

VILLAGE HALL  
500 NE 87<sup>TH</sup> ST  
EL PORTAL, FL 33138  
CHRISTIA ALOU  
INTERIM VILLAGE MANAGER



MAYOR CLAUDIA V. CUBILLOS  
VICE MAYOR OMARR C. NICKERSON  
COUNCILPERSON HAROLD E. MATHIS, JR.  
COUNCILPERSON WERNER DREHER  
COUNCILPERSON VIMARI ROMAN

Regular Village Council Meeting  
Tuesday, December 19, 2017  
Agenda  
7:00 PM

Statement of Decorum

Any person making a racial or slanderous remark or who becomes boisterous while addressing the Village Council, Staff, etc. shall be barred from the audience by the presiding officer. No profanity, shouting, heckling, verbal outbursts or disruptive behavior in support of or opposition to a speaker or his/her remarks is permitted. No signs or placards shall be allowed in the Village Hall. Person exiting the Village Hall shall do so quietly.

“Pursuant to Florida Statutes, Chapter 286.0105: If a person decided to appeal any decision made by the Board, Agency or Committee with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

- A. **CALL TO ORDER**.....Mayor Claudia V. Cubillos, Presiding
- B. **SILENT MEDITATION & PLEDGE**.....Salute American Flag in Unison
- C. **ROLL CALL**.....Yenise Jacobi, Village Clerk
- D. **APPROVAL OF AGENDA**
- E. **APPROVAL OF MINUTES FOR THE FOLLOWING MEETING(S):**
  - E1. Approval of the Minutes for November 28, 2017
- F. **ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:**
  - F1. **Swearing-In of Full Time Police Officer Paul Battaglia**
- G. **GOOD AND WELFARE**

(Note: This section of the agenda is reserved in the spirit of a representative democracy “of, by, and for the people” and is specifically provided as a mechanism for the input and solutions on matters of concern of Villagers. We request that comments be limited to **3 MINUTES PER PERSON**, and that speakers and the audience maintain proper decorum at-large.  
The speaker should keep to only issues on the agenda.)





**Regular Council Meeting  
December 19, 2017  
Meeting Agenda**

**INCORPORATION OF RECITALS; PROVIDING FOR  
CONFLICTS, SEVERABILITY; PROVIDING FOR AN  
EFFECTIVE DATE.**

**J. MAYOR, MANAGER, COMMITTEE & ATTORNEY REPORTS:**

**J1. Village Mayor Report - *Mayor Claudia V. Cubillos***

**J2. Village Manager Report – *Interim Christia Alou***

**J3. Village Attorney Reports - *Attorney Joseph Geller***

**K. UNFINISHED BUSINESS AND GENERAL ORDERS:**

**L. NEW BUSINESS:**

**L1.** Annual Toy Giveaway on December 20<sup>th</sup> at Phyllis Ruth Miller Elementary School

**M. GOOD AND WELFARE**

(Note: This section of the agenda is reserved in the spirit of a representative democracy “of, by, and for the people” and is specifically provided as a mechanism for the input and solutions on matters of concern of Villagers. We request that comments be limited to **3 MINUTES PER PERSON**, and that speakers and the audience maintain proper decorum at-large. The speaker should keep to only issues on the agenda.)

**N. ADJOURNMENT:**

Mayor & Councilpersons

**In accordance with the American With Disabilities Act of 1990, all persons with disabilities and who need special accommodations to participate in this meeting due to that disability should contact the Village Clerk’s Office at (305) 795-7880 no later than two (2) business days prior to such proceeding.**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY LOCATED AT 471 AND 495 NE 83<sup>RD</sup> STREET, EL PORTAL, MIAMI-DADE COUNTY, FLORIDA 33138, IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NOS. 18-3207-020-0130 AND 18-3207-020-0140, AS FURTHER IDENTIFIED BY THE MAP IN THE ATTACHED EXHIBIT "A," AS THE "EL PORTAL NE 83<sup>RD</sup> STREET GREEN REUSE AREA" PURSUANT TO SECTION 376.80, FLORIDA STATUTES, OF FLORIDA'S BROWNFIELDS REDEVELOPMENT AT FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE VILLAGE CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

**WHEREAS**, the State of Florida has provided, in Chapter 97-277, Laws of Florida, which is codified at Sections 376.77 through 376.86, Florida Statutes (2015), for designation of certain specified areas by local government adoption of a resolution in order to promote environmental remediation, sustainable land redevelopment and/or reuse, and economic revitalization; and

**WHEREAS**, BH 495 NE 83<sup>rd</sup> Street, LLC ("BH 495") owns the property located at 471 and 495 NE 83<sup>rd</sup> Street, El Portal, Miami-Dade County, Florida 33138, and identified by Folio Nos. 18-3207-020-0130 and 18-3207-020-0140 (the "Subject Property"), as depicted in Exhibit A and more particularly described in Exhibit "B" and is developing it for a mix of residential and retail and commercial uses; and

**WHEREAS**, BH 495, has requested that the Village Council of the Village of El Portal, Florida (the "Village") designate the Subject Property as a "Green Reuse Area" pursuant to § 376.80(2)(c), Florida Statutes; and

**WHEREAS**, the Village has reviewed the relevant criteria and procedures that apply in effectuating this designation as specified in § 376.80(2)(c), Florida Statutes, and has determined

and finds that the Subject Property qualifies for said designation because the following requirements have been satisfied:

1. BH 495 owns the Subject Property and has agreed to rehabilitate and redevelop it;
2. The rehabilitation and redevelopment of the Subject Property will result in economic productivity in the area, along with the creation of at least 5 new permanent jobs at the Subject Property that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement for the Subject Property and not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the Subject Property;
3. The redevelopment of the Subject Property is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations.
4. Notice of the proposed rehabilitation of the Subject Property has been provided to neighbors and nearby residents of the Subject Property, and BH 495 has provided those receiving notice the opportunity to provide comments and suggestions about rehabilitation; and
5. BH 495 has provided reasonable assurance that it has sufficient financial resources to implement and complete a rehabilitation agreement and redevelopment of the Subject Property; and

**WHEREAS**, the Village desires to notify the Florida Department of Environmental Protection of this resolution effectuating the designation in furtherance of rehabilitation and redevelopment of the Subject Property for purposes of § 376.77 – § 376.86, Florida Statutes; and

**WHEREAS**, the applicable procedures, including but not limited to applicable notice requirements, set forth in § 376.80 and § 166.041, Florida Statutes, have been followed and complied with; and

**WHEREAS**, such designation shall not render the Village liable for costs or site remediation, rehabilitation and economic development or source removal, as those terms are defined in Section 376.79 (17) and (18), Florida Statutes, or for any other costs, above and beyond those costs attributed to the adoption of this Resolution; and

**NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:**

**SECTION 1.** That the recitals and findings set forth in the Preamble to this Resolution are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

**SECTION 2.** The Village Council of the Village of El Portal, Florida finds that BH 495 has satisfied the criteria set forth in § 376.80(2)(c), Florida Statutes.

**SECTION 3.** The Village Council of the Village of El Portal, Florida designates the area depicted on Exhibit A and described on Exhibit B, attached hereto and incorporated herein by reference, as the "El Portal NE 83<sup>rd</sup> Street Green Reuse Area" for purposes of § 376.77 – § 376.86, Florida Statutes.

**SECTION 4.** The Village Clerk is hereby authorized to notify the Florida Department of Environmental Protection of the Village Commission's resolution designating the Subject Property as the "El Portal NE 83<sup>rd</sup> Street Green Reuse Area" for purposes of § 376.77 – § 376.86, Florida Statutes.

**SECTION 5.** This Resolution shall take effect immediately upon its adoption.

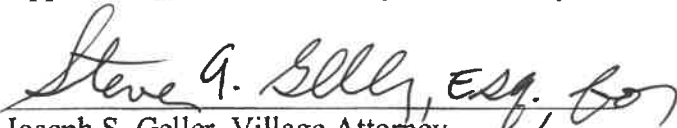
**PASSED AND ADOPTED** by the Village Council of the Village of El Portal, Florida, this 15<sup>th</sup> day of December 2015.



**Claudia V. Cubillos, Mayor  
Village of El Portal**

ATTEST:   
Village Clerk

Approved as to Form and Legal Sufficiency:

  
Joseph S. Geller, Village Attorney

Moved by: Vice Mayor Nickerson

Seconded by: Councilperson Mathis

**Vote:**

- Councilperson Brunson:  (Yes) \_\_\_ (No)
- Councilperson Isaccs:  (Yes) \_\_\_ (No)
- Councilperson Mathis:  (Yes) \_\_\_ (No)
- Vice Mayor Nickerson:  (Yes) \_\_\_ (No)
- Mayor Cubillos:  (Yes) \_\_\_ (No)



**MIAMI DAILY BUSINESS REVIEW**

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:**

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NOTICE OF PROPOSED ORDINANCE - VILLAGE OF EL PORTAL - DEC 19, 2017

in the XXXX Court,  
was published in said newspaper in the issues of

12/04/2017

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this  
4 day of DECEMBER, A.D. 2017

*Diana Herrera*

(SEAL)

MARIA MESA personally known to me

**VILLAGE OF EL PORTAL  
NOTICE OF PROPOSED ORDINANCE**

Please take notice that on December 19, 2017 at 7:00 p.m., or as soon thereafter as may be reached on the agenda, in the Village Hall of El Portal, located at 500 Northeast 87th Street, El Portal, Florida, the proposed ordinance with title stated below will be considered for enactment by the Mayor and Village Council of the Village of El Portal, Second Reading.

The proposed ordinance may be inspected by the public at the Village Hall, online and interested parties may appear at the meeting and be heard in respect to the proposed ordinance, the title of which is as follows:

**Ordinance No. 2017-03** Compensation of Councilpersons  
AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA; PROVIDING FOR COMPENSATION OF COUNCILPERSONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

December 4, 2017  
12/4

Yenise Jacobi  
Village Clerk  
17-41/0000278466M



1st Reading: **Nov. 28, 2017**  
2nd Reading:  
Adopted:  
Effective Date:

**ORDINANCE NO. 2017-03**

**AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, PROVIDING FOR COMPENSATION FOR COUNCILPERSONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Section 2.06 of the Charter of the Village of El Portal provides that the compensation of Councilpersons shall be set by ordinance; and,

**WHEREAS**, the Council has determined that the just and proper annual compensation for Councilpersons shall be \$4,500, payable in quarterly installments; and

**WHEREAS**, the Council has also determined that councilpersons shall be entitled to participate in the Florida Retirement System (FRS) in the same manner as other Village Employees.

**NOW THEREFORE BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA:**

**SECTION 1.** The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** The annual compensation for Councilpersons shall be fixed at four thousand five hundred dollars (4,500), payable in quarterly installments; and councilpersons shall be entitled to participate in the Florida Retirement System (FRS) in the same manner as other Village Employees.

**SECTION 3.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 5: Inclusion in the Code.** It is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made

a part of the Code of Ordinances of the Village of El Portal, Florida, that the sections of this Ordinance may be renumbered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**SECTION 6: Effective Date.** This Ordinance shall be effective upon adoption on second reading.

**FIRST READING:** NOV. 28, 2017

**SECOND READING AND FINAL PASSAGE:**

\_\_\_\_\_  
Claudia Cubillos, Mayor

ATTEST: Yenise Jacobi  
Yenise Jacobi, Village Clerk

Approved as to form and legal sufficiency:  
Greenspoon Marder, PA, Village Attorneys

By: \_\_\_\_\_  
Joseph S. Geller, Esq.

Vote 1 <sup>st</sup> Reading	NOV. 28 <sup>th</sup> 2017		
Councilperson Dreher:	___ (Yes)	___ (No)	Absent
Councilperson Roman:	___ (Yes)	___ (No)	Absent
Councilperson Mathis, Jr:	<input checked="" type="checkbox"/> (Yes)	___ (No)	
Vice Mayor Nickerson.:	<input checked="" type="checkbox"/> (Yes)	___ (No)	
Mayor Cubillos:	<input checked="" type="checkbox"/> (Yes)	___ (No)	

mat: mathis  
2nd: Nickerson  
Passed 3-0

Vote 2 <sup>nd</sup> Reading			
Councilperson Dreher:	___ (Yes)	___ (No)	
Councilperson Roman:	___ (Yes)	___ (No)	
Councilperson Mathis, Jr:	___ (Yes)	___ (No)	
Vice Mayor Nickerson.:	___ (Yes)	___ (No)	
Mayor Cubillos:	___ (Yes)	___ (No)	



1st Reading:  
Adopted:

**RESOLUTION 2017-38**

**BUDGET AMENDMENT  
DECREASE COMPENSATION FOR  
COUNCILPERSONS**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, TO APPROVE AMENDING THE BUDGET, MODIFYING CERTAIN BUDGETED LINE ITEMS TO DECREASE COMPENSATION FOR COUNCIL PERSONS; PROVIDING FOR AN INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Village Finance Director has advised the Village of certain budget adjustments that need to be entered on the books of the Village, in accordance with proper accounting principles, for the fiscal year that began October 1<sup>st</sup>, 2017, the net results of which are: Decrease the Compensation for Councilpersons to \$4,500 each, from the \$6,000 that is reflected in the original Budget; Decrease the following a) Payroll taxes to \$1,147; b) Decrease FRS to \$5,700.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The amendments listed above in this resolution are hereby adopted, to wit: Decrease the Compensation for Councilpersons to \$4,500 each, from the \$6,000 that is reflected in the original Budget; Decrease the following: a) Payroll taxes to \$1,147; b) Decrease FRS to \$5,700.

**Section 3.** This Resolution shall become effective immediately upon adoption hereof.

**PASSED AND ADOPTED** by the Village Council of the Village of El Portal, Florida, this 19<sup>th</sup> day of December, 2017.

BUDGET AMENDMENT  
COMPENSATION FOR COUNCILPERSONS

\_\_\_\_\_  
Claudia V. Cubillos, Mayor  
Village of El Portal

ATTEST: \_\_\_\_\_  
Yenise Jacobi  
Village Clerk

Approved as to Form and Legal sufficiency:

\_\_\_\_\_  
Joseph S. Geller, Village Attorney

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Vote:

Councilperson Dreher:	_____ (Yes)	_____ (No)
Councilperson Roman:	_____ (Yes)	_____ (No)
Councilperson Mathis:	_____ (Yes)	_____ (No)
Vice Mayor Nickerson:	_____ (Yes)	_____ (No)
Mayor Cubillos:	_____ (Yes)	_____ (No)

Resolution No.: 2017-38 Passed by roll call vote of \_\_\_\_\_.

I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2017-38 adopted on December 19, 2017, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**RESOLUTION 2017-39**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, TO APPROVE THE AMENDMENT TO EXTEND THE AGREEMENT WITH WASTE MANAGEMENT, INC., FOR COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE, YARD TRASH, AND BULK WASTE; PROVIDING FOR AN INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Village of El Portal (“Village”) and Waste Management, Inc. (“Contractor”) are parties to that certain Agreement for Collection and Disposal of Residential Solid Waste made on or about August 1, 2011 (the “Agreement”); and

**WHEREAS**, the Village of El Portal and Waste Management, Inc., have agreed to an Extension of the Agreement for Collection and Disposal of Residential Solid Waste; and

**WHEREAS**, the Village of El Portal has determined that the Agreement must be extended for an additional time, in order to conduct a new procurement process; and

**WHEREAS**, the Village Council of El Portal desires to approve the execution of the extension of the Agreement for collection and disposal of residential solid waste, yard trash, and bulk waste, as set forth herein.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The Village Council of the Village of El Portal hereby approves the extension of the Agreement for collection and disposal of residential solid waste, yard trash, and

Resolution \_\_\_\_\_

bulk waste, substantially in the form attached hereto as Exhibit A, until June 30, 2018, and authorizes the Interim Village Manager to execute the extension.

**Section 3.** This Resolution shall become effective immediately upon adoption hereof.

**PASSED AND ADOPTED** by the Village Council of the Village of El Portal, Florida, this \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Claudia V. Cubillos, Mayor  
Village of El Portal

ATTEST: \_\_\_\_\_  
Yenise Jacobi  
Village Clerk

Approved as to Form and Legal sufficiency:

\_\_\_\_\_  
Joseph S. Geller, Village Attorney

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Vote:

Councilperson Dreher:	_____ (Yes)	_____ (No)
Councilperson Roman:	_____ (Yes)	_____ (No)
Councilperson Mathis:	_____ (Yes)	_____ (No)
Vice Mayor Nickerson:	_____ (Yes)	_____ (No)
Mayor Cubillos:	_____ (Yes)	_____ (No)

I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2017-39 adopted on December 19, 2017, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.



**RESOLUTION 2017-40**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, APPROVING THE 2018 TITLE VI FEDERAL TRANSIT ADMINISTRATION (FTA) PROGRAM AND POLICIES ; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Title VI of the Civil Rights Act of 1964, and 49 CFR Part 21, the U.S. Department of Transportation and the Federal Transit Administration (FTA) prohibit discrimination, and state “no person in the United States shall on the ground of race, color or national origin, be excluded from participation in programs and activities receiving Federal financial assistance; and

**WHEREAS**, as a recipient of federal funds, the Village of El Portal is required to comply with the requirements of the Act and applicable implementing regulations; and

**WHEREAS**, in accordance with Title VI non-discrimination laws in regard to providing appropriate access to services and activities provided by federal agencies and recipients of federal assistance, the Village of El Portal will comply with Title VI Program and Policies; and

**WHEREAS**; the Village of El Portal, Florida, approves the Village’s Title VI Program and Policies, substantially in the form attached hereto as Exhibit A.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:**

**Section 1.** The recitals to the preamble herein are incorporated by reference.

**Section 2.** The Village Council of El Portal, Florida, hereby approves the Title VI Program and Policies, as set forth substantially in the form attached hereto as Exhibit A, entitled Village of El Portal Title VI Program Plan .

**Section 3** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** by the Village Council of the Village of El Portal Florida,  
this \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Claudia Cubillos, Mayor

Approved as to form and legal sufficiency:  
Greenspoon Marder, PA, Village Attorneys

Attest: \_\_\_\_\_  
Yenise Jacobi, Village Clerk

By: \_\_\_\_\_  
Joseph S. Geller, Esq.

**Vote:**

Councilperson Mathis:	_____ (Yes)	_____ (No)
Councilperson Dreher:	_____ (Yes)	_____ (No)
Councilperson Roman	_____ (Yes)	_____ (No)
Vice Mayor Nickerson.:	_____ (Yes)	_____ (No)
Mayor Cubillos:	_____ (Yes)	_____ (No)

I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2017-40 adopted on December 19, 2017, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Yenise Jacobi  
Village Clerk

**RESOLUTION 2017-41**

**A RESOLUTION OF THE VILLAGE OF EL PORTAL, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES, FOR PROJECT FINANCING OF PROJECT NO. SW1320L; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, SEVERABILITY PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Florida Statutes provide for loans to local government agencies to finance the construction of stormwater facilities; and

**WHEREAS**, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

**WHEREAS**, the State Revolving Fund loan priority list designates Project No. SW1320L as eligible for available funding; and

**WHEREAS**, the Village of El Portal, Florida, authorizes the Village Manager to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing findings are incorporated herein by reference and made a part hereof.

**Section 2.** The Village Council of El Portal, Florida, hereby authorizes and directs the Village Manager to submit an application for inclusion in the State Revolving Fund (SRF) Loan Program to the Department of Environmental Protection for a loan to finance Project No. SW1320L

**Section 3.** The revenues pledged for the repayment of the loan are the Village's revenues from the Citizens Independent Transportation Trust Fund. There are no senior liens, which would take priority over the repayment of the loan from the pledged revenues.

**Section 4.** The Village Manager is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

**Section 5.** The Mayor is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The Mayor is authorized to represent the Village in carrying out the Village's responsibilities under the loan agreement. The Mayor is authorized to delegate responsibility to appropriate Village staff to carry out technical, financial, and administrative activities associated with the loan agreement.

**Section 6.** The legal authority for borrowing moneys to construct this Project is Title XII Municipalities, Section 166.011, and Florida Statutes.

**Section 7.** All resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**Section 8.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

**Section 9.** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** by the Village Council of the Village of El Portal Florida, this \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Claudia Cubillos, Mayor

Approved as to form and legal sufficiency:  
Greenspoon Marder, PA, Village Attorneys

Attest: \_\_\_\_\_  
Yenise Jacobi, Village Clerk

By: \_\_\_\_\_  
Joseph S. Geller, Esq.

Motion:  
2<sup>nd</sup>:

Vote:

Councilperson Mathis:	_____ (Yes)	_____ (No)
Councilperson Dreher:	_____ (Yes)	_____ (No)
Councilperson Roman	_____ (Yes)	_____ (No)
Vice Mayor Nickerson.:	_____ (Yes)	_____ (No)
Mayor Cubillos:	_____ (Yes)	_____ (No)

I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2017-41 adopted on December \_\_\_\_, 2017, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Yenise Jacobi  
Village Clerk

**RESOLUTION 2017-42**

**A RESOLUTION OF THE VILLAGE OF EL PORTAL, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES, FOR PROJECT FINANCING OF PROJECT NO. WW1320C; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide for loans to local government agencies to finance the construction of wastewater treatment facilities; and

**WHEREAS**, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

**WHEREAS**, the State Revolving Fund loan priority list designates Project No. WW1320C as eligible for available funding; and

**WHEREAS**, the Village of El Portal, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing findings are incorporated herein by reference and made a part hereof.

**Section 2.** The Village Council of El Portal, Florida, hereby authorizes and directs the Village Manager to submit an application for inclusion in the State Revolving Fund (SRF) Loan Program to the Department of Environmental Protection for a loan to finance Project No. WW1320C.

**Section 3.** The revenues pledged for the repayment of the loan are the Village's revenues from the Citizens Independent Transportation Trust Fund. There are no senior liens, which would take priority over the repayment of the loan from the pledged revenues.

**Section 4.** The Village Manager is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

**Section 5.** The Mayor is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The Mayor is authorized to represent the Village in carrying out the Village's responsibilities under the loan agreement. The Mayor is authorized to delegate responsibility to appropriate Village staff to carry out technical, financial, and administrative activities associated with the loan agreement.

**Section 6.** The legal authority for borrowing moneys to construct this Project is Title XII Municipalities, Section 166.011, Florida Statutes.

**Section 7.** All resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**Section 8.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

**Section 9.** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** by the Village Council of the Village of El Portal Florida, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Claudia Cubillos, Mayor

Approved as to form and legal sufficiency:  
Greenspoon Marder, PA, Village Attorneys

Attest: \_\_\_\_\_  
Yenise Jacobi, Village Clerk

By: \_\_\_\_\_  
Joseph S. Geller, Esq.

Motion:  
2<sup>nd</sup>.

Vote:

Councilperson Mathis:	_____ (Yes)	_____ (No)
Councilperson Dreher:	_____ (Yes)	_____ (No)
Councilperson Roman	_____ (Yes)	_____ (No)
Vice Mayor Nickerson.:	_____ (Yes)	_____ (No)
Mayor Cubillos:	_____ (Yes)	_____ (No)

I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2017-42 adopted on December \_\_\_\_, 2017, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Yenise Jacobi  
Village Clerk