

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 06-18

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE TOWN CLERK TO AMEND THE TOWN CHARTER TO INCORPORATE THE RESULTS OF THE REFERENDUM OF NOVEMBER 8<sup>TH</sup>, 2005 REGARDING BRIDGE OR ROAD TOLLS.

WHEREAS, Article VIII, Section 2 of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Article XIII of the Town Charter provides that the Town Council may, by ordinance, propose amendments to any or all of the Charter to be submitted to the electors as provided by general law; and

WHEREAS, Town Ordinance 05-02 and Town Resolution 05-25 called for a Town referendum on the issue of whether the Town Council could impose road or bridge tolls only after approval by the electors, as provided by general law; and

WHEREAS, Town Resolution 05-41 certified that the aforesaid Referendum was approved by the electors on November 8, 2005 and further provided that the Charter was so amended.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA:

Section 1. Adoption of Recitals. The above recitals as set forth in the various "Whereas" clauses are hereby adopted and incorporated into the body of this Resolution.

Section 2. Insertion into Charter. The Town Clerk is hereby directed to insert the following amendment as Section 11.03(c) of the Town Charter and to file a copy of the Town Charter as amended with the Florida Department of State, Division of Library and Information Services:

"Section 11.03 (c). The council may impose road or bridge tolls only after approval by the electors, as provided by general law."

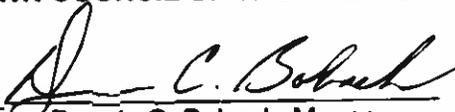
Section 3. Effective Date. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon a motion by Council member Shenko and seconded by Council member Reynolds, and upon being put to a vote, the result was as follows:

Dennis C. Boback, Mayor	aye
Don Massucco, Vice Mayor	aye
Charles Meador, Jr.	aye
Garr Reynolds	aye
William Shenko, Jr.	aye

VARIANCE GRANTED AND RESOLUTION PASSED AND ADOPTED THIS 2<sup>nd</sup> day of October, 2006.

**TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH**

By:   
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

By:   
Anne Dalton, Esquire  
Town Attorney

ATTEST:

By:   
Michelle Mayher, Town Clerk