

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, TO EXECUTE RESOLUTIONS CALLING LETTERS OF CREDIT AS NECESSARY DURING THE PERIOD COMMENCING MARCH 18, 2020, THROUGH AND INCLUDING APRIL 6, 2020, OR IN THE EVENT OF A LOCALLY DECLARED STATE OF EMERGENCY DUE TO COVID-19, UNTIL THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY IS ABLE TO MEET, AND FURTHER DELEGATING TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, THE AUTHORITY TO EXECUTE ALL DOCUMENTS NECESSARY TO THE PROPER FUNCTIONING OF THE COUNTY DURING THE PERIOD COMMENCING MARCH 18, 2020, THROUGH AND INCLUDING APRIL 6, 2020 OR IN THE EVENT OF A LOCALLY DECLARED STATE OF EMERGENCY DUE TO COVID-19, UNTIL THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY IS ABLE TO MEET.

WHEREAS, at the November 5, 2019 Board of County Commissioners meeting, the Board approved the scheduled Board meetings for 2020, with the last meeting in March, being March 17th and the first meeting in April, being April 7th;

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order Number 20-52, declaring a state of emergency in the State of Florida concerning COVID-19;

WHEREAS, Section 101.05.1.q of The Code of Indian River County allows the Board to authorize the County Administrator, or his designee, to perform other duties on behalf of the Board of County Commissioners;

WHEREAS, various letters of credit are posted with the County to, among other things, guaranty performance or warranty as well as compliance and restoration of sand mines, and many letters of credit have certain call language requiring a resolution of the Board of County Commissioners declaring default or failure to post alternate security;

WHEREAS, it is necessary to delegate specific authority to execute resolutions on behalf of the Board of County Commissioners to call letters of credit;

WHEREAS, it is necessary to delegate additional signing authority, not previously delegated by Florida Statutes, The Code of Indian River County, and Indian River County resolutions, to each of the County Administrator or his designee;

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WHEREAS, pursuant to Resolution No. 2019-55 and section 101.10(1) of The Code of Indian River County, the Board of County Commissioners delegated to the Indian River County Administrator, or his designee, the authority: (i) to declare a state of local emergency for Indian River County pursuant to Florida Statutes section 252.38(3)(a)(5); and (ii) pursuant to any duly issued Executive Order concerning Emergency Management issued by the Governor of the State of Florida declaring that a disaster and/or emergency [as such terms are defined in Florida Statutes section 252.34 (2) and (4) respectively] exists in Indian River County, to issue orders and rules, including, without limitation, the ability to issue Emergency Orders for Indian River County, during the period of the declared emergency, and such delegation in Resolution No. 2019-55 remains in full force and effect; and

WHEREAS, pursuant to Resolution No. 2019-56, the Board of County Commissioners delegated to the Indian River County Administrator or his designee, the authority to execute resolutions on behalf of the Board to call letters of credit which might expire or otherwise require action to be taken during the period of a declared state of local emergency or declared State of Florida emergency affecting Indian River County, and such delegation in Resolution No. 2019-56 remains in full force and effect.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, that:

1. The County Administrator, or his designee, is hereby delegated the authority to execute resolutions on behalf of the Board of County Commissioners to call letters of credit which might expire or otherwise require action to be taken during the period commencing March 18, 2020, through and including April 6, 2020, or in the event of a locally declared state of emergency due to COVID-19, until the Board of County Commissioners is able to meet. Any resolutions executed by the County Administrator or his designee, to call letters of credit during the period commencing March 18, 2020, through and including April 6, 2020, or in the event of a locally declared state of emergency due to COVID-19, until the Board of County Commissioners is able to meet, are to be accompanied by a copy of this Resolution.
2. The County Administrator, or his designee, is hereby authorized to execute all documents necessary to the proper functioning of the County, which may arise during the period commencing March 18, 2020, through and including April 6, 2020, or in the event of a locally declared state of emergency due to COVID-19, until the Board of County Commissioners is able to meet, provided that all such documents signed during such interval are brought to the Board of County Commissioners for ratification, once the Board of County Commissioners is able to meet, again.
3. The Effective Date of this Resolution is March 18, 2020, and this Resolution shall expire without further action of this Board at the close of business on April 6, 2020 or in the event of a locally declared state of emergency due to COVID-19, until the Board of County Commissioners is able to meet.

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This Resolution was moved for adoption by Commissioner _____, and the motion was seconded by Commissioner _____, and, upon being put to a vote, the vote was as follows:

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| Chairman Susan Adams | _____ |
| Vice-Chairman Joseph E. Flescher | _____ |
| Commissioner Tim Zorc | _____ |
| Commissioner Peter D. O'Bryan | _____ |
| Commissioner Bob Solari | _____ |

The Chairman thereupon declared this Resolution duly passed and adopted this 17th day of March, 2020.

**BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA**

By _____
Susan Adams, Chairman

Attest: Jeffrey R. Smith, Clerk of Court
and Comptroller

By _____
Deputy Clerk

Approved as to form and
legal sufficiency

By _____
Dylan Reingold, County Attorney