

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION THROUGH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT (WIFIA) LOAN PROGRAM FOR FINANCIAL ASSISTANCE VIA LONG TERM LOANS IN A TOTAL AMOUNT NOT TO EXCEED SEVEN HUNDRED AND SEVENTY MILLION, NINE HUNDRED AND SEVENTY THOUSAND, FIVE HUNDRED AND EIGHTY-THREE DOLLARS AND SEVEN CENTS (\$770,970,583.07) TO FUND UP TO 49% OF THE TOTAL PROJECT COST FOR WATER AND WASTEWATER PLANT AND TRANSMISSION PROJECTS, INCLUDING CAPACITY INCREASES, SYSTEM EXPANSIONS, AND SYSTEM IMPROVEMENTS INCLUDED IN THE WATER AND WASTEWATER CAPITAL IMPROVEMENTS PROGRAM; AUTHORIZING PAYMENT OF AN APPLICATION FEE OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00); APPOINTING THE CHIEF FINANCIAL OFFICER OF THE CITY OF DENTON (CFO) AS AN AUTHORIZED REPRESENTATIVE FOR THE CITY RESPONSIBLE FOR OVERSEEING THE APPLICATION AND LOAN PROCESS AND AUTHORIZING THE CITY MANAGER AND THE CFO TO TAKE ALL ACTION NECESSARY REGARDING THE APPLICATION AND AGREEMENTS FOR THE WIFIA LOAN PROGRAM AND OTHER ACTIONS NECESSARY TO ACCOMPLISH THE INTENT AND PURPOSES OF THIS ORDINANCE; AND AUTHORIZING THE CITY ATTORNEY'S OFFICE, BOND COUNSEL, CITY'S FINANCIAL ADVISOR, AND ENGINEERS NAMED IN THE WIFIA APPLICATION TO TAKE SUCH ACTION REASONABLY NECESSARY IN SUPPORT OF SUCH APPLICATION AND AGREEMENTS TO ACCOMPLISH THE INTENT AND PURPOSES OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The U.S. Environmental Protection Agency (EPA) Water Infrastructure Finance and Innovation Act (WIFIA) is designed to accelerate investment in water infrastructure by offering fixed rate loans with long-term repayment options for up to 49% of the total cost of large projects to help communities develop and optimize water supplies at cost effective rates for projects; and

WHEREAS, the City of Denton, Texas (City) may apply for financial assistance through WIFIA for up to 49% of the project cost for projects included in the five-year water and wastewater capital improvements program, for an amount not to exceed seven hundred and seventy million, nine hundred and seventy thousand, five hundred and eighty-three dollars and seven cents (\$770,970,583.07); and

WHEREAS, the City submitted an abridged application to the EPA WIFIA program on April 17, 2024, indicating the City of Denton's interest in submitting a complete application; and

WHEREAS, in accordance with the rules and regulations for making such application to the EPA WIFIA program the City Council is required to take action to authorize making such application; and

WHEREAS, the City has developed the necessary application materials and desires to make a complete application to the EPA WIFIA program; and

WHEREAS, the EPA evaluated the initial applications and granted approval to the City of Denton to apply on May 10, 2024, and the City must apply by the deadline of May 10, 2025; and

WHEREAS, application for WIFIA funding requires a nonrefundable \$100,000.00 application fee to cover application review and processing; and

WHEREAS, this ordinance hereby indicates intent by the City to make application to, and the City's desire to borrow funds from, the EPA WIFIA program for funding up to 49% of the total project cost for water and wastewater plant and transmission projects, including capacity increases, system expansions, and system improvements included in the water and wastewater capital improvements program. NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. The recitals above are hereby incorporated and made part of this ordinance for all purposes.

SECTION 2. Submittal of the application for the United States Environmental Protection Agency's Water Infrastructure Finance and Innovation Act loan program by the City is hereby approved and authorized.

SECTION 3. The City Manager, or designee, is designated, delegated, and authorized to execute and submit to the United States Environmental Protection Agency an application for financial assistance via long-term loans in a total amount not to exceed 49% of the total project cost for water and wastewater plants and transmission projects, including capacity increases, system expansions, and system improvements included in the water and wastewater capital improvements program through the Water Infrastructure Finance and Innovation Act loan program, and act on behalf of the City of Denton in all matters related to the loan application, loan agreements, receipt of funds, and take those actions necessary to accomplish the purpose and intent of this ordinance.

SECTION 4. The City Attorney's Office, City's Bond Counsel, City's Financial Advisor, and Engineers included in the WIFIA application are hereby authorized to take such action reasonably necessary in support of such application and agreements to accomplish the purpose and intent of this ordinance.

SECTION 5. The Chief Financial Officer of the City of Denton, is hereby appointed as an authorized representative for the City responsible for overseeing the application and loan processes, coordinating with the Environmental Protection Agency, and managing necessary documentation for the WIFIA application and loan program, and is authorized to execute and submit to the EPA an application for financial assistance via long-term loans in a total amount not to exceed 49% of the total project amounts for water and wastewater plants and transmission projects including capacity increases, system expansions, and system improvements included in

the water and wastewater capital improvements program through the WIFIA loan program, and act on behalf of the City of Denton in all matters related to the loan application, loan agreements, receipt of funds, and take those actions necessary to accomplish the purpose and intent of this ordinance.

SECTION 6. This ordinance is effective immediately upon its passage.

The motion to approve this ordinance was made by [\_\_\_\_\_] and seconded by [\_\_\_\_\_].

The ordinance was passed and approved by the following vote [\_\_ – \_\_ – \_\_]:

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Paul Meltzer, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
GERARD HUDSPETH, MAYOR

ATTEST:  
LAUREN THODEN, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

BY: \_\_\_\_\_