

RESOLUTION NO. 2024- 05

RESOLUTION AUTHORIZING ENTERING INTO AN AGREEMENT(S) FOR THE DEPOSIT OF PUBLIC FUNDS OF SAN CARLOS ESTATES WATER CONTROL DISTRICT (“DISTRICT”) BETWEEN THE DISTRICT AND BANK OF AMERICA; APPROVING AUTHORIZED SIGNERS (SUPERVISORS) AND AN ADDITIONAL SIGNER (SHANELLE N. CRUZ) AT BANK OF AMERICA; 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 Bank of America, a “qualified public depository” as defined in Chapter 280 of the Florida Statutes, have previously entered into a public depository agreement(s), as authorized by Florida law; and,

WHEREAS, it has been determined that it is in the best interest of the District to continue the public depository agreement(s) with Bank of America as provided/authorized by Florida law for the benefit of the District; and,

WHEREAS, the District has entered into an independent contractor agreement with Shanelle N. Cruz to act, in part, as the Treasurer/Secretary of the District; and,

WHEREAS, Bank of America requires the adoption of a Resolution by the Board of Supervisors of the District to authorize Shanelle N. Cruz to act as an additional signer and limited agent of the District with Bank of America.

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

SECTION ONE - 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 TWO - INCORPORATION OF RECITALS

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

SECTION THREE – APPROVAL OF DISTRICT'S AUTHORIZED SIGNERS AND AGENTS WITH BANK OF AMERICA

Bank of America is hereby designated a qualified public depository for the District and all of the elected officials of the District named below are hereby designated as authorized signers with respect to any accounts of the District with Bank of America, with the authority to enter into, on behalf of the District, any of Bank of America's agreements, including checking, savings, certificates of deposit, wire or electronic funds transfer, night deposit, cash management, or other treasury management services agreements, as well as any other forms of bank accounts allowed by Florida law, including the authority to open, close and modify said agreements and accounts with Bank of America in the future in the name of the District until such time as this Resolution is cancelled. The authorized signers named below in this Section Three are authorized on behalf of the District to sign, endorse, deposit, negotiate or collect, any and all checks, drafts, certificates of deposit, savings certificates, items or other instruments, or written orders for the payment of money payable by or to the order of the District and to initiate wire or funds transfers authorizations on any of the District's accounts with Bank of America. The authorized signers named below in this Section Three are authorized to request and receive any and all information from Bank of America related to any accounts or agreements between the District and Bank of America. The full name, title, and signature of each authorized signer under this Section Three to act, give instructions, access information, use Bank of America's services, perform transactions, and enter into agreements, are as stated below with the name, title, and signature being given.

<u>Name</u>	<u>Title</u>	<u>Signature</u>
Jim Bradford	Supervisor	
Jennifer Finazzo	Supervisor	
John Cellucci	Supervisor	

SECTION FOUR - ADDITIONAL AUTHORIZED SIGNER

In addition to the authorized signers stated above in Section Three, the following individual is authorized as an additional signer only to sign, endorse, deposit, negotiate or collect any and all checks, drafts, certificates of deposit, savings certificates, items, or other instruments or written orders for the payment of money payable to the order of the District and to initiate wire or funds transfers and execute Bank of America's wire request and electronic authorizations or funds transfers authorizations on any of the District's accounts with Bank of America for the payment of money payable to the order of the District. The additional signer is also authorized in a limited agency capacity to request and receive any and all information from Bank of America related to any accounts or agreements between the District and Bank of America.

Additional Signer

<u>Name</u>	<u>Title</u>	<u>Signature</u>
Shanelle N. Cruz	Treasurer	

SECTION FIVE - BINDING EFFECT

The Board of Supervisors of the San Carlos Estates Water Control District agree to be bound by Bank of America's agreements and its Rules and Regulations for Deposit Accounts as they are applicable to the various accounts or depository arrangements of the District.

SECTION SIX - TERMINATION OF AUTHORIZATION

The authorizations granted by this Resolution shall remain in full force and effect until written notice is provided to Bank of America of the rescission or modification of the authorization

granted hereby. Receipt of such notice shall not affect any action taken by Bank of America prior thereto.

SECTION SEVEN - 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 EIGHT - 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 NINE - 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 TEN - CONSTRUCTION AND EFFECTIVE DATE

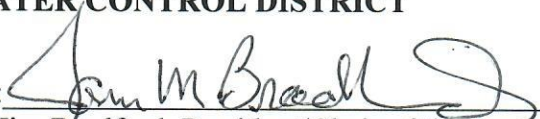
This Resolution shall be liberally construed to effect the purposes hereof and shall take effect immediately upon its adoption.

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


<u>NAME</u>	<u>YES</u>	<u>NO</u>
Jim Bradford		_____
John Cellucci		_____
Jennifer Finazzo		_____

Duly passed and adopted on this 15 day of July, 2024.

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

By: 
Jim Bradford, President/Chair of the Board of Supervisors

ATTEST:

By: 
Print name: Audrey Medeiros
Title: Manager of District