

RESOLUTION NO. 20-50

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AN AUTHORIZED REPRESENTATIVE; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach (“Town”) empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the planning, design, and construction of stormwater treatment facilities; and

WHEREAS, applicable statutes and administrative rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

WHEREAS: the Town intends to construct necessary improvements to its stormwater system (the “Project”) and desires to borrow money from the State Revolving Fund; and

WHEREAS, the State Revolving Fund loan priority list designates the Town’s Project (Project No. SW36086) as eligible for available funding; and

WHEREAS, the Town intends to enter into a loan agreement with the Florida Department of Environmental Protection under the State Revolving Fund for Project financing (“Loan Agreement”).

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The above recitals are true and correct, and incorporated herein by this reference and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Manager is authorized to apply for the Loan Agreement from the State Revolving Fund to finance the Project, and is designated as the Town’s representative to

carry out the responsibilities under the Loan Agreement, which the Town Manager may delegate to appropriate staff the responsibility to carry out technical, financial, and administrative activities associated with the Loan Agreement.

Section 3. The revenues pledged for the repayment of the Loan Agreement are the gross revenues derived yearly from the operation of the Town's stormwater system after payment of the operation and maintenance expenses and the satisfaction of all yearly senior debt payment. No senior debt obligations pledging these revenues currently exist.

Section 4. The legal authority for borrowing moneys to construct this Project is Section 166.111, *Florida Statutes* and Section 403.1835, *Florida Statutes*.

Section 5. All Resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 6. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

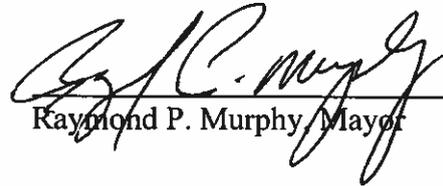
Section 7. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Hosafros and seconded by Council Member Veach, and upon being put to a vote, the result was as follows:

Ray Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Dan Allers, Council Member	aye
Jim Atterholt, Council Member	aye
Bill Veach, Council Member	aye

ADOPTED this 2nd day of November 2020 by the Town Council of the Town of Fort Myers Beach, Florida.

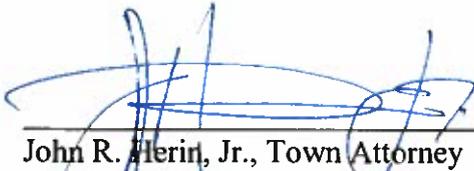
TOWN OF FORT MYERS BEACH


Raymond P. Murphy, Mayor

ATTEST:


Amy Baker, Deputy Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH SOLELY:


John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 4 day of Nov. 2020.