

RESOLUTION NO. 2019-5

A RESOLUTION OF THE BOARD OF SUPERVISORS OF HERITAGE BAY COMMUNITY DEVELOPMENT DISTRICT APPROVING, ADOPTING AND DEMONSTRATING PARTICIPATION IN A LOCAL MITIGATION STRATEGY; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, Heritage Bay Community Development District (the "**District**") is a community development district that was established pursuant to the provisions of Chapter 190, Florida Statutes by the Board of County Commissioners of Collier County; 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 has developed and maintains a FEMA-approved Collier County Multi-Jurisdictional Local Mitigation Strategy (the "**LMS**"); and

WHEREAS, the District desires to approve, adopt and demonstrate its active participation in the LMS to become eligible for grants under the FEMA hazard mitigation assistance programs and other post-disaster funding opportunities and to further its commitment to provide coordination and cooperation with Collier County during hurricanes and other hazards, disasters and emergencies; 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 is voluminous, it is maintained by the District and Collier County on-line (currently available at: <https://www.colliercountyfl.gov/your-government/divisions-a-e/emergency-management/library-cmte-reference/local-mitigation-strategy-2015>) prior to the adoption of this Resolution and will continue to be maintained after adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HERITAGE BAY COMMUNITY DEVELOPMENT DISTRICT:

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

SECTION 2. ADOPTION OF LOCAL MITIGATION STRATEGY. The LMS is hereby approved and adopted by the District.

SECTION 3. PARTICIPATION. The District shall actively participate in the LMS as the local mitigation plan of the District.


SECTION 4. 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 5. CONFLICTS. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

SECTION 6. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Supervisors of Heritage Bay Community Development District this 5th day of September, 2019.

Attest:


Justin Faircloth, Secretary

**HERITAGE BAY
COMMUNITY DEVELOPMENT
DISTRICT**


Edwin Hubbard, Chairman