

RESOLUTION NO. 2022- 01

RESOLUTION AUTHORIZING THE TERMINATION OF SAN CARLOS ESTATES WATER CONTROL DISTRICT'S ("DISTRICT") AGREEMENT(S) WITH SUNTRUST BANK N/K/A TRUIST BANK FOR THE DEPOSIT OF PUBLIC FUNDS OF THE DISTRICT; AUTHORIZING THE EXECUTION OF THE NECESSARY DOCUMENTATION BETWEEN THE DISTRICT AND SUNTRUST BANK N/K/A TRUIST BANK TO TERMINATE THE DISTRICT'S AGREEMENT(S) WITH SUNTRUST BANK N/K/A TRUIST BANK FOR THE DEPOSIT OF PUBLIC FUNDS OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL CONSTRUCTION AND FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 298 Florida Statutes, the Judicial Decree by the Circuit Court of the Twelfth Judicial Circuit in and for Lee County, Florida, Case No. 69-105, dated April 3, 1969, and other applicable provisions of law, the San Carlos Water Control District ("District") is responsible for operating a system of perimeter canals, dikes, roadside swales, roadbeds, basins and outfall canals to provide drainage and stormwater flow control and other reclamation of the lands located within the District's geographical boundary; and,

WHEREAS, the District and SunTrust Bank n/k/a Truist Bank, a "qualified public depository" entered into a public depository agreement(s), as authorized by Florida law; and,

WHEREAS, the District has determined that it is in the best interest of the District to terminate the public depository agreement(s) with SunTrust Bank n/k/a Truist Bank for the benefit of the District; and,

WHEREAS, it is appropriate for the adoption of a Resolution by the Board of Supervisors of the District to terminate the agreement(s) with SunTrust Bank n/k/a Truist Bank for the deposit of the public depository funds of the District.

NOW THEREFORE, be it resolved by the Board of Supervisors of the San Carlos Estates Water Control District that:

SECTION 1 - AUTHORITY

This Resolution is adopted pursuant to the provisions of Florida law, especially Chapter 280 and Section 298.22(8), Florida Statutes, and the District's enabling judicial decree entered by

the Circuit Court of the Twelfth Judicial in and for Lee County, Florida, Case No. 69-105, dated April 3, 1969, and other applicable provisions of law.

SECTION 2 - INCORPORATION OF RECITALS

The recitals set forth above are true and correct and form a part of this Resolution.

SECTION THREE – TERMINATION OF AGREEMENT(S) WITH SUNTRUST BANK N/K/A TRUIST BANK AS THE DEPOSITORY OF PUBLIC FUNDS OF THE DISTRICT

The Board of Supervisors of the District hereby authorizes the termination of the agreement(s) that were previously entered into between the District and SunTrust Bank n/k/a Truist Bank as the depository of public funds of the District, by prior Resolution of the District, or otherwise, with the date of termination of said agreement(s) to be effective upon the date that is selected by the District through the President/Chair of the Board of Supervisors of the District, Ben Bogacz, or his designee.

Ben Bogacz, President/Chair of the Board of Supervisors of the District, or his designee, and Margarit C. Lawson a/k/a Chris Lawson, Secretary/Treasurer for the District, is authorized to terminate the District's agreement(s) with SunTrust Bank n/k/a Truist Bank by signing all documents necessary by SunTrust Bank n/k/a Truist Bank to effectuate the termination of said agreement(s).

SECTION FOUR - SCRIVENER'S ERRORS

Sections of this Resolution may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the President/Chair of the Board of Supervisors without need of a public meeting or Board decision making action, by the President/Chair of the Board of Supervisors filing a corrected or re-codified copy of same with the District's records custodian.

SECTION FIVE - SEVERABILITY

If any section, subsection, sentence, clause or other provision of this Resolution is held unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall be deemed a separate provision and eliminated from this Resolution and shall not affect the remainder of this Resolution.

SECTION SIX - RESCISSION

The Board of Supervisors hereby rescinds all prior resolutions and other official action of the Board of Supervisors to the extent of any conflict with any part of this Resolution.

SECTION SEVEN - CONSTRUCTION AND EFFECTIVE DATE

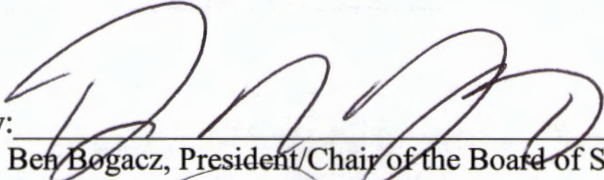
This Resolution shall be liberally construed to effect the purposes hereof and shall take effect immediately upon its adoption.

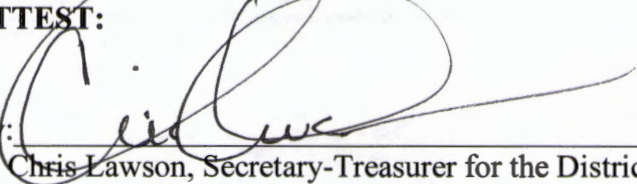
THE FOREGOING RESOLUTION WAS OFFERED BY SUPERVISOR Ben Bogacz WHO MOVED THE RESOLUTION'S ADOPTION. THE MOTION WAS SECONDED BY SUPERVISOR Jim Bradford AND, UPON BEING PUT TO A VOTE, THE VOTE WAS AS FOLLOWS:

<u>NAME</u>	<u>YES</u>	<u>NO</u>
Ben Bogacz	<u>✓</u>	<u> </u>
Jim Bradford	<u>✓</u>	<u> </u>
Jennifer Finazzo	<u>✓</u>	<u> </u>

Duly passed and adopted on this 15th day of February, 2022.

**BOARD OF SUPERVISORS OF THE SAN CARLOS ESTATES
WATER CONTROL DISTRICT**

By: 
Ben Bogacz, President/Chair of the Board of Supervisors

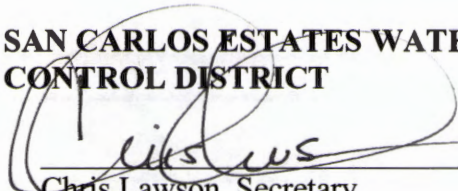
ATTEST:
By: 
Chris Lawson, Secretary-Treasurer for the District

CERTIFICATION

I, Chris Lawson, the Secretary of the Board of Supervisors of the District, hereby certify to SunTrust Bank n/k/a Truist Bank that the above is a true and accurate copy of Resolution No. 2022- 01 _____, which was duly adopted by the Board of Supervisors at a regularly scheduled Board of Supervisors meeting on February 15, 2022, pursuant to all proper and necessary legal authority under Florida law and the District's enabling legislation. I further certify that the above Resolution is in full force and effect and has not been amended or rescinded.

Dated: 02-15-2022 _____

**SAN CARLOS ESTATES WATER
CONTROL DISTRICT**



Chris Lawson, Secretary _____