

PRESENTATION OF RESOLUTION CREATING A HEALTH FACILITY AUTHORITY AND APPOINTMENT OF MEMBERS

(At its meeting held on August 26, 1980, the Board held action on the following Resolution and appointments regarding the Health Facilities Authority pending consensus of the Board as to the appointment of members.)

Mr. Maxwell presented the following consensus of the Board regarding appointment of members to serve on the Health Facility Authority:

It is the majority consensus of the Board that the following five people be appointed to the Health Facility Authority:

SHANDS TEACHING HOSPITAL

Jim Emerson	4
Jim Richardson	2
Rebecca Allen	1

ALACHUA GENERAL HOSPITAL

Davis Rembert	4
Shirley Treweek	3

RESOLUTION 80-44

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, CREATING THE ALACHUA COUNTY HEALTH FACILITIES AUTHORITY; APPOINTING THE MEMBERS THERETO; ESTABLISHING THE POWERS AND DUTIES THEREOF, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Part III of Chapter 154, Florida Statutes, the Health Facilities Authority Law, authorizes the creation of a health facility authority in each county of Florida as a public body corporate and politic for the purpose of assisting health facilities in the acquisition, construction, financing and refinancing of Projects within the geographical limits of the county; and,

WHEREAS, the Health Facilities Authority Law authorizes the governing body of each county to designate five persons who are residents of the county as members of the Authority created for such county; and;

WHEREAS, the Board finds that there exists a need for the development and financing of health facilities in Alachua County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Section 1. The Board of County Commissioners of Alachua County, Florida, finds and declares that there is need for a health facilities authority to function in Alachua County, Florida, for the purposes authorized and set forth in the Health Facilities Authority Law.

Section 2. The Alachua County Health Facilities Authority, hereinafter referred to as the "Authority", is hereby established and created as a public body, corporate and politic.

Section 3. The following persons who are residents of Alachua County are designated and appointed as members of the Authority, namely:

Ø, who shall serve for a period of four (4) years from the date of this appointment;

Ø, who shall serve for a period of four (4) years from the date of this appointment;

Ø, who shall serve for a period of three (3) years from the date of this appointment;

Ø, who shall serve for a period of two (2) years from the date of this appointment;

Ø, who shall serve for a period of one (1) year from the date of this appointment.

Each of the foregoing persons appointed as members shall serve for the term for which he is appointed and in each case until his successor is appointed and is qualified. A member of the Authority shall be eligible for reappointment.

Section 4. Any member of the Authority may be removed by the Board of County Commissioners by majority vote for misfeasance, malfeasance, or willful neglect of duty.

Section 5. 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 in the Office of the Secretary of State and with the Alachua County Clerk of the Circuit Court.

Section 6. The Authority shall annually elect one of its members as Chairman, one as Vice-Chairman, and one as Secretary. The Authority may also appoint such other officers as it may deem necessary.

Section 7. Upon election of its officers, but prior to any other official act, the Authority shall adopt bylaws to govern its procedures and operations.

Section 8. The Authority shall keep a record of its proceedings and shall be custodian of all books, documents and papers filed with the Authority and of the minute book or journal of the Authority and of its official seal. The Authority shall cause copies to be made of all minutes and other records and documents of the Authority and shall give certificates under the official seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely upon such certificates.

Section 9. Three members of the Authority shall constitute a quorum and the affirmative vote of a majority of the members present at the meeting of the Authority shall be necessary for any action taken by the Authority; provided, any action may be taken by the Authority with the unanimous consent of all members of the Authority. 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 the Health Facilities Authorities Law 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.

Section 10. 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.

Section 11. Any general or special law, rule, regulation or ordinance of Alachua County to the contrary notwithstanding, service as a member of the Authority by a trustee, director, officer, or employee of a health facility shall not in and of itself constitute a conflict of interest; provided, however, that any member of the Authority who is employed by, or received income from a health facility under consideration by the Authority shall not vote on any matter related to such facility.

Section 12. All expenses incurred in carrying out the provisions of the Health Facilities Authority Law shall be payable solely from the funds provided under the authority of said Law and no liability or obligations shall be incurred by the Authority hereunder beyond the extent to which monies shall have been provided under the provisions thereof. Neither the taxing power nor the faith or credit of Alachua County, Florida, nor any other funds of any nature whatsoever of Alachua County, Florida, or the State of Florida, or any political subdivision of the State of Florida shall ever be pledged to the repayment of said revenue bonds or the interest thereon.

Section 13. The revenue bonds issued by the Authority shall not be deemed to constitute a debt, liability, or obligation of the Authority or County or of the State or any political subdivision, and such revenue bonds or debt obligations shall be payable solely out of the revenues derived by the Authority from the sale, operation, or leasing of any Project or Projects, subject only to any agreements with the holders of particular revenue bonds or notes pledging any particular revenues.

Section 14. To assist health facilities in the acquisition, construction, financing and refinancing of Projects within Alachua County, the Authority is hereby authorized and empowered:

A. To adopt an official seal and alter the same at its pleasure.

B. To maintain an office at such place or places in Alachua County as it may designate.

C. To sue and be sued in its own name, and plead and be impleaded.

D. To acquire by purchase, lease, gift, or otherwise, or to obtain options from the acquisition of, and property, real or personal, improved or unimproved, for acquisition, construction, operation, or maintenance of any Project.

E. To construct, acquire, own, lease, repair, maintain, extend, expand, improve, rehabilitate, renovate, furnish and equip Projects and to pay all or any part of the cost thereof from the proceeds of bonds of the Authority or from any contribution, gift or donation, or other funds made available to the Authority for such purpose.

F. To make and execute agreements of lease, contracts, deeds, mortgages, notes, and other instruments necessary or convenient in the exercise of the powers and functions of the Authority under the Health Facilities Authority Law.

G. To sell, lease, exchange, mortgage, transfer, or otherwise dispose of, or to grant options for any such purpose with respect to any Project and real or personal property of interest therein.

H. To pledge or assign any money, rents, charges, fees, or other revenues and any proceeds derived from the sale of property, insurance, or condemnation awards.

I. To fix, charge, and collect rents, fees, and charges for the use of any Project.

J. To issue bonds of the Authority for the purpose of providing funds to pay all or any part of the cost of any Project, and to issue refunding bonds.

K. To employ consulting engineers, architects, surveyors, attorneys, accountants, financial experts, and such other employees and agents as may be necessary, in its judgment, and to

fix their compensation.

L. To acquire existing Projects and to reimburse any health facility for the cost of such Project in accordance with the agreement between the Authority and the health facility; provided no such reimbursement shall exceed the total cost of the Project as determined by the health facility and approved by the Authority.

M. To acquire existing Projects and to refund outstanding obligations, mortgages, or advances issued, made or given by a health facility for the cost of such Project.

N. To charge to and equitably apportion among health facilities its administrative costs and expenses incurred in the exercise of the powers and duties conferred by the Health Facilities Authority Law.

O. To do all things permitted by the Health Facilities Authority Law, as amended, necessary or desirable to carry out the provisions and purposes of said Law.

Section 15. Issuance of a Certificate of Need by the State of Florida Department of Health and Rehabilitative Services shall be a condition precedent to the authorization of any Project by the Authority and the validation and issuance of any bonds under this Resolution and the Health Facilities Authority Law.

Section 16. The terms used in this Resolution shall have the meanings set forth in the Health Facilities Authority Law unless a different meaning clearly appears from the context.

Section 17. This Resolution shall take effect upon its adoption.

DULY ADOPTED in regular session, this 9th day of
September, A.D., 1980.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: Shellie C. Downs, Jr.
Shellie C. Downs, Jr., Chairman

ATTEST:

A. Curtis Powers
A. Curtis Powers, Clerk

(SEAL)

It was moved by Mr. Durrance, seconded by Mr. Turlington and unanimously carried that the above Resolution 80-44 be adopted, and the Chairman be authorized to execute the document.

MEETING RECESSED: 2:42 P. M.

MEETING RECONVENED: 7:30 P. M. - ALL PRESENT

7:30 P. M. - PUBLIC HEARING - CURRENT ZONING ITEMS

Mr. Al Lewis, Director of Planning and Development, presented the following pending items:

D. OTHER BUSINESS:

1. A proposal by the Board of County Commissioners to consider amending the Land Use Element of the Comprehensive Plan from Category 5 (Low Density Single Family Residential, 3-4 units per acre) to Category 3 (Suburban Residential, 1-5 acres per dwelling unit) or to Category 4 (Very Low Density Single Family Residential, 2 units per acre), for 98 acres of land, more or less, lying within Section 32, Township 9 South, Range 19 East, on the east side of Interstate 75.

Recommendation of Planning Commission: Approval of amendment of Land Use Plan from Category 5 (Low Density Single Family Residential, 3-4 units per acre) to Category 3 (Suburban Residential, 1-5 acres per dwelling unit) failed. 3 - 3; There was no support for Category 4.

Staff Recommendation: That the Land Use Plan remain unchanged.

City Recommendation: None

County Engineer Recommendation: None