

RESOLUTION NUMBER 24-100

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AND RATIFYING THE EMERGENCY PURCHASE BY THE TOWN MANAGER OF SERVICES FROM ANDREW SITEWORK IN THE AMOUNT OF \$104,928.94 FOR THE COMPLETION OF EMERGENCY REPAIRS TO CRESCENT STREET OUTFALLS; 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, the stormwater system of the Town of Fort Myers Beach sustained damage from Hurricane Ian, which resulted in significant flooding on Crescent Street as a result of high tides and storm surge; and

WHEREAS, Section 2-480(d)(1) of the Fort Myers Beach Code of Ordinances authorizes the Town Manager to make emergency purchases of services when there exists a threat to the health, welfare or safety of the public, provided that such emergency purchases are made with such competition as is practicable under the circumstances; and

WHEREAS, the Town Manager was advised by the Utilities Director of the threat to the health, welfare and safety of the Town's residents in writing due to the continued flooding and condition of the outfalls on Crescent Street; and

WHEREAS, Town Manager thereafter certified the need for an emergency purchase of the needed services and authorized repairs to Crescent Street on an emergency basis to be performed by Andrew Sitework as part of its Tier 1 stormwater improvements, which were to be completed as work under a previously competitively bid contract; and

WHEREAS, Section 2-480(d)(2) requires the Town Manager to submit any emergency purchase in excess of \$25,000.00 to the town attorney for review and to the Town Council for approval and ratification, as soon as practicable after the purchase.

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 approves and ratifies the emergency purchase authorized by the Town Manager in the amount of \$104,928.94 for the Crescent Street outfall repairs performed by Andrew Sitework.

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 Council Member King and seconded by Council Member Woodson, and upon being put to a roll call 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 3rd day of June 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH


Dan Allers (Jun 5, 2024 16:03 EDT)

Dan Allers, Mayor

ATTEST:



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 (Jun 5, 2024 14:10 EDT)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 5th day June 2024.