

RESOLUTION NUMBER 23-83

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR GOVERNMENT SERVICES AND INFRASTRUCTURE; 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 appeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Congress adopted the American Rescue Plan Act in March of 2021 (“ARPA”) which included \$65 billion in recovery funds for cities across the country; and

WHEREAS, the Town received a total of \$3,553,056 in ARPA funding in two tranches; and

WHEREAS, the Final Rule adopted by the Secretary of the Treasury allows ARPA Funds to be obligated to fund government services and infrastructure expenses; and

WHEREAS, the Town approved Resolution 22-03 on January 24, 2022, committing the use of ARPA Funds for “any loss of general fund revenues because of COVID-19, water and stormwater improvements at Bay Oaks Recreational Campus, Times Square and Bayside Park, and Town wide potable water projects”; and

WHEREAS, the Town has not yet obligated the ARPA Funds for the uses itemized by Resolution 22-03; and

WHEREAS, according to the Final Rule all eligible costs to be funded by ARPA Funds must be incurred (i.e., all ARPA funds must be obligated) by December 31, 2024 and all obligated funds must be fully expended by December 31, 2026; and

WHEREAS, in order to ensure all ARPA Funds are fully obligated by the December 31, 2024 deadline, it is in the best interest of the Town to be more flexible with the use of ARPA Funds and allow ARPA Funds to be considered as a funding source for any eligible government services and/or infrastructure expense, rather than restricting the use of ARPA Funds as outlined in Resolution 22-03.

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

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

Section 2. The Town Council rescinds the commitment of American Rescue Plan Act (ARPA) Funds to certain uses as specified in Resolution 22-03 and authorizes the American Rescue Plan Act (ARPA) Funds to be considered as a source of funding for any allowable government services and/or infrastructure expense, subject to final approval by Town Council.

Section 3. This resolution is effective immediately upon adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Council Member King 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
John R. King, Council Member	Aye
Bill Veach, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 7th day of August 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:

Gretchen R. H. Vose

Vose Law Firm, Town Attorneys

This Resolution was filed in the Office of the Town Clerk on this 8th day of August 2023.

Signature: Dan Allers
Dan Allers (Aug 22, 2023 13:51 EDT)
Email: allersd@fmbgov.com

Signature: Becky Vose
Becky Vose (Aug 8, 2023 12:27 EDT)
Email: bvose@voselaw.com

Signature: Amy Baker
AMY BAKER (Aug 8, 2023 11:47 EDT)
Email: AMY@FMBGOV.COM