

BEFORE THE BOARD OF COUNTY COMMISSIONERS

MARTIN COUNTY, FLORIDA

RESOLUTION NO. 82-2.13

(Regarding the Martin County Health Facilities Authority)

A RESOLUTION DECLARING THAT THERE IS A NEED FOR A HEALTH FACILITIES AUTHORITY IN MARTIN COUNTY, FLORIDA; PROVIDING FOR THE ACTIVATION AND AUTHORIZATION TO ACT OF THE MARTIN COUNTY HEALTH FACILITIES AUTHORITY; DESIGNATING THE MEMBERS OF SAID AUTHORITY AND FIXING THEIR RESPECTIVE TERMS OF OFFICE; AND MAKING OTHER PROVISIONS WITH RESPECT THERETO; ALL PURSUANT TO CHAPTER 154, PART III, FLORIDA STATUTES, AS AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA:

SECTION 1. The Board of County Commissioners of Martin County, Florida (hereinafter called the "Commission"), hereby finds, determines and declares:

(a) Chapter 154, Part III, Florida Statutes, as amended, allows the creation in each county of the State of Florida a local governmental body as a public body corporate and politic, known as a health facilities authority, and constituted as a public instrumentality for the purpose of assisting in the development and maintenance of health facilities and the public health;

(b) Chapter 154, Part III, Florida Statutes, as amended, provides that such authorities are created for the purpose of financing and refinancing projects as defined in the Health Facilities Authorities Law, Chapter 154, Part III, Florida Statutes, as amended, for the public purposes described in, and in the manner provided by, such Act, as amended;

(c) Chapter 154, Part III, Florida Statutes, as amended, authorizes any such authority to transact business and exercise its powers under the provisions of such statutes, upon the adoption of a resolution by the board of county commissioners or other body charged with governing the county, declaring that there is a need for an authority in the county and designating the initial members of such authority; and

(d) there exists a need for the development and financing of health facilities and other projects as defined in the Act in Martin County, Florida (hereinafter called the "County"), and there is such a need for an authority in the County as provided for in Chapter 154, Part III, Florida Statutes, as amended.

SECTION 2. A health facilities authority for Martin County is hereby created and the name of such authority shall be the "Martin County Health Facilities Authority" (hereinafter called the "Authority"). The Authority is a local governmental body created as a public body corporate and politic and constituted as a public instrumentality for the purposes of assisting in the development and maintenance of health facilities and projects as defined in Chapter 154, Part III, Florida Statutes, as amended, and the Authority is created and authorized to act for the purpose of financing and refinancing projects as defined in the Health Facilities Authorities Law, Chapter 154, Part III, Florida Statutes, as amended, for the public purposes described in and in the manner provided by, such Act, as amended.

SECTION 3. The following persons who are residents and electors of the County are hereby designated as the initial members of the Authority, each of whom shall serve for a term beginning on the date of adoption of this resolution

and ending upon the expiration of the period set forth opposite his or her name, and until his or her successor is appointed and has qualified:

<u>James Schmoeyer</u>	One Year
<u>Homer Greene</u>	Two Years
<u>John H. Crane</u>	Three Years
<u>William E. Owens</u>	Four Years
<u>A. A. Hendry III</u>	Four Years

SECTION 4. Hereafter, the Commission shall appoint for terms of four years each a member or members of the Authority to succeed those whose terms expire. The Commission shall fill any vacancy for an unexpired term. A member of the Authority shall be eligible for reappointment. Any member of the Authority may be removed by the Commission for misfeasance, malfeasance, or willful neglect of duty. Each member of the Authority, before entering upon his duties, shall take and subscribe the oath or affirmation required by the state constitution. A record of each such oath shall be filed with the Department of State and with the clerk of the Commission.

SECTION 5. The Authority shall annually elect one of its members as chairman and one as vice chairman. The Authority shall keep a record of its proceedings and shall be custodian of all books and of its minute book or journal and official seal. The Authority shall cause copies to be made of all its minutes and other records and documents and shall give certificates under its official seal to the effect that such copies are true copies, and all persons dealing with it may rely upon such certificates. Three members of the Authority shall constitute a quorum, and the affirmative vote of a majority of the members present shall be necessary for any action taken by the Authority. However, any action may be taken by the Authority with the unanimous consent of all of its members. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. Any action taken by the Authority under the provisions of Chapter 154, Part III, Florida Statutes, as amended, may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted. All meetings of the Authority, as well as all records, books, documents, and papers, shall be open and available to the public in accordance with Section 286.011, Florida Statutes, 1981. The members of the Authority shall receive no compensation for the performance of their duties hereunder, but each member shall be paid his necessary expenses incurred while engaged in the performance of such duties pursuant to Section 112.061, Florida Statutes, 1981. The Authority shall exercise those powers set forth in Chapter 154, Part III, Florida Statutes, as amended.

SECTION 6. All expenses incurred in carrying out the provisions of Chapter 154, Part III, Florida Statutes, as amended, shall be payable solely from funds provided under the provisions of Chapter 154, Part III, Florida Statutes, as amended, and no liability or obligation shall be incurred by an authority, a local agency, or the state hereunder beyond the extent to which monies shall have been provided under the provisions of Chapter 154, Part III, Florida Statutes, as amended.

SECTION 7. Any notes, bonds or other obligations of the Authority issued under the provisions of Chapter 154, Part III, Florida Statutes, as amended, shall not be deemed to constitute a debt, liability, or obligation of the local agency or the state or any political subdivision thereof, or a pledge of the faith and credit of the local agency or the state or any political subdivision thereof, but shall be payable solely from the revenues provided therefor. Any revenue bonds shall contain on the face thereof a statement to the effect that

the authority shall not be obligated to pay the same or the interest thereon except from the revenue of the project or the portion thereof for which they are issued and that neither the faith and credit nor the taxing power of the local agency or of the state or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds. The issuance of revenue bonds under the provisions of Chapter 154, Part III, Florida Statutes, as amended, shall not directly, indirectly, or contingently obligate the local agency or the state or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

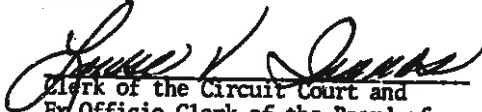
SECTION 8. This resolution shall take effect immediately.

PASSED AND ADOPTED this 23rd day of February, 1982.

(OFFICIAL SEAL)


Chairman of the Board of County
Commissioners of Martin County, Florida

Attest:


Clerk of the Circuit Court and
Ex Officio Clerk of the Board of
County Commissioners of Martin
County, Florida

Approved as to form and correctness:

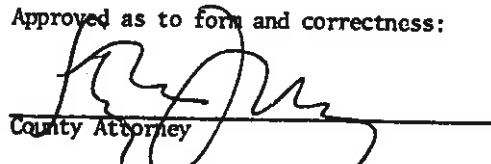

County Attorney

EXHIBIT 49-17

154.207 Creation of health facilities authorities.--

(1) In each local agency there may be created a public body corporate and politic to be known as the "(name of local agency) Health Facilities Authority." Each of said authorities shall be constituted as a public instrumentality, and the exercise by an authority of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. Each of said authorities shall not transact any business or exercise any power hereunder until and unless the governing body of the local agency by proper ordinance or resolution shall declare that there is a need for an authority to function in such local agency. The determination as to whether there is such need for an authority to function:

(a) May be made by the governing body on its own motion.

(b) May be made by the governing body upon the filing of a petition signed by 25 residents of the local agency asserting that there is need for an authority to function in such local agency and requesting that the governing body so declare.

(2) The governing body may abolish the authority at any time by ordinance or resolution. However, the authority shall not be abolished until such time as all bonded indebtedness incurred pursuant to this part has been paid.

(3) In any suit, action, or proceeding involving the validity or enforcement of, or relating to, any contract of the authority, the authority shall be conclusively deemed to have been established and authorized to transact business and exercise its powers hereunder by adoption of an ordinance or resolution by the governing body declaring the need for the authority. Such ordinance or resolution shall be sufficient if it declares that there is such a need for an authority in the local agency. A copy of such ordinance or resolution duly certified by the clerk shall be admissible in evidence in any suit, action, or proceeding.

(4) The governing body of the local agency shall designate five persons who are residents of the local agency as members of the authority created for said local agency. Of the members first appointed, one shall serve for 1 year, one for 2 years, one for 3 years, and two for 4 years; in each case until a successor is appointed and has qualified. Thereafter the governing body shall appoint, for terms of 4 years each, a member or members to succeed those whose terms expire. The governing body shall fill any vacancy for an unexpired term. A member of the authority shall be eligible for reappointment. Any member of the authority may be removed by the governing body for misfeasance, malfeasance, or willful neglect of duty. Each member of the authority, before entering upon his or her duties, shall take and subscribe the oath or affirmation required by the State Constitution. A record of each oath shall be filed in the Department of State and with the clerk.

(5) The authority shall annually elect one of its members as chair and one as vice chair.

(6) The authority shall keep a record of its proceedings and shall be custodian of all books, documents, and papers filed with it and of its minute book or journal and official seal. The authority shall cause copies to be made of all its minutes and other records and documents and shall give certificates under its official seal to the effect that such copies are true copies, and all persons dealing with it may rely upon such certificates.

(7) Three members of the authority shall constitute a quorum, and the affirmative vote of a majority of

the members present at a meeting of the authority shall be necessary for any action taken by an authority. However, any action may be taken by the authority with the unanimous consent of all of its members. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Any action taken by the authority under the provisions of this part may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted. All meetings of the authority, as well as all records, books, documents, and papers, shall be open and available to the public in accordance with s. 286.011.

(8) The members of the authority shall receive no compensation for the performance of their duties hereunder, but each member shall be paid his or her necessary expenses incurred while engaged in the performance of such duties pursuant to s. 112.061.

(9) Any general or special law, rule or regulation, or ordinance of any local agency to the contrary notwithstanding, service as a member of an authority by a trustee, director, officer, or employee of a health facility shall not in and of itself constitute a conflict of interest. However, any member of the authority who is employed by, or receives income from, a health facility under consideration by the authority shall not vote on any matter related to such facility.

History.--s. 4, ch. 74-323; s. 871, ch. 95-147.