

ORDINANCE CREATING THE HOUSING FINANCE AUTHORITY OF COLLIER COUNTY, FLORIDA; PROVIDING A DECLARATION OF NEED; PROVIDING FOR THE EXERCISE OF ALL POWERS AUTHORIZED BY THE FLORIDA HOUSING FINANCE AUTHORITY LAW; PROVIDING FOR OPERATIONS WITHIN THE COUNTY; PROVIDING FOR THE ISSUANCE OF REVENUE BONDS; PROVIDING FOR THE ORGANIZATION OF THE AUTHORITY; PROVIDING FOR THE APPOINTMENT OF MEMBERS; PROVIDING FOR THE ALTERATION OF THE AUTHORITY'S ACTIVITIES BY THE COUNTY; PROVIDING SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Legislature in Chapter 159, Part IV, Florida Statutes, known and cites as the "Florida Housing Finance Authority Law" (the "Act"), found and declared that:

- (1) Within this state there is a shortage of housing available at prices or rentals which many persons and families can afford and a shortage of capital for investment in such housing. This shortage constitutes a threat to the health, safety, morals, and welfare of the residents of the state, deprives the state of an adequate tax base, and causes the state to make excessive expenditures for crime prevention and control, public health, welfare, and safety, fire and accident protection, and other public services and facilities.
- (2) Such shortage cannot be relieved except through the encouragement of investment by private enterprise and the stimulation of construction and rehabilitation of housing through the use of public financing.
- (3) The financing, acquisition, construction, reconstruction, and rehabilitation of housing and of the real and personal property and other facilities necessary, incidental, and appurtenant thereto are exclusively public uses and purposes for which public money may be spent, advanced, loaned, or granted and are governmental functions of public concern.

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CLERK OF COUNTY

WHEREAS, the Act authorizes each county in the state to create by ordinance a separate public body corporate and politic to be known as the "Housing Finance Authority" of the county for which it was created; and

WHEREAS, pursuant to the Act, a housing finance authority may not transact any business or exercise any powers under the Act until the governing body of the county for which such housing finance authority is created passes a resolution declaring the need for a housing finance authority to function to alleviate a shortage of housing and capital for investment in housing in its area of operation;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA:

Section 1. This Ordinance is enacted pursuant to the Florida Housing Finance Authority Law, Chapter 159, Part IV, Florida Statutes.

Section 2. The Collier County Board of County Commissioners finds and declares that:

(1) Within this county there is a shortage of housing available at prices or rentals which many persons and families can afford and a shortage of capital for investment in such housing. This shortage constitutes a threat to the health, safety, morals and welfare of the residents of the county, deprives the county of an adequate tax base, and causes the county to make excessive expenditures for crime prevention and control, public health, welfare and safety, fire and accident protection, and other public services and facilities.

(2) Such shortage cannot be relieved except through the encouragement of investment by private enterprises and the stimulation of construction and rehabilitation of housing through the use of public financing.

(3) The financing, acquisition, construction, reconstruction, and rehabilitation of housing and of the real and personal property and other facilities necessary, incidental, and appurtenant thereto are exclusively public uses and purposes for which public money may be spent, advanced, loaned, or granted and are governmental functions of public concern.

(4) The Congress of the United States has, by the enactment of amendments to the Internal Revenue Code of 1954, found and determined that housing may be financed by means of obligations issued by any state or local governmental unit, the interest on which obligations is exempt from federal income taxation, and has thereby provided a method to aid state and local governmental units to provide assistance to meet the need for housing.

(5) The Legislature of the State of Florida has, by enactment of Chapter 78-89, Laws of Florida (Chapter 159, Part IV), found and determined that local housing finance authorities are the proper means by which counties may avail themselves of the above amendments to the Internal Revenue Code and thereby assist in meeting local need for housing.

Section 3. There is hereby created a separate public body corporate and politic to be known as the Housing Finance Authority of Collier County, Florida, referred to as the "Authority", which is directed to carry out and exercise, without limitation except as is herein expressly stated, all powers and public and governmental functions set forth in and contemplated by the Act, and subject to all limitations and prescriptions set forth in the Act. The Authority shall have the power to make and issue such regulations, bylaws and rules as it deems necessary to implement its powers and functions.

Section 4. The Authority shall be composed of five (5) members, one (1) of whom shall be designated chairperson. Not less than three (3) of the members shall be knowledgeable in one of the following fields: labor, finance or commerce. The terms of the members shall be four (4) years each, except that the terms of the initial members shall be as follows: two (2) members shall serve a term of one (1) year; one (1) member shall serve a term of two (2) years; one (1) member shall serve a term of three (3) years, and one (1)

member shall serve a term of four (4) years. A member shall hold office until his successor has been appointed and has qualified. Each vacancy shall be filled for the remainder of the unexpired term. Each member of the Authority 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 Clerk of the Circuit Court and the certificate of the appointment or reappointment of any member shall be filed with the Clerk of the Circuit Court, and the certificate shall be conclusive evidence of the due and proper appointment of the member. A member shall receive no compensation for his services, but shall be entitled to necessary expenses, including travelling expenses, incurred in the discharge of his duties.

Section 6. The powers of the Authority granted by the Act, subject to the limitations contained herein, shall be vested in the members of the Authority in office from time to time. Three (3) members shall constitute a quorum, and action may be taken by the Authority upon a vote of a majority of the members present. The Authority may employ such agents and employees. The Authority may delegate to an agent or employee such powers or duties as it may deem proper and may employ its own legal counsel.

Section 7. The County may, at its sole discretion, and at any time, alter or change the structure, organizations, programs or activities of the Authority, including the power to terminate the Authority, subject to any limitation on the impairment of contracts entered into by the Authority and subject to the limitations or requirements of the Act.

Section 8. Until the members of the Housing Finance Authority are appointed, the Board of County Commissioners of Collier county, Florida, by which this Housing Finance Authority is created, shall carry out the powers of a Housing Finance Authority under this Ordinance. The Chairman of the Board of County Commissioners shall be Chairman of the Housing Finance Authority; however, the Board of County Commissioners shall not delegate its authority to the Chairman under this provision.

Section 9. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 10. This ordinance shall become effective as provided by general law.

ADOPTED this 29th day of July, 1980.

ATTEST:
WILLIAM J. REAGAN, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

William J. Reagan
CLERK

BY: *Clifford Wenzel*
CLIFFORD WENZEL, CHAIRMAN

DAP/ke/55-0
County Attorney's Office
7/11/1980

This ordinance filed with the Secretary of State's Office the 7th day of August, 1980 and acknowledgment of that filing received this 13th day of August, 1980.

By *Virginia Maggi*
Deputy Clerk

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STATE OF FLORIDA)
COUNTY OF COLLIER)

I, WILLIAM J. REAGAN, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true original of:

ORDINANCE NO. 80-66

which was adopted by the Board of County Commissioners during Regular Session July 29, 1980.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 4th day of August, 1980.

WILLIAM J. REAGAN
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

By Virginia Maguire
Deputy Clerk

