

RESOLUTION NO. 3364

A RESOLUTION AMENDING RESOLUTION NO. 3292 CLEAN WATER STATE REVOLVING FUND LOAN AGREEMENT TO FINANCE THE WATER RECLAMATION FACILITY FACILITIES PLAN UPDATE

Findings:

- A. Resolution No. 3292 was adopted by City Council on April 20, 2022, to authorize Clean Water State Revolving Fund ("CWSRF") Loan Agreement No. R14529 for the amount of \$750,000 to finance the Water Reclamation Facility Facilities Plan Update.
- B. Since R14529 was executed, project cost estimates have increased. The current estimate for the Water Reclamation Facility Facilities Plan Update is \$1,525,000.
- 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 Water Reclamation Facility Facilities Plan Update.
- D. The DEQ has provided an amendment to the Clean Water State Revolving Fund Loan Agreement No. R14529 as attached in Exhibit A to increase the loan amounts mentioned above.
- E. All other terms and conditions of Resolution No. 3292 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, Chief Financial & Administrative Officer, 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 Water Reclamation Facility Facilities Plan Update Loan amendments, as shown in the attached Exhibit A.

Adopted by a vote of the Bend City Council on March 20, 2024.

YES: Mayor Melanie Kebler
Mayor Pro Tem Megan Perkins
Councilor Barb Campbell
Councilor Anthony Broadman
Councilor Ariel Méndez
Councilor Mike Riley
Councilor Megan Norris

NO: none



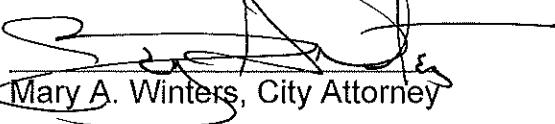
Melanie Kebler, Mayor

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM



Mary A. Winters, City Attorney

**CLEAN WATER STATE REVOLVING FUND
LOAN AGREEMENT NO. R14529
AMENDMENT NO. 1**

CITY OF BEND

This Amendment No. 1 (“Amendment”) to Loan Agreement No. R14529 (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 \$775,000, update Appendices A and B and the Loan Reserve Requirement, accordingly, add Appendix G and update emerging contaminants loan forgiveness.

Date of Loan Agreement: May 27, 2022

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. AMENDMENTS TO AGREEMENT.

a. ARTICLE 1(C) is amended and restated as follows:

“(C) LOAN AMOUNT: \$1,525,000.”

b. ARTICLE 1(L) is amended and restated as follows:

EMERGING CONTAMINANTS LOAN FORGIVENESS: If the Borrower completes the Project and provided there is no default of any of the terms hereof, DEQ shall forgive \$851,096 the Loan, (the portion of the Loan that is forgiven being referred to as the “Forgivable Loan”), on the date the first repayment is due hereunder. The amount of the Forgivable Loan will be determined when the Final Loan Amount is calculated.

c. 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 \$30,446.”

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

- e. The attached "Appendix B: *Estimated* CWSRF Loan Disbursement Schedule" replaces the current "Appendix B: *Estimated* CWSRF Loan Disbursement Schedule" in its entirety.
- f. The attached Appendix G is added to the Loan Agreement.

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
STATE REVOLVING FUND LOAN PROGRAM
REPAYMENT SCHEDULE

BORROWER:	City of Bend	ANNUAL INTEREST RATE:	0.53%
SRF LOAN NO.:	R14529	TERM IN YEARS:	5
LOAN AMOUNT:	\$ 1,525,000	PAYMENT AMOUNT:	\$ 33,653

Due Date	Pmt#	PAYMENT			Total	Principal Balance
		Principal	Interest	Fees		
			EC PF Applied			298,904
12/1/2025	1	0	1,580	0	1,580	298,904
6/1/2026	2	32,861	792	0	33,653	266,043
12/1/2026	3	32,948	705	0	33,653	233,095
6/1/2027	4	33,035	618	0	33,653	200,060
12/1/2027	5	33,123	530	0	33,653	166,937
6/1/2028	6	33,211	442	0	33,653	133,726
12/1/2028	7	33,299	354	0	33,653	100,427
6/1/2029	8	33,387	266	0	33,653	67,040
12/1/2029	9	33,475	178	0	33,653	33,565
6/1/2030	10	33,565	89	0	33,654	0
TOTALS		298,904	5,554	0	304,458	
REQUIRED LOAN RESERVE:			\$ 30,446			

APPENDIX B: ESTIMATED DISBURSEMENT SCHEDULE

Borrower:	City of Bend					
Loan #:	R14529					
Int. Rate:	0.53%				12/31/2025	
1st Pmt:	12/1/2025				12/1/2025	
Date Calculated:				3/6/2024		
					Total:	1,580
Disb.	Disb.	PF	Gross Disb.	Disb.	Calendar	Interest
Number	Amount	Applied	Amount	Date	Days	Amount
1	381,250	381,250	0	7/1/2024	518	0.00
2	381,250	381,250	0	9/1/2024	456	0.00
3	381,250	381,250	0	11/1/2024	395	0.00
4	381,250	82,346	298,904	12/1/2024	365	1,579.86
TOTAL:	1,525,000	1,226,096	298,904			1,579.86

APPENDIX G

Information required by 2 CFR § 200.332(a)(1)

Federal Award Identification:

- (i) Subrecipient name (which must match the name associated with its unique entity identifier): City of Bend
- (ii) Subrecipient's unique entity identifier: ENQKN3GDZAG5
- (iii) Federal Award Identification Number (FAIN): 4X - 02J45001 - 0
- (iv) Federal award date: 9/20/2023
- (v) Sub-award period of performance, start and end date: from July 1, 2023 to June 30, 2025
- (vi) Sub-award budget period start and end date: from July 1, 2023 to June 30, 2025
- (vii) Total Amount of Federal funds obligated by this Agreement: \$1,525,000
- (viii) Total Amount of Federal funds obligated by this initial Agreement and any amendments: \$1,525,000
- (ix) Total amount of Federal award committed to the Subrecipient by the pass-through entity: \$1,525,000
- (x) Federal award project description: Clean Water State Revolving Fund loan
- (xi) Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the pass-through entity:
 - (a) Name of Federal awarding agency: US Environmental Protection Agency
 - (b) Name of pass-through entity: Oregon Department of Environmental Quality
 - (c) Contact information for awarding official of the pass-through entity:
- (xii) Assistance listings number and title: 66.458 - Capitalization Grants for Clean Water State Revolving Funds
Amount: \$1,056,000
- (xiii) Is award R&D? N/A
- (xiv) Indirect cost rate for the Federal award per 2 CFR § 200.414: N/A %