

A RESOLUTION OF THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, REGARDING THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION UAO CERTIFICATE OF INCUMBENCY AND SIGNATURE AUTHORITY; RESCINDING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Utilities Commission, City of New Smyrna Beach, Florida, was duly created and is validly existing under and by virtue of Chapters 67-1754 and 85-503, Laws of Florida. The Utilities Commission, City of New Smyrna Beach, Florida, is an appointed body with exclusive authority over the management, operation and control of the City of New Smyrna Beach's electric, water, sewer and reuse utilities; and

WHEREAS, the State of Florida Department of Transportation, hereinafter referred to as the "FDOT" proposes to construct or reconstruct transportation facilities from time to time throughout the Utilities Commission's service area; and

WHEREAS, in order for the FDOT to proceed with its projects as they may arise from time to time, it has requested that the Utilities Commission execute a UAO Certificate of Incumbency and Signature Authority, which is hereby attached and made a part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, AS FOLLOWS:

SECTION 1: That the Chairman execute and deliver the attached UAO Certificate of Incumbency and Signature Authority for the Utilities Commission, City of New Smyrna Beach, to the FDOT.

SECTION 2: If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3: After adoption by the Utilities Commission, City of New Smyrna Beach, Florida, this Resolution will become effective immediately.

SECTION 4: All Resolutions in conflict herewith are hereby rescinded and superseded.

THE ABOVE AND FOREGOING RESOLUTION was introduced at a regular meeting of the Utilities Commission, City of New Smyrna Beach, Florida, held on April 21, 1999, by Commissioner Martin, who moved its adoption, which motion was seconded by Commissioner Feger, and upon roll call vote of the Commission was as follows:

	CHAIRMAN	<u>Carolyn Z. Bauer</u>	<u>yes</u>
	VICE CHAIRMAN	<u>William J. Heger</u>	<u>yes</u>
COMMISSIONER	SECY-TREAS.	<u>Robert J. Hill</u>	<u>yes</u>
	ASST. SECY-TREAS.	<u>Peter E. Malloy</u>	<u>yes</u>
	COMMISSIONER	<u>James H. Martin</u>	<u>yes</u>

APPROVED:
Carolyn Z. Bauer
CHAIRMAN

ATTEST:
Peter E. Malloy
ASST. SECRETARY-TREASURER

S E A L

APPROVED AS TO FORM AND CORRECTNESS:
H. Algenica
Utilities Commission Attorney