

RESOLUTION 2023-006

A RESOLUTION OF THE MATLACHA/PINE ISLAND FIRE CONTROL DISTRICT OF LEE COUNTY, FLORIDA, AUTHORIZING THE FIRE CHIEF, BENJAMIN MICKULEIT, TO REQUEST A LOAN UNDER THE COMMUNITY DISASTER LOAN PROGRAM OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR A MAXIMUM AMOUNT OF \$450,700, TO RECEIVE AND MANAGE THESE FUNDS, AND FOR OTHER PURPOSES.

WHEREAS, the Matlacha/Pine Island Fire Control District (the District), due to the effects of Hurricane Ian (DR-4673-FL), is projecting substantial revenue losses necessary for the continued operations of essential government services, including but not limited to public safety; and

WHEREAS, the Federal Emergency Management Administration (FEMA), through its Community Disaster Loan (CDL) Program, makes available low interest loans to help bridge substantial revenue losses until such time as recovery efforts lead to restored revenues sources; and

WHEREAS, the District is interested in submitting to FEMA a consideration request for a CDL in the amount of \$450,700, that must be repaid no later than five (5) years after the execution of the note, and will be used as revenue in support of the District's annual budgets as permitted by Law (the Request); and

WHEREAS, the described law permits local governments to accept such loan proceeds and anticipate same in support of their annual budgets; and

WHEREAS, (1) the interest rate of the loan will be equal to the 5-year maturities based on the United States Treasury obligations in effect on the date the Promissory Note is executed by FEMA; (2) the loan may be forgiven under certain circumstances; and (3) whatever portion of the loan is not forgiven will be repaid at a time when economic recovery has broadened the base of revenues in support of the budget; and

WHEREAS, refraining to accept such a loan would irresponsibly forgo relief available to the residents under the jurisdiction of the District at a time when relief is critically needed;

NOW, THEREFORE, BE IT RESOLVED by the Matlacha/Pine Island Fire Control District of Lee County, Florida, that:

1. The Board of the District authorizes the Fire Chief, Benjamin Mickuleit, or his/her authorized representative to begin all necessary steps to present to FEMA the Request.

2. If FEMA approves the Request, the District Board authorizes the Fire Chief to receive and administer these funds, as provided by the CDL Program;

3. The Fire Chief is hereby authorized and designated as representative of the District and as such may and will provide any additional information, as required, including all the guarantees contained in the Request.

4. With respect to such Request and receipt of funds, the District in accordance with the requirements of the CDL Program shall comply with the following:

a. Contract with FEMA, in a manner acceptable to the Director of the Agency, for payment of the amount requested and compliance with any other obligation required or acquired, as a condition of receiving the loan proceeds.

b. Commit re-payment funds that the District may be receiving in the future.

c. Request an amount of funds not to exceed \$450,700.

d. Authorize the Finance Director to create a sinking fund account that will be used to amortize the CDL service debt.

e. Establish a payment period that does not exceed a term of five (5) years.

f. Provide, at the discretion of the Director of FEMA, any other type of guarantee that it deems appropriate.

5. The Fire Chief is hereby authorized to sign any contract and / or agreement with the Director of FEMA in relation to said Request and is also authorized to review and obligate such funds requested pursuant to said contract and / or agreement.

6. To the extent that all or any of the actions authorized by this Resolution have been carried out and / or executed by the Fire Chief, all are ratified and confirmed.

7. Any ordinance or resolution, or any of their parts, that may be in conflict with this Resolution are hereby repealed.

8. We pledge the following listed collateral security to FEMA on the Promissory Note for a CDL for \$450,700 executed pursuant to Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, and the FEMA Regulation, 44 CFR 206, Subpart K. We further understand that failure to repay any outstanding principal and related interest on those portions of the loan which do not qualify for loan cancellation as determined by FEMA or any successor agency will result in forfeiture of as much as the listed collateral security as is necessary to collect such outstanding principal and interest (Collateral

security listed below).

9. The promissory note is payable from and secured by a pledge of the applicant's revenues for each fiscal year while any of the loan is outstanding, after a provision has been made for the payments required in connection with any outstanding indebtedness of the application. No pledge of the District's ad valorem taxing power is being made to secure the loan, nor is such a pledge intended by the language of this paragraph.

10. A copy of this Resolution duly approved by the District's Board of Commissioners will be sent to the District's administration including the budget and finance manager, to the District's general legal counsel, to the authorized officials of the FEMA CDL Program and any other agency with interference in the process.

11. This resolution will take effect immediately upon its adoption.

DULY ADOPTED at a public hearing the 23rd day of August 2023.

Matlacha/Pine Island Fire Control District



Tonya Player, Chair

Attest: 

Jose Hernandez, Vice Secretary