

RESOLUTION NO. 2023- 3

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT APPROVING, ADOPTING AND DEMONSTRATING PARTICIPATION IN A LOCAL MITIGATION STRATEGY BY ADOPTING THE 2020 COLLIER COUNTY LOCAL MITIGATION STRATEGY PLAN AND UPDATE FOR THE PURPOSE OF HAZARD MITIGATION FUNDING ELIGIBILITY; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, Port of The Islands Community Improvement District (the "District") is a community development district established pursuant to the provisions of Chapter 190, Florida Statutes; and

WHEREAS, Chapter 190, Florida Statutes, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of District business; and

WHEREAS, the Federal Emergency Management Agency ("**FEMA**") and other agencies require special districts to have a FEMA-approved local mitigation plan to reduce the risk from hurricanes and other hazards, disasters and emergencies or to demonstrate their participation in another local government's FEMA-approved mitigation plan to be eligible for grants under the FEMA hazard mitigation assistance programs and other post-disaster funding opportunities; and

WHEREAS, Collier County is susceptible to a variety of natural, technological, and human-caused disasters as well as climate change impacts and sea level rise that causes increased inundation, shoreline erosion, flooding from severe weather events, accelerated saltwater contamination of ground water and surface water supplies, and expedited loss of critical habitats; and

WHEREAS, the Disaster Mitigation Act of 2000, was enacted to establish a national disaster hazard mitigation program to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from disasters, and to assist state, local, and tribal governments in implementing effective hazard mitigation measures to ensure the continuation of critical services and facilities after a natural disaster; and

WHEREAS, the Disaster Mitigation Act of 2000, as a condition for qualifying for and receiving future Federal mitigation assistance funding as well as reimbursement for Presidentially Declared Disasters, requires such governments to have Federal Emergency Management Agency approved hazard mitigation plans in place that identify the hazards that could impact their jurisdictions, identify actions and activities to mitigate

the effects of those hazards, and establish a coordinated process to implement plans; and

WHEREAS, Collier County, in coordination with governmental and non-governmental stakeholders having an interest in reducing the impact of disasters, and with input from the private sector and other members of the public, developed and revised the Collier County Local Mitigation Strategy (“LMS”); and

WHEREAS, the 2020 Collier County Local Mitigation Strategy Update (“**2020 LMS Update**”) has been approved by the Florida Division of Emergency Management and the Federal Emergency Management Agency, effective as of April 13, 2020; and

WHEREAS, the approval, adoption and participation in the LMS and the ability to become eligible for grants under FEMA’s hazard mitigation assistance programs and other post-disaster funding opportunities is in the health, safety and welfare interest of the District; and;

WHEREAS, because the LMS and 2020 LMS Update are voluminous, they are maintained by Collier County on line and currently available at: <https://www.colliercountyfl.gov/government/county-manager-operations/divisions/emergency-management/library-cmte-reference/local-mitigation-strategy-2020?locale=en>.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT:

SECTION 1. FINDINGS. The above recitals are true and correct and incorporated herein by this reference.

SECTION 2. ADOPTION OF COLLIER COUNTY LOCAL MITIGATION STRATEGY AND UPDATE. The Collier County LMS and 2020 LMS Update are hereby approved and adopted by the District.

SECTION 3. The Board of Supervisors (“Board”) authorizes the appropriate District Officials to pursue available funding opportunities for implementation of proposed mitigation initiatives described in the LMS and 2020 LMS Update, and upon receipt of such funding or other necessary resources, seek to implement the actions in accordance with the mitigation strategies set out by the LMS and 2020 LMS Update.

SECTION 4. The Board of the District will continue to support and participate in the LMS and 2020 LMS Update planning and implementation process as required by Federal Emergency Management agency, the Florida Division of emergency Management, and the Collier County Local Mitigation Strategy Steering Committee.

SECTION 5. The Board of the District directs the District Manager to transmit an original of the executed Resolution to the Collier County Division of Emergency Management, Attention Local Mitigation Strategy Coordinator, for filing in the Office of the Collier County Clerk & Comptroller.

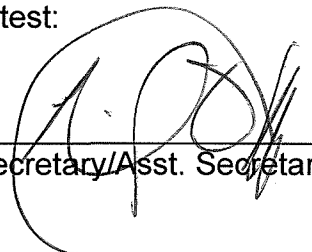
SECTION 6. SEVERABILITY. If any section or part of a section of this Resolution be declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional, it being expressly found and declared that the remainder of this Resolution would have been adopted despite the invalidity of such section or part of such section.

SECTION 7. CONFLICTS. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

SECTION 8. EFFECTIVE DATE. This Resolution shall take effect retroactively, *nunc pro tunc*, to April 13, 2020.

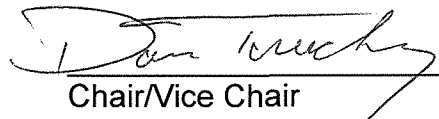
PASSED AND ADOPTED at a public meeting of the Board of Supervisors of Port of the Islands Community Improvement District this 25th day of April 2023.

Attest:



Secretary/Asst. Secretary

**PORT OF THE ISLANDS COMMUNITY
IMPROVEMENT DISTRICT**



Chair/Vice Chair