

RESOLUTION NO. 2023-004

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN CARLOS ESTATES WATER CONTROL DISTRICT (“DISTRICT”) ADOPTING THE 2022 LEE COUNTY EMERGENCY MANAGEMENT JOINT LOCAL MITIGATION STRATEGY PLAN AND PROVIDING FOR SCRIVENER’S ERRORS, SEVERABILITY, RESCISSION, CONSTRUCTION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 298 Florida Statutes, the Judicial Decree by the Circuit Court of the Twelfth Judicial Circuit in and for Lee County, Florida, Case No. 69-105, dated April 3, 1969, and other applicable provisions of law, the San Carlos Estates Water Control District (“District”) is responsible for operating a system of perimeter canals, dikes, roadside swales, roadbeds, basins and outfall canals to provide drainage and stormwater flow control and other reclamation of the lands located within the District’s geographical boundary;

WHEREAS, the District’s waterways affect drainage and stormwater flow control throughout the surrounding region of Lee County, Florida;

WHEREAS, the District has limited financial resources to fund a mitigation strategy and mitigation activities in the District;

WHEREAS, the District desires to participate in the 2022 Lee County Emergency Management Mitigation Strategy Plan as the District’s participation will benefit all landowners within the District as well as other landowners in the region.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of the San Carlos Estates Water Control District:

SECTION 1. AUTHORITY

This Resolution is adopted pursuant to the provisions of Florida law, especially Chapter 298, Florida Statutes, and the District’s enabling judicial decree entered by the Circuit Court of the Twelfth Judicial Circuit in and for Lee County, Florida, in Case No. 69-105, dated April 3, 1969, and the District’s judicial validation of the District’s Series 2003 Bonds approved by the final judgment entered by the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida, in Case No. 03-CA-5140 I, and other applicable provisions of law.

SECTION 2. INCORPORATION OF RECITALS

The recitals set forth above are true and correct and form a part of this Resolution.

SECTION 3. ADOPTION OF THE 2022 LEE COUNTY EMERGENCY MANAGEMENT JOINT LOCAL MITIGATION STRATEGY PLAN.

The Board of Supervisors for the District hereby adopts this resolution authorizing the District's participation in the 2022 Lee County Emergency Management Joint Local Mitigation Strategy Plan. The Board of Supervisors reserves the unilateral right to withdraw the District's participation in the 2022 Lee County Emergency Management Joint Local Mitigation Strategy Plan in the future upon ninety (90) days advance written notice to Lee County, Florida.

SECTION 4. SCRIVENER'S ERRORS

Sections of this Resolution may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the President of the Board of Supervisors without need of a public meeting or Board decision making action, by the President of the Board of Supervisors filing a corrected or re-codified copy of same with the District's records custodian.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause or other provision of this Resolution is held unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall be deemed a separate provision and eliminated from this Resolution and shall not affect the remainder of this Resolution.

SECTION 6. RESCISSION.

The Board of Supervisors hereby rescinds all prior resolutions and other official action of the Board of Supervisors to the extent of any conflict with any part of this Resolution.

SECTION 7. CONSTRUCTION AND EFFECTIVE DATE

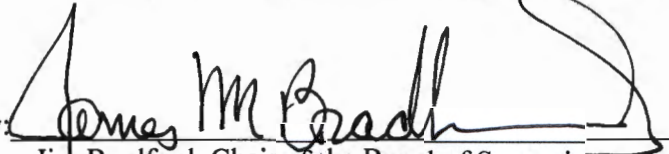
This Resolution shall be liberally construed to effect the purposes hereof and shall take effect immediately upon its adoption.

THE FOREGOING RESOLUTION WAS OFFERED BY SUPERVISOR JOHN CELLUCCI WHO MOVED THE RESOLUTION'S ADOPTION. THE MOTION WAS SECONDED BY SUPERVISOR JENNIFER FINAZZO AND, UPON BEING PUT TO A VOTE, THE VOTE WAS AS FOLLOWS:


<u>NAME</u>	<u>YES</u>	<u>NO</u>
Jim Bradford	<u> x </u>	<u> </u>
John Cellucci	<u> x </u>	<u> </u>
Jennifer Finazzo	<u> x </u>	<u> </u>

Duly passed and adopted on this 19th day of June, 2023.

**BOARD OF SUPERVISORS OF THE
SAN CARLOS ESTATES WATER CONTROL DISTRICT**

By: 
Jim Bradford, Chair of the Board of Supervisors

ATTEST:


By: _____
Chris Lawson, Secretary-Treasurer for the District