

RESOLUTION NO. 95- 87

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AMENDING AND SUPPLEMENTING ST. JOHNS COUNTY, FLORIDA RESOLUTION NO. 89-84 AS PREVIOUSLY AMENDED AND SUPPLEMENTED. THIS RESOLUTION AMENDS THE DEFINITION OF INITIAL PROJECT TO MAKE IT CLEAR THAT PROCEEDS FROM BONDS ISSUED PURSUANT TO RESOLUTION 89-84 AS AMENDED AND SUPPLEMENTED MAY BE USED TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING, EQUIPPING AND FURNISHING A COUNTY LABORATORY BUILDING TO BE OPERATED BY THE COUNTY IN COMBINATION WITH THE COUNTY WATER AND SEWER FACILITY, OTHER COUNTY DEPARTMENTS AND OTHER GOVERNMENTAL ENTITIES; AND IT PROVIDES AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

SECTION 1. CERTAIN DEFINITIONS. The terms used in this resolution shall have the respective meanings assigned to them in the Original Instrument and in this resolution unless the text hereof clearly otherwise requires:

"Board" shall mean the Board of County Commissioners of St. Johns County, Florida.

"Original Instrument" shall mean Resolution No. 89-84 adopted by the Board on April 25, 1989, as such resolution was amended and/or supplemented by resolutions 89-189, 90-61, 90-208, 91-113 and 91-118.

"County Laboratory" shall mean the laboratory testing facility operated by the Utility Department of St. Johns County, Florida. This facility will perform microbiological testing, wet chemical methods, metal analysis, as well as other testing. The

analyses will be performed for the Utility Department, other County departments, and other governmental entities.

SECTION 2. AUTHORITY FOR THIS RESOLUTION. This resolution is adopted pursuant to the provisions of the Original Instrument, the Act, and other applicable provisions of law.

SECTION 3. FINDINGS. It is hereby found and determined that:

(A) On April 25, 1989, the Board duly adopted Resolution 89-84 for the purpose of authorizing the construction of the Initial Project and the issuance of bonds to pay the cost thereof.

(B) It is necessary, appropriate and in accordance with the definitions and the Sections of the Original Instrument set forth below that the Board adopt this amending and supplementing resolution in order to allow the expenditure of proceeds from bonds issued pursuant to the Original Instrument (the "Bonds") to provide for the expansion of the Initial Project to include the County Laboratory and thus contribute to the health, welfare and safety of the citizens of the County and by such expansion to incidentally provide revenues for the payment of the Bonds:

- a) Section 4.04 which provides that moneys in the Construction Fund shall be used only for the payment of the Costs of Projects;

- b) Section 1.01 which defines Project as including the Initial Project and any Additional Project;
- c) Section 1.01 which defines Initial Project as including the improvements to the water and wastewater system of the County with such changes and additions to the improvements, facilities and equipment described in the Original Instrument or such other improvements as shall be designated and approved by resolution of the Board;
- d) Section 1.01 which defines Costs as costs of physical construction including the costs of machinery and equipment required by the County for the commencement of operation of the Project and the costs of any additional items that may be included as Costs as provided by a County Supplemental Resolution;
- e) Section 1.01 which defines Supplemental Resolution to include any Board resolution amending or supplementing the Original Instrument that is adopted in accordance with Section 4.03, 7.01, 7.02 and 7.03; and
- f) Section 7.01 which provides that the County may adopt Supplemental Resolutions without the consent of Bondholders or Insurers for the purpose of authorizing a change in the description of the Initial Project.

(C) The County Laboratory will be used primarily to meet the needs of the County water and sewer system. Other County departments and governmental entities will pay fees to the system sufficient to cover the costs of their use.

SECTION 4. MODIFICATION OF THE DEFINITIONS AND DESCRIPTION OF INITIAL PROJECT. The Original Instrument is hereby amended and supplemented by amending the definition of Initial Project set forth in section 1.01 of the Original Instrument by adding the following thereto:

Initial Project shall also mean the County Laboratory of St. Johns County.

SECTION 5. ORIGINAL INSTRUMENT IN FULL FORCE AND EFFECT. Except as hereby amended and supplemented, the Original Instrument shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 9th day of

May, 1995.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Barbara Ward
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Irma Paetti
Deputy Clerk