

RESOLUTION NO. 23-xxx

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN
AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR THE
PENSACOLA AND PERDIDO BAYS ESTUARY PROGRAM**

FINDINGS:

1. On November 6, 2018, City Council adopted Resolution No. 18-177 authorizing an interlocal agreement for the Pensacola and Perdido Bays Estuary Program.
2. The Pensacola and Perdido Bays Estuary Program is moving to nonprofit status and requires an updated agreement.
3. Pensacola Bay, Perdido Bay, and their associated waterways provide boating, fishing, hunting and other outdoor recreational and economic opportunities for citizens and visitors of Alabama and Florida.
4. Mismanagement of Pensacola Bay and Perdido Bay may exacerbate flooding and property loss, negatively impact water quality and estuarine habitat, negatively affect the local economy, and threaten the health, safety and welfare of Alabama's and Florida's citizens and visitors.
5. In October of 2018, Escambia County, Santa Rosa County, and Okaloosa County, City of Gulf Breeze, City of Milton, City of Pensacola, and Town of Century, Florida; and Baldwin County, and the City of Orange Beach, Alabama (the "Parties") entered into an Interlocal Agreement, as authorized by Section 163.01, Florida Statutes, et seq., and Alabama Code § 11-102-1, et seq., (1975), to cooperatively utilize their powers and resources in the most efficient and economical manner possible to develop and implement a Comprehensive Conservation & Management Plan (CCMP) to restore and protect the Pensacola Bay System and Perdido Bay System, and their associated watersheds as defined in Article I of the Interlocal Agreement (the "Estuary Program").
6. This First Amended and Restated Interlocal Agreement will provide for the creation of a Florida not-for-profit corporation, governed by a corporate board of directors appointed by the Parties to represent them for the purpose of administering and carrying out the Estuary Program that has been successfully developed and implemented under the 2018 Interlocal Agreement.
7. Administering the Estuary Program through a not-for-profit corporation will provide for more efficient and flexible operations, with continued governance by the Parties' appointed representatives who will serve as the board of directors of the corporation.
8. After having reviewed the agreement, the City Council has determined that the provisions are in the best interest of the City of Orange Beach, Alabama.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the Mayor is hereby authorized to execute the agreement (attached Exhibit A) in substantially the form and of substantially the content now before the Council between the City of Orange Beach and the aforementioned entities as an act for and on behalf of the City of Orange Beach subject to final approval by the City Attorney; and
2. That this Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 2nd DAY OF MAY, 2023.

Renee Eberly
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 23-xxx, which was duly and legally adopted at a regular meeting of the City Council on May 2, 2023.

City Clerk