

**RESOLUTION NO. 24-37**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING A \$7,766,387 AMENDED LAP GRANT AGREEMENT WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT FOR THE PURCHASE AND INSTALLATION OF SEA TURTLE LIGHTS ON ESTERO BOULEVARD; AUTHORIZING A RELATED BUDGET ADJUSTMENT; 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**, during the 2023 Legislative Session, the Florida legislature appropriated \$350,000,000 for the Hurricane Ian and Nicole Grant Recovery Program to help local governments mitigate local and county revenue losses and operating deficits; make infrastructure repairs and replacements including road and sewer and water facilities; conduct beach nourishment; and complete debris removal; and

**WHEREAS**, on November 7, 2023, the Lee County Board of Commissioners accepted an award from the Florida Division of Emergency Management that included a grant sub-award of \$7,766,387 to be provided to the Town of Fort Myers Beach as a sub-recipient through Lee County acting as a pass-through-entity for installation of sea turtle lights on Estero Boulevard and its side streets; and

**WHEREAS**, the Florida Division of Emergency Management and Lee County agreed to amend the Grant Agreement so that the \$7,766,387 grant for sea turtle lighting for Estero Boulevard and its side streets would be awarded directly to the Town of Fort Myers Beach rather than through Lee County, thus eliminating Lee County as the pass-through-entity; and

**WHEREAS**, the Florida Division of Emergency Management has clarified that the Town would be receiving the \$7,766,387 grant as a one-time payment in advance rather than be paid out on a reimbursement basis; 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 accept this amended 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 Amended Grant Agreement in the amount of \$7,766,387, 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. The Town Council authorizes the following adjustment to the Fiscal Year 2024 budget:

40.31.541.33446	Capital-Public Works: FDEM State Funded LAP Grant	\$7,766,387
40.31.541.63330	Capital-Public Works: Lighting Systems	\$7,766,387

Section 4. 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 5. 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 Council Member Woodson, 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
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 20<sup>th</sup> day of February 2024, by the Town Council of the Town of Fort Myers Beach, Florida.

**TOWN OF FORT MYERS BEACH**

  
Dan Allers (Feb 21, 2024 11:50 EST)

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Dan Allers, Mayor

**ATTEST:**

  
Amy Baker (Feb 21, 2024 16:34 EST)

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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:**

  
Becky Vose (Feb 21, 2024 09:39 EST)

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Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 20<sup>th</sup> day of February 2024.