

**RESOLUTION NUMBER 23-119**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION OF THE TOWN TAKEN SEPTEMBER 7, 2023 REGARDING THE WAIVING OF THE TOWN'S COMPETITIVE PROCUREMENT POLICY AND APPROVAL OF THE PROPOSALS RECEIVED FOR ELECTRIC WORK FOR BAY OAKS RECREATIONAL CAMPUS IN AN AMOUNT NOT TO EXCEED \$177,000; 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 of Fort Myers Beach has been working diligently on coordinating repairs to the Town's Bay Oaks Recreational Campus facility; and

**WHEREAS**, the Town is working diligently to repair and open Oaks Recreational Camps, including electricity to the concession area, restrooms and power to Bay Oaks Recreational Center, with a target initial opening of November 1, 2023.

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

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

Section 2. This Resolution memorializes and ratifies the actions of the Town to procure electrical work for the Bay Oaks Recreational Campus and waiving of the Town's procurement policy, directing Town staff to continue coordination with the contractor, Precision Power, for repairs in the amounts not to exceed \$177,000.

Section 3. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

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

Dan Allers, Mayor  
Jim Atterholt, Vice Mayor  
John R. King, Councilmember  
Bill Veach, Councilmember  
Karen Woodson, Councilmember

ADOPTED this 25<sup>th</sup> day of September 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:**

**Gretchen R. H. "Becky" Vose**

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Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 26<sup>th</sup> day September 2023.

**Signature:**   
Dan Allers (Sep 26, 2023 16:36 EDT)  
**Email:** allersd@fmbgov.com

**Signature:**   
Becky Vose (Sep 26, 2023 17:57 EDT)  
**Email:** bvose@voselaw.com

**Signature:**   
AMY BAKER (Sep 28, 2023 15:22 EDT)  
**Email:** AMY@FMBGOV.COM