

**RESOLUTION NO. 2023-002**

**RESOLUTION OF SAN CARLOS ESTATES WATER CONTROL DISTRICT (“DISTRICT”) PROVIDING FOR THE ASSIGNMENT OF FUND BALANCE; 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 as an independent special district; and,

WHEREAS, on November 21, 2022, the District adopted Resolution No. 2022-09, adopting a Fund Balance Policy, which designated five (5) categories for Fund Balance to be maintained by the District; and,

WHEREAS, the District is desirous of initially assigning Fund Balance by this Resolution into one or more of the designated five (5) categories of Fund Balance to be maintained by 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 298, 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 – ASSIGNMENT OF FUND BALANCE**

Pursuant to the San Carlos Estates Water Control District Fund Balance Policy adopted by the District, the District’s initial assignment of Fund Balance since the adoption of the Fund Balance Policy, and as of the date of this Resolution, is as follows:

1. Non-Spendable Fund Balance: \$0.00.
2. Restricted Fund Balance: \$0.00.
3. Committed Fund Balance: \$239,902.40.
4. Assigned Fund Balance:
  - a. \$90,000.00 for operations between October 1 through December 31;
  - b. 85,000.00 for emergency expenditures during emergency events (declared states of emergency, natural disasters, unanticipated emergency repairs, etc.)
5. Unassigned Fund Balance: \$608,166.94.

**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**

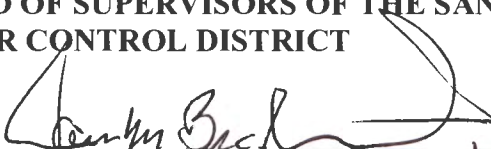
This Resolution shall be liberally construed to effect the purposes hereof and shall take effect immediately upon its adoption.

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

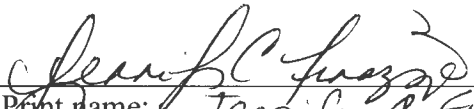
<u>NAME</u>	<u>YES</u>	<u>NO</u>
Jim Bradford	<u>✓</u>	<u>    </u>
Jennifer Finazzo	<u>✓</u>	<u>    </u>
John Cellucci	<u>✓</u>	<u>    </u>

Duly passed and adopted on this 20<sup>th</sup> day of February, 2023.

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

By:   
Print name: James W Bradford  
Print title: Chairman

**ATTEST:**

By:   
Print name: Jennifer C Finazzo  
Print title: Vice Chairman