

CITY OF LIBERTY  
COUNTY OF PICKENS  
STATE OF SOUTH CAROLINA

RESOLUTION NO. 2023-09

AUTHORIZING AND APPROVING THE ACCEPTANCE OF CERTAIN LOAN ASSISTANCE MONIES FROM THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AUTHORIZING THE MAYOR TO EXECUTE THAT CERTAIN LOAN ASSISTANCE AGREEMENT BETWEEN THE CITY OF LIBERTY AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Liberty (the "**Project Sponsor**") is a municipal corporation duly created and existing under the laws of the State of South Carolina;

WHEREAS, the Project Sponsor is authorized and empowered by the provisions of Title 48, Chapter 5 of the Code of Laws of South Carolina, 1976, as amended, to receive financial assistance from the South Carolina Water Quality Revolving Fund Authority (the "**Authority**");

WHEREAS, on November 15, 2021, the President signed Public Law No. 117-58, the Infrastructure Investment and Jobs Act also known as the Bipartisan Infrastructure Law (the "**BIL**"), which requires the Fund to provide a certain level of additional subsidization (including subsidization which will not accrue interest and the principal of which will be forgiven) for wastewater infrastructure facilities;

WHEREAS, the funds appropriated under the BIL are deposited into the South Carolina Water Pollution Control Revolving Fund (the "Fund");

WHEREAS, the Project Sponsor previously applied to the South Carolina Department of Health and Environmental Control ("**DHEC**") for certain loan assistance monies (the "**Loan Assistance**") to be made available to the Project Sponsor by the Authority in the form of a subsidization which will not accrue interest and the principal of which will be forgiven;

WHEREAS, the Project Sponsor was selected by DHEC to receive the Loan Assistance contingent upon compliance by the Project Sponsor with all terms, conditions and requirements set forth in the Loan Assistance Agreement, the form of which is attached hereto as Exhibit A (the "**Loan Assistance Agreement**"); and

WHEREAS, based on approvals issued by DHEC, the proceeds of the Loan Assistance are to be used by the Project Sponsor for the Quarry Road and Old Norris Road Lift Station Rehabilitation/Replacement project described in Appendix A to the Loan Assistance Agreement (the "**Project**").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Liberty, South Carolina (the "**Council**"), in a meeting duly assembled:

Section 1. Acceptance of the Loan Assistance; Acknowledgment of Terms of Loan Assistance Agreement.

The Loan Assistance, under the terms, conditions and requirements set forth in the Loan Assistance Agreement, is hereby accepted. The Project Sponsor acknowledges that the receipt of proceeds of the Loan Assistance pursuant to the Loan Assistance Agreement requires the Project Sponsor to comply with all of the terms of the Loan Assistance Agreement, including requiring strict compliance with all state and federal mandates set forth therein by any contractors performing work on the Project who are subject to those mandates. The Project Sponsor further acknowledges that the forgiveness of the principal amount of the Loan Assistance by the Authority is conditional upon the Project Sponsor's complete and satisfactory compliance with the terms of the Loan Assistance Agreement and that any failure to comply strictly with such terms could result in a requirement that the Project Sponsor repay to the Authority all or a portion of the Loan Assistance. The Project Sponsor has fully reviewed each and every provision of the Loan Assistance Agreement.

Section 2. Approvals, Appropriations, and Expenditures.

The Project Sponsor certifies that it has taken, or will take, all actions necessary under South Carolina law to approve, appropriate, and expend the proceeds of the Loan Assistance.

Section 3. Authorization of the Loan Assistance Agreement.

The Loan Assistance Agreement is hereby approved, and the execution and delivery of the Loan Assistance Agreement on behalf of the Project Sponsor is hereby authorized and directed. The Loan Assistance Agreement shall be executed on behalf of the Project Sponsor by the Mayor and shall be attested to by the City Clerk.

Section 4. Miscellaneous.

This Resolution shall be a contract between the Project Sponsor and the Authority and shall be enforceable as such against the Project Sponsor.

ADOPTED, this 11th day of September 2023.

CITY OF LIBERTY, SOUTH CAROLINA



ERICA ROMO WOODS, MAYOR

Attest:



CLERK OF COUNCIL, BAILEE LOCKE