/23/2019
4	1,246,729	3/6/2020
5	158,206	6/30/2020
6	434,523	3/26/2021
7	49,696	6/30/2021
8	8,476	8/21/2021
9	1,800,511	2/28/2022
10	107,896	4/11/2022
11	1,000,000	10/1/2022
12	1,000,000	11/1/2022
13	1,000,000	12/1/2022
14	1,000,000	2/1/2023
15	1,000,000	3/1/2023
16	360,038	4/1/2023
<b>TOTAL:</b>	<b>9,600,000</b>	

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