

ST. JOHNS COUNTY RESOLUTION NO. 80-25

WHEREAS, St. Johns County Ordinance #80- 7 , created the Housing Finance Authority of St. Johns County, (the Authority), and

WHEREAS, the Authority cannot transact any business or exercise any powers until the County passes a Resolution declaring that there is a need for a housing finance authority to function in the County to alleviate a shortage of housing and rentals, hereinafter called housing, and to alleviate a shortage of capital for investment in such housing and in the Authority's area of operation, and

WHEREAS, the Board of County Commissioners of St. Johns County has held public workshops and meetings and has heard testimony concerning the existing shortages of capital and housing within the boundaries of the County and has determined the need for the activation of the Authority to alleviate the shortage of housing and capital for investment in housing in the County, and

WHEREAS, the Authority, pursuant to The Florida Housing Finance Authority Law, is authorized to issue revenue bonds to alleviate such shortages, and

WHEREAS, St. Johns County wishes to alleviate such shortages and wishes to declare its intention to authorize the issuance of one or more issue of Bonds for the purpose of paying the cost of alleviating the shortages as provided by the Ordinance creating the Authority,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, as follows:

Section 1. It is hereby found, determined and declared by the Board of County Commissioners of St. Johns County that:

(a) Within the County there is a shortage of housing available at prices or rentals which many persons and families can afford and a shortage of capital for investment in such housing. This shortage constitutes a threat to the health,

safety, morals and welfare of the residents of the County, deprives the County of an adequate tax base, and causes the County to make excessive expenditures for crime prevention and control, public health, welfare and safety, fire and accident protection, and other public services and facilities.

(b) The shortage of capital and housing cannot be relieved except through the encouragement of investment by private enterprise and stimulation of construction and rehabilitation of housing through the use of public financing.

(c) The financing, acquisition, construction, reconstruction, and rehabilitation of housing and of the real and personal property and other facilities necessary, incidental and appurtenant thereto are exclusively public uses and purposes for which public money may be spent, advanced, loaned or granted and are governmental functions of public concern.

(d) There is a need for the Housing Finance Authority of St. Johns County to function to alleviate the shortage of housing and capital for investment in housing within the County and within the Authority's area of operation.

Section 2. The following individual is hereby appointed as a member and initial chairman of the Authority for a 4 year term commencing on the effective date of this Resolution.

JANET B. DUGGER

He shall hold office until his successor has been appointed and qualified.

The Board of County Commissioners shall constitute the remaining members for such period of time as allowed by law.

Section 3. It is hereby found, determined and declared that
JANET B. DUGGER is knowledgeable in
the field of FINANCE.

Section 4. The Board of County Commissioners does hereby
declare its intention to authorize the issuance and sale of Revenue
Bonds, in one or more series, in such an amount necessary to pay
the cost of alleviating the shortage of housing and capital
investment in housing within the outer boundary of St. Johns
County; said costs presently estimated to be \$40,000,000, upon
such terms and conditions as may be mutually agreed upon by the
County, the Authority and the Investment Banker, the issuance and
sale of the Bonds to be authorized by resolution or resolutions
of the Authority and County at meetings to be held for such
purposes.

Section 5. The dollar figure set forth in Section 4.
above shall not be deemed a limitation on the Authority to
issue subsequent bonds in greater or lesser amounts.

Section 6. The Authority is authorized to take all
action necessary to carry out its powers and functions.

Section 7. The issuance of the Bonds pursuant to the
aforementioned sections is in all respects subject to the approval
by the County and the Authority, acting in good faith, of all
agreements and other documents reasonably necessary to
complete such issuance.

Section 8. This Resolution shall become effective
immediately upon its adoption and approval.

This resolution adopted at the regularly scheduled St.
Johns County Board of County Commissioners meeting this
11th day of March, 1980.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Chester Benet
Its Chairman

ATTEST:

BY Deputy Clerk: Marie Hudson
for Its Clerk, OLIVER LAWTON

RESOLUTION 2007- 382

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY RESOLUTION 1980-25, IN ORDER TO ADD A NEW PROVISION, WHICH WILL REQUIRE MEMBERS OF THE ST. JOHNS COUNTY HOUSING FINANCE AUTHORITY TO FILE A STATE OF FLORIDA FINANCIAL DISCLOSURE FORM, IN ACCORDANCE WITH SECTION 112.3145, FLORIDA STATUTES

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, by and through County Resolution 1980-25, established a St. Johns County Housing Finance Authority; and

WHEREAS, from time-to-time, there have been questions posed from the public as to whether individual members of the St. Johns County Housing Finance Authority are required to file a Florida Financial Disclosure Form, in accordance with Section 112.3145, Florida Statutes; and

WHEREAS, the State of Florida Commission on Ethics has opined in Commission Ethics Opinion (CEO) 03-5, that members of a dependent special district are not "*local officers*" for purposes of financial disclosure because Section 112.3145(1)(a)(2), Florida Statutes, lists only "*independent special districts, and not dependent special districts*"; and

WHEREAS, Phillip C. Claypool, Executive Director of the State of Florida, Commission on Ethics, advised the County Administrator, by letter dated October 18, 2007 (a copy of which is attached, and incorporated to this Resolution), that the St. Johns County Housing Finance Authority is considered a "*dependent special district*", and therefore not subject to the financial disclosure provisions of Section 112.3145, Florida Statutes; and

WHEREAS, at no time since the establishment of the St. Johns County Housing Finance Authority, has the Board of County Commissioners of St. Johns County, Florida, required that individual members of the St. Johns County Housing Finance Authority file a Florida Financial Disclosure Form, in accordance with Section 112.3145, Florida Statutes; and

WHEREAS, nevertheless, over the course of the last several years, individual members of the St. Johns County Housing Finance Authority have filed a Florida Financial Disclosure Form, in accordance with Section 112.3145, Florida Statutes; and

WHEREAS, in order to maintain what has been an annual, but not required practice of the St. Johns County Housing Finance Authority, it is now time for the Board of County Commissioners of St. Johns County, Florida, to memorialize and require such practice by means of a Resolution; and

WHEREAS, requiring individual members of the St. Johns County Housing Finance Authority to file a Florida Financial Disclosure Form is permitted under Section 112.3145, Florida Statutes; and

WHEREAS, requiring individual members of the St. Johns County Housing Finance Authority to file a Florida Financial Disclosure Form promotes the overall interests of the County, in that such disclosure promotes open government.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida that:

Section 1. The above recitals are incorporated by reference into the body of this Resolution, and such recitals are adopted as Findings of Fact.

Section 2. Consistent with authority granted under Section 112.3145(1)(a)(2)(g), Florida Statutes, the definition of "*local officer*" includes any member of the St. Johns County Housing Finance Authority.

Section 3. St. Johns County, Florida Resolution 1980-25 is amended, in order to add a new provision, which will be considered Section 7, and will contain the following language:

Section 7. For purposes of Section 112.3145(1)(a)(2)(g), Florida Statutes, each member of the St. Johns County Housing Finance Authority shall be considered a "*local officer*". As such, each member of the St. Johns County Housing Finance Authority shall file a Florida Financial Disclosure Form, in the format noted, and frequency mandated, under applicable Florida law, specifically including Section 112.3145, Florida Statutes.

Section 4. It is the intent of the Board, and it is hereby provided, that if any phrase, clause, sentence, subsection, section, or provision of this Resolution is held be invalid, or unconstitutional by a court of competent jurisdiction, such invalidation or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining phrases, clauses, sentences, subsections, or provisions of this Resolution.


Section 5. Subsequent to adoption of this Resolution, the Clerk shall be instructed to deliver a copy of this Resolution to the Executive Director of the State of Florida Commission on Ethics, no later than December __, 2007.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 27 day of November November, 2007.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: 
Board Chair

**ATTEST: Cheryl Strickland, Clerk
of the Courts**

By: 
Deputy Clerk

RENDITION DATE 11/30/07