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RESOLUTION NO. 93-M-44

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, AMENDING RESOLUTION NO. 91-M-05, WHICH SUPPLEMENTED THE COUNTY'S RESOLUTION NO. 91-M-04, BOTH DULY ADOPTED ON FEBRUARY 26, 1991, PROVIDING FOR THE ISSUANCE OF THE COUNTY'S COMMERCIAL PAPER NOTES TO FINANCE THE COST OF CAPITAL PROJECTS; PROVIDING FOR A CHANGE TO THE LIST OF PROJECTS IN EXHIBIT A, SERIES A PROJECT NO. 1; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS IN AND FOR ORANGE COUNTY, FLORIDA, THAT:

ARTICLE I

GENERAL PROVISIONS

SECTION 1.01. AUTHORITY FOR THIS RESOLUTION. This Amending Resolution is adopted pursuant to Section 8.02 and other provisions of Resolution No. 91-M-04 of the Board of County Commissioners (the "Board") of Orange County, Florida (the "County") on February 26, 1991; the Constitution of the State of Florida, Chapter 125, Florida Statutes; and other applicable provisions of law (collectively, the "Act").

SECTION 1.02. FINDINGS. It is hereby ascertained, determined, and declared as follows:

A. The County is duly created and existing as a political subdivision of the State of Florida and is duly empowered under the Act to undertake the Series A Project No. 1, as herein supplemented and authorized.

B. Resolution No. 91-M-04 of the Board, duly adopted on February 26, 1991 (the "Authorizing Resolution"), authorized the establishment of the County's Commercial Paper Program to finance the cost of various capital projects on an interim basis through the issuance, from time to time, of the County's Commercial Paper Notes.

C. The County has previously authorized and issued certain Commercial Paper Notes Series A (the "Series A Notes") of the County pursuant to Resolution No. 91-M-05 of the County adopted February 26, 1991, as supplemented (the "Supplemental Resolution.")

D. Pursuant to the Supplemental Resolution, the proceeds of the Series A Notes were to be used to finance all or a portion of the Cost of Series A Project No. 1, which consisted of certain capital facilities described on Exhibit A attached to the Supplemental Resolution.

E. The County has since determined that the proceeds of the Series A Notes are not immediately needed for certain of the facilities described on Exhibit A to the Supplemental Resolution and that such proceeds would be of greater benefit to the County if such proceeds were applied to additional capital projects previously authorized to be undertaken by the County pursuant to Resolution No. 92-M-11, adopted March 17, 1992.

F. The Board hereby deems it necessary and desirable and will serve a valid public purpose for the County to modify the description of the Series A Project No. 1 included in the Supplemental Resolution by amending the Supplemental Resolution as provided herein.

G. The Canadian Imperial Bank of Commerce has, or will have prior to the disbursement of any funds for the capital projects added to the Series A Project No. 1 by the amendments herein, consented to the amendments herein made as required by the Authorizing Resolution, a copy of which consent shall be filed with the Clerk to the Board.

SECTION 1.03. DEFINITIONS. Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Authorizing Resolution, unless the context requires otherwise.

## ARTICLE II

### AMENDING PROVISIONS

SECTION 2.01. AMENDMENTS TO SUPPLEMENTAL RESOLUTION. The Supplemental Resolution is hereby amended as follows:

(a) The definition of "Series A Project No. 1" included in Section 1.03 of the Supplemental Resolution is hereby amended to read as follows:

"'Series A Project No. 1' shall mean those capital improvements, including those improvements as set forth and described on Exhibit "A" attached hereto and by this referenced incorporated herein."

(b) Exhibit "A" to the Supplemental Resolution is hereby amended to read as set forth on Exhibit A attached hereto.

SECTION 2.02 REMAINING PROVISIONS UNAFFECTED. Except as amended herein, the provisions of the Supplemental Resolution shall remain in full force and effect.

## ARTICLE III

### MISCELLANEOUS PROVISIONS

SECTION 3.01. FURTHER ACTIONS. The Chairman, the Comptroller, the County Administrator, the County Attorney, and any other appropriate officials of the County are hereby authorized and directed to execute any and all certifications or other instruments or documents required by the Authorizing Resolution, the Supplemental Resolution, the Dealer Agreement, the Line of Credit and Reimbursement Agreement, the Issuing and Paying Agent Agreement or any other document referred to in the Authorizing Resolution, necessary or convenient to effect the purposes of this Amending Resolution, including any supplemental tax certifications necessary.

SECTION 3.02. ACTIONS. Any action to be taken by the Chairman hereunder, in the absence of the Chairman, may be taken by the Vice Chairman. Any action to be taken by the Comptroller in the absence of the Comptroller, may be taken by a Deputy Comptroller. Any action to be taken by the County Administrator hereunder, may be taken by an Assistant County Administrator. Any action to be taken by the County Attorney may be taken by an Assistant County Attorney.

SECTION 3.03. SEVERABILITY OF INVALID PROVISIONS. If any one or more of the provisions of this Amending Resolution should be held to be contrary to any express provision of law or to be contrary to the policy of express law, though not expressly prohibited, or to be against public policy, or should for any reason whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separate from the remaining provisions of, and in no way affect the validity of, all the other provisions of this Amending Resolution.

SECTION 3.04. REPEALING CLAUSE. All resolutions of the County, or parts thereof, in conflict with the provisions of this Amending Resolution are to the extent of such conflict hereby superseded and repealed.

SECTION 3.05. EFFECTIVE DATE. This Amending Resolution shall take effect upon its adoption.

PASSED AND ADOPTED ON THIS 20<sup>th</sup> DAY OF July, 1993.

ORANGE COUNTY, FLORIDA

[SEAL]

By: Bill Dorega  
FOR THE County Chairman

ATTEST:

[Signature]  
Comptroller/Clerk to the  
Board of County Commissioners

## EXHIBIT A

### SERIES A PROJECT NO. 1

The Series A Project No. 1 consists of the following:

A. Correctional support facility, consisting of a four story 80,000 square foot building to house kitchen facilities and office areas.

B. Phoenix Project, consisting of a 300 bed housing unit with support space to be used as a vocational school for the inmate population.

C. A medium/maximum housing unit, consisting of the cost of design and bid preparation for a new medium/maximum security housing unit.

D. Parking garage, consisting of the cost of design and initial site work for a new 700 car parking garage located at the 33rd Street correctional facility.

E. Training room completion, consisting of the finishing of the training room in the 768 housing unit at the 33rd Street correctional facility.

F. Temporary jail facilities, consisting of the construction of a temporary housing facility area at the 33rd Street correctional facility.

G. Public Works Building renovation, consisting of the reworking of the interior of the existing building to accommodate sheriff's staff and replacement of air conditioning systems, roofing and other improvements.

H. Modular structural renovation, consisting of the renovation of six existing modular structures, including the repair or replacement of restroom/shower areas and renovation of dormitories.

I. Jail facility master plan project, consisting of the conceptual design of the complex and schematic design of each building located at the 33rd Street correctional facility.

J. Work release center, consisting of the demolition of an existing building, the construction of a new dormitory and renovation of an existing building located at the Kaley Avenue complex.

K. Kitchen renovation, consisting of the renovation of kitchen areas and other areas at the 33rd Street correctional facility.

**L. Intake and Release Facility, consisting of costs associated with the design of a 152,000 square foot facility that would house the intake release function, visitation and other related operational functions.**

**M. 800 MHZ Radio Communications Network Systems, consisting of implementing a new 800 MHZ radio communications network for fire, emergency and sheriff needs, and also consisting of incorporating radio frequency technology in voice and data communication throughout the Orange County telecommunications network.**

CONSENT OF CANADIAN IMPERIAL BANK OF COMMERCE

The undersigned authorized officer of the Canadian Imperial Bank of Commerce (the "Bank") hereby certifies as follows on behalf of the Bank:

1. Capitalized terms used in this certificate shall have the meanings set forth in Resolution No. 91-M-04 adopted by the Board of County Commissioners (the "Board") of Orange County, Florida (the "County") on February 26, 1991 in connection with the County's Commercial Paper Program, as supplemented (the "Resolution").

2. The Bank is the "Bank" under the Resolution, as the provider of the Line of Credit for the County's Commercial Paper Program.

3. The County has requested the Bank to consent to certain amendments to Resolution No. 91-M-05, adopted by the Board on February 26, 1991, which provided for the issuance of Commercial Paper Notes, Series A, under the Resolution. A copy of the resolution setting forth such amendments is attached hereto and incorporated herein (the "Amending Resolution").

4. The Bank hereby consents to such amendments, as set forth in the Amending Resolution.

Dated this 1<sup>st</sup> day of July, 1993.

CANADIAN IMPERIAL BANK OF  
COMMERCE

By: Timothy Butler  
Name: Timothy Butler  
Title: Vice President