

RESOLUTION NO. 21-11

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 the governing body of the borrowing local government agency to authorize the loan application; to designate pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and authorize entering 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 of Florida Department of Environmental Protection has drafted Clean Water State Revolving Fund Construction Loan Agreement SW360860 (“Agreement”); and

WHEREAS, the Town intends to enter into the Agreement under the State Revolving Fund for Project financing.

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 the Town's designated representative authorized to apply for the Agreement to finance the Project; to execute the Agreement and any subsequent amendments, which will become a binding obligation in accordance with its terms when signed by both parties; and carry out the Town's responsibilities under the Agreement. The Town Manager may delegate to appropriate Town staff the responsibility to carry out technical, financial, and administrative activities associated with the Agreement.

Section 3. The revenues pledged for the repayment of the 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.

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 parts 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.

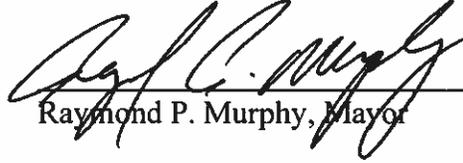
Section 7. This Resolution shall take effect immediately upon its adoption.

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

Raymond P. Murphy, Mayor	Aye
Rexann Hosafros, Vice Mayor	Aye
Dan Allers, Councilmember	Aye
Bill Veach, Councilmember	Aye
Jim Atterholt, Councilmember	Aye

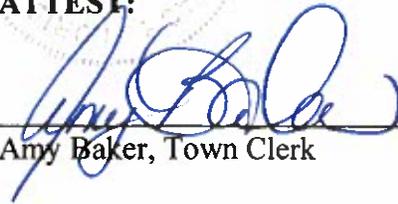
ADOPTED this 16th day of February 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH



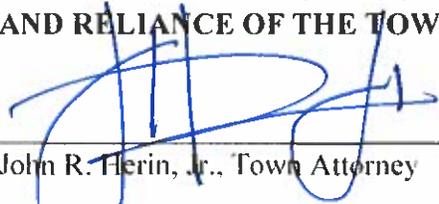
Raymond P. Murphy, Mayor

ATTEST:



Amy Baker, Town Clerk

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



John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 18 day of February 2021.