

RESOLUTION NO. 2026-47

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA, DELEGATING AUTHORITY TO THE COUNTY MANAGER, OR THE COUNTY MANAGER'S DESIGNEE, TO ADMINISTER, APPROVE, AND EXECUTE CERTAIN INDIVIDUAL AWARDS AND RELATED DOCUMENTS UNDER THE LEVY COUNTY STATE HOUSING INITIATIVES PARTNERSHIP ("SHIP") PROGRAM; ESTABLISHING CONDITIONS AND LIMITATIONS UPON SUCH AUTHORITY; REQUIRING REPORTING TO THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR RATIFICATION OF CERTAIN PRIOR ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Levy County, Florida (the "County"), participates in the State Housing Initiatives Partnership ("SHIP") Program, as authorized by sections 420.907 through 420.9079, Florida Statutes, and Chapter 67-37, Florida Administrative Code; and

WHEREAS, section 420.9072, Florida Statutes, requires each participating local government to adopt a local housing assistance plan ("LHAP") governing the expenditure of SHIP funds and to designate responsibility for the administration of the LHAP; and

WHEREAS, the Board of County Commissioners of Levy County, Florida (the "Board"), has adopted a LHAP establishing the housing strategies, eligibility requirements, selection criteria, maximum award amounts, funding allocations, and other requirements governing the County's SHIP Program; and

WHEREAS, Levy County Ordinance No. 2021-003, codified in Article II of Chapter 70 of the Levy County Code, provides for the implementation and administration of the County's LHAP and provides that the County shall be responsible for the implementation and administration of the LHAP and the distribution and administration of funds contained in the Local Housing Assistance Trust Fund through the County SHIP Department or such other County department as may be designated by the County Manager; and

WHEREAS, the Board finds that, once the Board has established and approved the applicable LHAP, SHIP strategies, eligibility and selection criteria, maximum award schedules, and available funding, the determination whether an individual applicant satisfies those previously established requirements is an administrative function that may be performed by County staff acting within the authority delegated by the Board; and

WHEREAS, requiring individual SHIP awards that fully comply with the approved LHAP and applicable funding limitations to be separately presented to and approved by the Board may unnecessarily delay the provision of housing assistance to eligible persons and increase the administrative burden associated with the County's SHIP Program; and

WHEREAS, the Board desires to delegate authority to the County Manager, or the County Manager's designee, to approve qualifying individual SHIP awards and to execute documents necessary to implement such awards, subject to the limitations and conditions established in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS.

The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. DELEGATION OF AUTHORITY.

Subject to the terms, conditions, and limitations set forth in this Resolution, the County Manager, or the County Manager's designee, is hereby authorized to review and approve individual applications for assistance under the County's SHIP Program and to approve individual SHIP awards without the necessity of obtaining separate approval from the Board for each individual award.

The County Manager, or the County Manager's designee, is further authorized to execute, on behalf of Levy County, all agreements, deferred payment loan agreements, promissory notes, mortgages, restrictive covenants, notices, certifications, releases, satisfactions, amendments, subordinations, and other documents reasonably necessary or appropriate to implement, administer, modify, enforce, release, or otherwise carry out an individual SHIP award approved pursuant to this Resolution.

SECTION 3. CONDITIONS AND LIMITATIONS UPON DELEGATED AUTHORITY.

The authority delegated pursuant to this Resolution may be exercised only when all of the following conditions have been satisfied:

- A. The applicant, recipient, project, or activity is eligible for assistance under the SHIP Program and the County's then-current, duly adopted LHAP;
- B. The proposed assistance is authorized by, and is provided pursuant to, a housing strategy contained in the County's then-current LHAP;
- C. The applicant or recipient satisfies all applicable eligibility, qualification, priority, selection, income, and other requirements established by the LHAP, the SHIP Act, Chapter 67-37, Florida Administrative Code, and any other applicable federal, state, or local law, rule, regulation, or funding requirement;
- D. The amount of the individual award does not exceed the maximum amount authorized for that type of assistance under the applicable LHAP.
- E. Sufficient funds are available within the applicable SHIP Program budget, strategy, funding allocation, and Local Housing Assistance Trust Fund to fully fund the award;
- F. The approval and expenditure of funds do not require an amendment to the County's LHAP or a modification of the budget, strategy, maximum award amount, or other policy previously adopted or approved by the Board;
- G. The proposed award and all related documents have been reviewed for compliance with applicable County requirements and have received such legal review as the County Manager or County Attorney determines to be appropriate; and

H. The award is otherwise consistent with all applicable provisions of Florida law, the Levy County Code, the County's policies and procedures, and applicable SHIP Program requirements.

SECTION 4. MATTERS RESERVED TO THE BOARD.

Nothing in this Resolution shall be construed as delegating to the County Manager or any designee the authority to:

- A. Adopt, amend, extend, or repeal the County's LHAP;
- B. Establish or modify a SHIP housing strategy;
- C. Increase or otherwise modify the maximum award amount established by the applicable LHAP;
- D. Amend or reallocate the SHIP Program budget in a manner requiring Board approval;
- E. Appropriate County funds or authorize expenditures in excess of amounts lawfully appropriated and available for the applicable SHIP Program strategy;
- F. Waive or materially modify eligibility, qualification, priority, selection, or other substantive requirements established by the LHAP, except to the extent a waiver or modification is expressly authorized by applicable law and County policy and does not otherwise require Board approval;
- G. Approve any award or agreement that is inconsistent with the LHAP or applicable SHIP requirements; or
- H. Exercise any authority that is otherwise expressly reserved to the Board by the Florida Constitution, Florida Statutes, the Levy County Code, or other applicable law.

SECTION 5. EXECUTION OF RELATED DOCUMENTS.

The County Manager, or the County Manager's designee, is authorized to execute all documents necessary or appropriate to effectuate an individual SHIP award approved pursuant to this Resolution, including, without limitation, deferred payment loan agreements, promissory notes, mortgages, restrictive covenants, certifications, affidavits, releases, satisfactions of mortgages, subordinations, extensions, amendments, and other related documents.

Any document executed pursuant to this Resolution shall be substantially consistent with forms or provisions previously approved by the County Attorney or otherwise determined by the County Attorney to be legally sufficient.

SECTION 6. REPORTING TO THE BOARD.

The County Manager shall provide the Board with a periodic report identifying SHIP awards approved pursuant to this Resolution. The report shall be provided at least quarterly, unless the Board directs a different reporting schedule, and shall include, to the extent permitted by applicable confidentiality and privacy laws:

- A. The number of awards approved during the reporting period;
- B. The applicable SHIP housing strategy for each award;
- C. The amount of each award;
- D. The aggregate amount of SHIP funds awarded during the reporting period and remaining within each applicable funding allocation; and
- E. Such other information concerning the administration of the SHIP Program as the Board may reasonably request.

SECTION 7. REJECTION OR REFERRAL OF APPLICATIONS.

Nothing in this Resolution shall require the County Manager or the County Manager's designee to approve an application merely because the applicant appears to satisfy minimum eligibility requirements. The County Manager or designee may deny an application that does not satisfy all applicable requirements or may refer any proposed award to the Board for consideration whenever the County Manager determines that the proposed award presents a significant policy, legal, financial, or other issue warranting Board consideration.

SECTION 8. BOARD RETENTION OF AUTHORITY.

The Board retains ultimate authority over the County's SHIP Program and may, at any time, amend, modify, suspend, or revoke the delegation of authority established by this Resolution.

The Board may also require any particular proposed SHIP award or category of awards to be submitted to the Board for approval.

SECTION 9. RATIFICATION OF ADMINISTRATIVE ACTIONS.

To the extent necessary, and only to the extent authorized by law, the Board ratifies and confirms prior administrative actions taken by authorized County personnel in the routine administration of the County's SHIP Program that were consistent with the applicable LHAP, approved SHIP budget, and applicable law.

Nothing in this section shall be construed to ratify any action that was contrary to law or that required prior approval of the Board under applicable law.

SECTION 10. CONFLICTS.

All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

SECTION 11. SEVERABILITY.

If any provision of this Resolution, or its application to any person or circumstance, is held invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability shall not affect any other provision or application of this Resolution that

can be given effect without the invalid or unenforceable provision or application, and to this end the provisions of this Resolution are declared severable.

SECTION 12. EFFECTIVE DATE.

This Resolution shall become effective immediately upon its adoption.

DULY ADOPTED by the Board of County Commissioners of Levy County, Florida, this ____ day of _____, 2026.

BOARD OF COUNTY COMMISSIONERS LEVY COUNTY, FLORIDA

By: _____
Tim Hodge, Chair

ATTEST:

Clerk of the Circuit Court and Comptroller

Approved as to legal form and sufficiency:

County Attorney