

RESOLUTION NUMBER 22-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE TOWN AND LEE COUNTY, FLORIDA AUTHORIZING LEE COUNTY TO ENFORCE PROPER HAZARDOUS WASTE DISPOSAL REQUIREMENTS AND BEST MANAGEMENT PRACTICES WITHIN THE TOWN'S JURISDICTIONAL LIMITS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, 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 service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach ("Town") 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, on March 13, 2007, the Board of County Commissioners ("County") adopted Lee County Ordinance No. 07-03, the "Hazardous Waste Ordinance," pursuant to the provisions of Chapter 125 and 403, *Florida Statutes* and Florida Administrative Code, Rule 62-731; and

WHEREAS, the Hazardous Waste Ordinance grants the County the authority to administer, including enforcement or compliance assistance, proper waste management practices for generators of hazardous waste, including universal waste and used oil; and

WHEREAS, pursuant to Section 3 of the Hazardous Waste Ordinance, the Ordinance applies to unincorporated Lee County and those municipalities within Lee County that enter into an interlocal agreement with Lee County to implement the Ordinance within those incorporated/municipal areas; and

WHEREAS, the Town desires to enter into an Interlocal Agreement with the County that grants the County the authority to administer, including enforcement or compliance assistance, proper waste management practices for generators of hazardous waste, including universal waste and used oil at commercial businesses and industries within the Town; and

WHEREAS, it is in the best interest of the Town, its business owners, property owners, residents, and visitors to enter into the Interlocal Agreement with the County attached as Exhibit "A" to this Resolution.

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

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The Interlocal Agreement (“Agreement”) between the Town and the County attached as Exhibit “A” is approved and the Mayor is authorized to execute the Agreement on behalf of the Town and the Town Manager or designee is authorized to take all necessary actions and expend budgeted funds to implement this Resolution and the Agreement.

Section 3. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

Section 4. This Resolution shall become effective upon adoption by the Town Council.

The forgoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Hosafros and seconded by Council Member Veach, and upon being put on a roll call vote, the results was as follows:

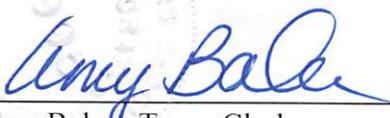
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|-------------------------------|-----|
| Raymond P. Murphy, Mayor | aye |
| Rexann Hosafros, Vice Mayor | aye |
| Dan Allers, Council Member | aye |
| Jim Atterholt, Council Member | aye |
| Bill Veach, Council Member | aye |

ADOPTED this 18th day of April 2022 by the Town Council of the Town of Fort Myers Beach, Florida

TOWN OF FORT MYERS BEACH

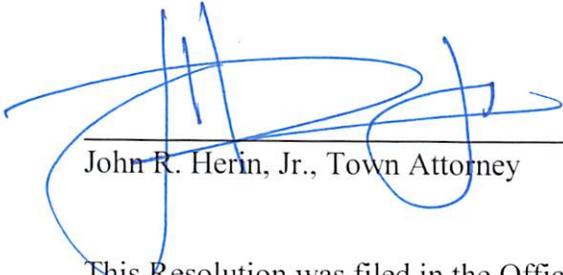

Raymond P. Murphy, Mayor

ATTEST:



Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:



John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 19 day of April 2022