

RESOLUTION NO. 23-53

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING A \$10 MILLION DOLLAR GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY'S HURRICANE STORMWATER AND WASTEWATER ASSISTANCE GRANT PROGRAM AND AUTHORIZING THE TOWN MANAGER'S EXECUTION OF ANY ASSOCIATED GRANT DOCUMENTS; AND PROVIDING 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, the Town applied for grant funding from the Florida Department of Environmental Protection ("Grant") for funding for stormwater assistance ("Project"); and

WHEREAS, the Town was awarded the Grant and will commit to complete any match requirement, which funding is available within the current Fiscal Year Budget; and

WHEREAS, the Town finds that it is in the best interests of the health, safety, and welfare of the Town's residents and visitors to enter into the Grant Agreement.

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 adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council authorizes the Town Manager to execute the Grant Agreement in the amount of up to \$10 million, authorizes the Town Manager to expend matching funds and other budgeted funds for the Project, and authorizes the Town Manager to administer the Grant 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 take effect immediately upon its adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Atterholt and seconded by Mayor Allers, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	aye
Jim Atterholt, Vice Mayor	aye
Bill Veach, Council Member	aye
John King, Council Member	aye
Karen Woodson, Council Member	aye

ADOPTED this 20th day of June 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers

Dan Allers, Mayor

ATTEST:

Amy Baker

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.

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 20th day of June 2023.

Signature: *Dan Allers*
Dan Allers (Jun 21, 2023 16:55 EDT)
Email: allersd@fmbgov.com

Signature: *Amy Baker*
AMY BAKER (Jun 21, 2023 10:23 EDT)
Email: AMY@FMBGOV.COM

Signature: *John R. Herin, Jr.*
John R. Herin, Jr. (Jun 22, 2023 13:07 EDT)
Email: jherin@foxrothschild.com