

**RESOLUTION NO. 23-R58**

**A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA AUTHORIZING THE EXECUTION OF THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STANDARD GRANT AGREEMENT FOR THE WASTEWATER TREATMENT PLANT RESILIENCY PROJECT AND THE ASSIGNMENT OF THE GRANT TO THE FORT PIERCE UTILITIES AUTHORITY; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 9901 of the American Rescue Plan Act of 2021 (“ARPA”) (Pub. L. 117-2), the U.S. Department of Treasury awarded Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to the State of Florida, a part of which may be used for the purpose of making necessary investments in water, sewer, or broadband infrastructure; and

**WHEREAS**, the State of Florida awarded SLFRF funding to the Florida Department of Environmental Protection (“FDEP”) for resilience activities authorized under the Resilient Florida Grant Program (Fla. Stat. § 380.093); and

**WHEREAS**, on September 1, 2022, the City of Fort Pierce (the “City”) in partnership with and for the benefit of the Fort Pierce Utilities Authority (“FPUA”) applied for Resilient Florida Grant Program funding for the relocation and construction of the FPUA’s wastewater treatment plant; and

**WHEREAS**, on February 6, 2023, FDEP awarded the City ARPA funding under FDEP’s Resilient Florida Grant Program through a direct Grant (“Grant”), for which FDEP is a pass-through entity, the use of which must be in accordance with requirements imposed by Federal statutes, regulations, and the terms and conditions of SLFRF implementing regulation, including applicable provisions of the OMB Uniform Guidance (2 CFR Part 200), and all associated terms and conditions; and

**WHEREAS**, FDEP’s Grant Agreement No. 23FRP12 (“Grant Agreement”) in the amount of \$15,000,000 has been granted to the City to relocate the FPUA wastewater treatment plant and includes the construction of the new wastewater treatment plant at 4515 Energy Lane, Fort Pierce, FL 34981; and

**WHEREAS**, the City desires to accept this Grant for the use and benefit of the FPUA; and

**WHEREAS**, on November 1, 2023, FDEP informed the City and FPUA that FPUA is eligible to receive this Grant through an Assignment of the Grant; and

**WHEREAS**, the City wishes to subsequently assign the Grant to FPUA.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA:**

**SECTION 1.** The above recitals are true and accurate and hereby incorporated by reference.

**SECTION 2.** The City Commission does hereby authorize the execution of the Grant Agreement, attached and incorporated by reference as Exhibit “1”.

**SECTION 3.** The Mayor, City Clerk, and City Attorney are hereby authorized and directed to take all actions necessary to execute the Grant Agreement.

**SECTION 4.** The City Commission does hereby authorize the Assignment of the Grant to the FPUA.

**SECTION 5.** The City Commission does hereby authorize the execution of the Assignment Request Letter, attached and incorporated by reference as Exhibit "2".

**SECTION 6.** The Mayor, City Clerk, and City Attorney are hereby authorized and directed to take all actions necessary to assign the Grant to the FPUA.

**SECTION 7.** The provisions of this Resolution are declared to be severable and if any section, sentence, clause, or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution, which shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

**SECTION 8.** All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**SECTION 9.** This Resolution shall become effective upon adoption.

**IN WITNESS WHEREOF**, this Resolution has been duly adopted on this 6th day of November, 2023.

ATTEST:

\_\_\_\_\_  
Linda Hudson, Mayor

\_\_\_\_\_  
Linda W. Cox, City Clerk

(SEAL)

Approved as to Form  
And Correctness:

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Sara Hedges, City Attorney