

ORDINANCE NO. 2018- 06

AN ORDINANCE AUTHORIZING THE CITY OF CARLSBAD (CITY) TO AMEND ORDINANCE 2010-01 FOR THE PURPOSE OF INCREASING THE AGGREGATE PRINCIPAL AMOUNT OF THE NEW MEXICO ENVIRONMENT DEPARTMENT CLEAN WATER STATE REVOLVING FUND (NMED) LOAN NUMBER CWSRF LOAN 010.

WHEREAS, pursuant to Ordinance No. 2010-01, the City of Carlsbad was authorized by the Governing Body to enter into a loan agreement with NMED for the purpose of obtaining wastewater construction loan funds in a principal amount not to exceed 18,000,000; and

WHEREAS, Section 6. Authorization of Loan Agreement, of Ordinance 2010-01 specifically states that the aggregate principal amount of the loan shall not exceed \$18,000,000 without the adoption by the Governing Body of a new ordinance amending Ordinance 2010-01; and

WHEREAS, at the closing of the construction phase of the loan, the City had disbursed \$17,575,220.17 in loan money for the improvements and accrued construction interest on the loan in the amount of \$1,839,000.32 or \$1,414,220.49 more than the principal amount authorized by the adoption of Ordinance 2010-01; and

WHEREAS, the Governing Body has determined that it is to the best interest of the City to roll into the loan the accrued construction interest, for a total loan repayment principal amount of \$19,414,220.49; and

WHEREAS, the NMED has agreed to increase the loan principal amount to \$19,414,220.49 under the same terms and conditions set forth for the original loan.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, that:

Ordinance 2010-01 be amended to increase the principal amount of the loan number CWSRF Loan 010 to \$19,414,220.49, under the same terms and conditions set forth for the original loan

PASSED, APPROVED, AND ADOPTED this 27th day of February, 2018,

/s/Dale Janway
DALE JANWAY, MAYOR

ATTEST:

/s/Nadine Mireles
CITY CLERK