

**RESOLUTION NUMBER 23-52**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A PIGGYBACK CONTRACT BETWEEN THE TOWN AND CREEL TRACTOR COMPANY IN AN AMOUNT NOT TO EXCEED \$108,416.46, UTILIZING SOURCEWELL CONTRACT 031121, AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT, EXPEND FUNDS, AND TAKE ALL APPROPRIATE ACTIONS TO PURCHASE A REPLACEMENT TRACTOR; AND PROVIDING FOR 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 wishes to purchase a replacement tractor; and

**WHEREAS**, under the Town Code, the purchase of goods under a contract awarded by another governmental entity is authorized provided the finance department director makes a written determination that time and expense factors make it financially advantageous for the Town to do so; and

**WHEREAS**, Sourcewell entered into a competitively procured contract to purchase vehicles and related services, and the Town’s Finance Director has determined that piggybacking on this contract is financially advantageous to the Town; and

**WHEREAS**, the Town believes it is in the best interest of the Town’s business owners, residents, and visitors to enter into a piggyback contract with Creel Tractor Company.

**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 piggyback contract between the Town and Creel Tractor Company, attached as Exhibit “A”, is approved, the Town Manager is authorized to execute the contract and expend budgeted funds on behalf of the Town, and take all appropriate actions to purchase a replacement tractor.

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 Council Member King and seconded by Council Member Veach, 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 5<sup>th</sup> day of June 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

**TOWN OF FORT MYERS BEACH**

**Dan Allers**

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Dan Allers, Mayor

**ATTEST:**

**Amy Baker**

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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.**

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John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 5<sup>th</sup> day of June 2023.

**Signature:** Dan Allers  
Dan Allers (Jun 6, 2023 16:10 EDT)  
**Email:** allersd@fmbgov.com

**Signature:** John R. Herin, Jr.  
John R. Herin, Jr. (Jun 7, 2023 18:56 EDT)  
**Email:** jherin@foxrothschild.com

**Signature:** Amy Baker  
AMY BAKER (Jun 9, 2023 11:18 EDT)  
**Email:** AMY@FMBGOV.COM