

**RESOLUTION NUMBER 24-71(a)**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA TO WAIVE COMPETITIVE BID REQUIREMENTS IN THE TOWN CODE OF ORDINANCES AND APPROVE A PROPOSAL FROM TURTLE TIME INC. AS A SOLE SOURCE PROVIDER FOR TURTLE MONITORING SERVICES IN THE AMOUNT OF \$40,000.00; AUTHORIZING THE TOWN MANAGER TO SIGN ANY NECESSARY DOCUMENTS; 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 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 recognizes the beach as a vital economic and environmental asset for the Town residents and businesses; and

**WHEREAS**, although the cost of the Marine Turtle Monitoring services is \$40,000, the Town's expenditure will only be 15.1% (\$6,040), and the remaining 84.9% will be paid for by funds provided by the Lee County Tourism Development Council as stipulated in the Estero Island Shore Protection Project Interlocal Agreement and the Florida Department of Environmental Protection Grant Agreement Number 23LE1; and

**WHEREAS**, the Florida Department of Environmental Protection Joint Coastal Permit No. 0413684-001-JC Special Condition 4. c. requires the Town of Fort Myers Beach to submit a list of qualified individuals with Florida Fish and Wildlife Conservation Commission Marine Turtle Permit Holder numbers to the Florida Fish and Wildlife Conservation Commission for review; and

**WHEREAS**, the Florida Department of Environmental Protection Joint Coastal Permit No. 0413684-001-JC Special Condition 16. b. requires daily early morning marine turtle nest surveys shall start two weeks prior to marine turtle nesting season (April 15) or 65 days prior to beach placemen whichever is later. Daily nesting surveys shall continue through November 30, or until two weeks after the last crawl in the project area, whichever is earlier; and

**WHEREAS**, the Florida Department of Environmental Protection Joint Coastal Permit No. 0413684-001-JC Special Condition 16. c. requires shall ensure that marine turtle nesting surveys are conducted as required in this authorization, and only conducted by personnel with a valid FWC Marine Turtle Permit, that covers all project activities as required by Chapter 68E-1, F.A.C., and

**WHEREAS**, the Florida Administrative Code Chapter 68E-1.004 (8) stipulates when marine turtle protection or monitoring is required as a condition of any regulatory permit, a Marine Turtle Permit to conduct such monitoring shall only be issued to an independent third party who can obtain appropriate authorization as required by this chapter. Counties or municipalities with an established marine turtle conservation program, including a permit holder, may conduct monitoring for all local government-sponsored activities such as beach nourishment provided the permit holder meets all requirements of this chapter and the primary responsibility of the permit holder and their program is conservation of marine turtles and not the implementation of other programs such as beach management; and

**WHEREAS**, the Town Council has determined it is in the best interest of the Town to approve the requested Turtle Time, Inc. proposal to perform the Florida Department of Environmental Protection Joint Coastal Permit No. 0413684-001-JC required Marine Turtle Monitoring for the Estero Island Nourishment Project.

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

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council hereby waives the competitive bid requirements, approves the proposal from Turtle Time Inc. as a sole source provider for turtle monitoring services, and authorizes the Town Manager to sign any necessary documents. A copy of the Proposal is attached hereto as Attachment "A".

Section 3. This Resolution shall be effective upon adoption by the Town Council.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member King 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 1<sup>st</sup> day of April 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

**FORT MYERS BEACH TOWN COUNCIL**

*Dan Allers*  
Dan Allers (Apr 2, 2024 15:48 EDT)  
\_\_\_\_\_  
Dan Allers, Mayor

**ATTEST:**

*Amy Baker*  
Amy Baker (Apr 3, 2024 10:32 EDT)  
\_\_\_\_\_  
Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

*Nancy Stuparich*  
Nancy Stuparich (Apr 2, 2024 20:50 EDT)  
\_\_\_\_\_  
Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 2<sup>nd</sup> day of April 2024.