

**RESOLUTION NUMBER 24-135**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING POLICY PROTECTING INDIVIDUALS ENGAGED IN NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS; 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 Congress of the United States has passed Section 104(1) to the Title I of the Housing and Community Development Act, which states that no Community Development Block Grant ("CDBG") or Community Development Block Grant Disaster Recovery ("CDBG-DR") funds may be obligated or expended by any unit of general local government that fails to adopt and enforce a policy of prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; or fails to adopt and enforce a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within its jurisdiction; and

**WHEREAS**, Lee County received a CDBG from the U.S. Department of Housing and Urban Development and had to comply with the requirements set forth in Section 104(1) of Title I of the Housing and Community Development Act by adopting and enforcing an excessive force policy to keep its CDBG award; and

**WHEREAS**, Lee County adopted an excessive force policy on or around January 5, 2024, by passing Resolution 23-12-07; and

**WHEREAS**, the Town has applied for multiple projects and programs through the Lee County CDBG-DR program and has been requested to provide proof of its excessive force policy; and

**WHEREAS**, the Town's failure to adopt or enforce the required policies under Title I may cause the Town to lose its grant or eligibility for future federal grants; and

**WHEREAS**, it is in the best interests of the Town and its residents to establish and maintain an excessive force policy in compliance with CDBG-DR funding.

**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 if fully set forth herein and are hereby adopted as the legislative and administrative findings of the Town Council.

**Section 2.** It is the policy of the Town that excessive force by local law enforcement agencies shall not be used against individuals engaged in lawful and nonviolent civil rights demonstrations within the Town’s jurisdiction.

**Section 3.** It is the policy of the Town to enforce applicable state and local laws against the physical barring of an entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within the Town’s jurisdiction.

**Section 4.** The Town Council will notify Lee County Sheriff’s Office and request compliance with this Resolution.

**Section 5.** 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 Woodson and seconded by Council Member Safford, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
Karen Woodson, Council Member	Aye
Scott Safford, Council Member	Aye
John R. King, Council Member	Aye

**ADOPTED** this 5<sup>th</sup> day of August 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

**TOWN OF FORT MYERS BEACH**

*Dan Allers*  
Dan Allers (Aug 10, 2024 08:20 EDT)  
\_\_\_\_\_  
Dan Allers, Mayor

**ATTEST:**

*Amy Baker*  
Amy Baker (Aug 12, 2024 10:59 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 (Aug 9, 2024 14:57 EDT)  
\_\_\_\_\_  
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 9<sup>th</sup> day August 2024.