

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 03-33

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, PROVIDING DIRECTION TO THE TOWN MANAGER AND TOWN ATTORNEY TO ENCOURAGE LEE COUNTY TO FILE AN INDEPENDENT ACTION AGAINST SOUTH FLORIDA WATER MANAGEMENT DISTRICT CONCERNING RELEASE OF LAKE WATER INTO THE CALLOSAHATCHEE AND AN EFFECTIVE DATE.

WHEREAS, the SOUTH FLORIDA WATER MANAGEMENT DISTRICT has again commenced the release of substantial quantities of water from Lake Okeechobee into the Caloosahatchee River; and

WHEREAS, it is undisputed that such release will have a detrimental environmental impact upon the health of the Caloosahatchee Estuary including Estero Bay and the waters of the Gulf thus affecting our environmental resources, tourism and our quality of life; and

WHEREAS, Martin County has commenced legal action against the South Florida Water Management District that if successful would cause us to experience greater discharges from Lake Okeechobee but it is unlikely that any resolution of that lawsuit would cause our current discharges to diminish thus necessitating the initiation of separate legal action by Lee County; and

WHEREAS, it is altogether fitting and proper that the Town of Fort Myers Beach consider the impact upon the marine resources within the Town's jurisdiction; and

WHEREAS, The Town's Comprehensive Plan, Objective 6-A Estuaries and Bays, requires improvement of estuaries and bays including seagrass meadows, tidal flats, soft bottoms, oyster bars, tidal creeks and open water; and

WHEREAS, the Town Comprehensive Plan, Objective 6-C, Protective Species, requires cooperation with local, state and federal agencies in protecting endangered, threatened, or of special concern wildlife; and

WHEREAS, the Town Comprehensive Plan, Objective 6-H, Water Quality, requires improvements in surrounding water bodies of the Town.

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

SECTION ONE: Direction to the Town Manager and Town Attorney. The Town Manager and the Town Attorney are directed to convey to Lee County, the Town's concern and desire for independent legal action concerning South Florida Water Management District's release of lake water into the Caloosahatchee and the resulting adverse and inconsistent impact upon the stated objectives of the Town's Comprehensive Plan.

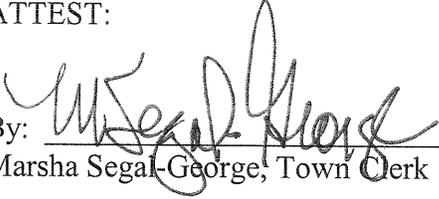
SECTION TWO: Effective Date. This resolution shall become effective upon adoption.

The foregoing resolution was adopted by the Fort Myers Town Council upon being put to a vote, the result was as follows:

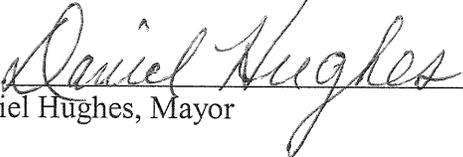
Howard Rynearson	Aye
Daniel Hughes	Aye
Bill Thomas	Aye
W.H. "Bill" Van Duzer	Aye
Terry Cain	Aye

APPROVED this 20th day of October, 2003.

ATTEST:

By:   
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By:   
Daniel Hughes, Mayor

Approved as to form by:

  
Richard V. S. Roosa, Town Attorney