

**RESOLUTION NUMBER 134 -21**

**A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA (THE “CITY”) RELATING TO THE CITY’S \$29,650,000 PUBLIC IMPROVEMENT REVENUE BONDS, SERIES 2021 (THE “BONDS”); AMENDING THE DESCRIPTION OF THE SERIES 2021 PROJECT AS SET FORTH IN RESOLUTION NO. 86-21, ADOPTED BY THE CITY COUNCIL OF THE CITY ON JULY 21, 2021; AUTHORIZING THE PROPER OFFICERS OF THE CITY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH SAID AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Riviera Beach, Palm Beach County, Florida, a Florida municipal corporation (the “City”), is authorized by Chapter 166, Florida Statutes and other applicable provisions of law to incur indebtedness for the purpose of financing the costs of acquiring, constructing and installing capital and non capital projects for the benefit of the residents of the City (each, a “Project”), and to covenant and budget from its legally available non-ad valorem revenues funds to repay such indebtedness; and

**WHEREAS**, pursuant to such authority the City Council of the City (the “City Council”) did, on September 3, 2014, adopt Resolution No. 88-14 (the “Bond Resolution”), authorizing the issuance of its bonds to be known as “Public Improvement Revenue Bonds” from time to time; and

**WHEREAS**, pursuant to the Bond Resolution, the City Council did, on July 21, 2021, adopt Resolution No. 86-21 (the “Supplemental Resolution”), pursuant to which the City issued its \$2,650,000 Public Improvement Revenue Bonds, Series 2021 (the “Series 2021 Bonds”) in the initial aggregate principal amount of not exceeding \$35,000,000, and determined to use the proceeds thereof to acquire, construct and equip new, replacement fire stations (a) at the intersection of West Blue Heron Boulevard and North Congress Avenue and (b) on a city-owned vacant parcel on Singer Island (the “Series 2021 Project”); and

**WHEREAS**, the City Council has determined to use the proceeds of the Series 2021 Bonds to acquire, construct and equip a new, replacement fire station on West Blue Heron Boulevard between Broadway and Barack Obama Highway instead of on a city-owned vacant parcel on Singer Island; and

**WHEREAS**, the City has been provided with the Opinion of Bond Counsel (as defined in the Bond Resolution) required by the Bond Resolution for the City to change or substitute the Series 2021 Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, THAT:**

**SECTION 1. AUTHORITY OF THIS RESOLUTION.** This Resolution is adopted pursuant to the provisions of the Bond Resolution, the Supplemental Resolution, the City Charter, as amended and supplemented, the Florida Constitution, Chapter 166, Florida Statutes, as amended and supplemented, and other applicable provisions of law.

**SECTION 2. DEFINITIONS.** All capitalized terms used in this Resolution not otherwise defined shall have the meanings ascribed to such terms in the Bond Resolution and the Supplemental Resolution, unless the context clearly indicates otherwise.

**SECTION 3. CHANGE IN DESCRIPTION OF SERIES 2021 PROJECT.** The Series 2021 Project shall be and consist of the acquisition, construction and equipping of new, replacement fire stations (a) at the intersection of West Blue Heron Boulevard and North Congress Avenue and (b) on West Blue Heron Boulevard between Broadway and Barack Obama Highway (the “Revised Series 2021 Project”), notwithstanding anything in the Supplemental Resolution to the contrary. To the extent that the proceeds of the Series 2021 Bonds are not sufficient to pay the cost of the Revised Series 2021 Project, the City will pay such excess from legally available funds.

**SECTION 4. OPINION OF BOND COUNSEL.** The City acknowledges receipt of the opinion of Greenspoon Marder LLP, the City’s Bond Counsel, to the effect that the change in the use of the proceeds of the Series 2021 Bonds for the Revised Series 2021 Project will not, in and of itself, adversely affect the exclusion of the interest on the Series 2021 Bonds from the gross income of the holders thereof for federal income tax purposes.

**SECTION 5. SEVERABILITY OF INVALID PROVISIONS.** If any one or more of the covenants, agreements or provisions of this Resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions, and shall in no way affect the validity of any of the other provisions of this Resolution or of the Series 2021 Bonds.

**SECTION 6. FURTHER AUTHORIZATIONS; RATIFICATION OF PRIOR ACTS.** The Mayor, the Chief Financial Officer, the Clerk, the City Attorney, the City’s Bond Counsel, and any other authorized official of the City, be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments, and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Resolution, including, but not limited to, the filing of a voluntary disclosure with the Electronic Municipal Market Access portal (“EMMA”) of the Municipal Securities Rulemaking Board. All actions heretofore taken and documents prepared or executed by or on behalf of the City by any of its authorized officers in connection with the transactions contemplated hereby are hereby ratified, confirmed, approved and adopted.

**SECTION 7. REPEALER.** All resolutions or proceedings, or parts thereof, in conflict with the provisions of this Resolution are to the extent of such conflict hereby repealed.

**SECTION 8. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2021.

**APPROVED:**

\_\_\_\_\_  
**RONNIE L. FELDER**  
**MAYOR**

\_\_\_\_\_  
**SHIRLEY D. LANIER**  
**CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**CLAUDINE L. ANTHONY**  
**CERTIFIED MUNICIPAL CLERK**  
**CITY CLERK**

\_\_\_\_\_  
**KASHAMBA MILLER-ANDERSON**  
**CHAIR PRO TEM**

\_\_\_\_\_  
**TRADRICK MCCOY**  
**COUNCILPERSON**

\_\_\_\_\_  
**JULIA A. BOTEL, Ed.D**  
**COUNCILPERSON**

\_\_\_\_\_  
**DOUGLAS A. LAWSON**  
**COUNCILPERSON**

**MOTIONED BY:** \_\_\_\_\_

**SECONDED BY:** \_\_\_\_\_

**T. MCCOY** \_\_\_\_\_

**K. MILLER-ANDERSON** \_\_\_\_\_

**S. LANIER** \_\_\_\_\_

**J. BOTEL** \_\_\_\_\_

**D. LAWSON** \_\_\_\_\_

**REVIEWED AS TO LEGAL SUFFICIENCY**

\_\_\_\_\_  
DAWN S. WYNN, CITY ATTORNEY

DATE: \_\_\_\_\_