

RESOLUTION NO. 24-148

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE AMENDMENTS TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION HURRICANE RESTORATION REIMBURSEMENT GRANT TO FUND THE ESTERO ISLAND BEACH NOURISHMENT AND HURRICANE RECOVERY PROJECT; 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, in Section 72, Chapter 2024-228, Laws of Florida, the Florida legislature revised the Hurricane Restoration Reimbursement Grant Program to extend the grant program through July 1, 2025, increase financial assistance and include reimbursement for large-scale sand placement projects by local governments and municipalities; and

WHEREAS, the Hurricane Restoration Reimbursement Grant Program will distribute financial assistance to qualifying local governments and municipalities to help remedy the damages from coastal erosion incurred after Hurricane Ian or Hurricane Nicole; and

WHEREAS, beginning July 1, 2024, local governments and municipalities in Brevard, Broward, Charlotte, Collier, Duval, Flagler, Indian River, Lee, Manatee, Martin, Nassau, Palm Beach, St. Johns, St. Lucie, Sarasota, or Volusia County may apply for program funds to implement large scale sand placement projects along the beach; and

WHEREAS, the Hurricane Restoration Reimbursement Grant Program awards will be cost-reimbursement for eligible expenditures required to implement large scale sand placement projects that are incurred between July 1, 2024, and July 1, 2025; and

WHEREAS, the Town Council approved Resolution 24-99 for Ahtna Marine and Construction Company to Construct the Estero Island Beach Nourishment and Hurricane Restoration Project; and

WHEREAS, the Town Council approved Resolution 24-70 for Coastal Engineering Consultants Supplemental Task Agreement #10 to provide construction phase services for the Estero Island Beach Nourishment and Hurricane Restoration Project; and

WHEREAS, the Town Council approved Resolution 24-71a for Turtle Time, Inc. to provide marine turtle monitoring services for the Estero Island Beach Nourishment and Hurricane Restoration Project; and

WHEREAS, the costs of construction, engineering, and monitoring services for the Estero Island Beach Nourishment and Hurricane Restoration Project incurred after July 1, 2024 and before July 1, 2025 qualify as eligible expenses that are reimbursable by the Hurricane Restoration Reimbursement Grant; and

WHEREAS, up to 100 percent of requested construction, engineering, and monitoring services costs are eligible for Hurricane Restoration Reimbursement Grant Award; and

WHEREAS, the Hurricane Restoration Reimbursement Grant agreement 23LE4 may be amended for reimbursement of eligible expenses incurred from the Estero Island Beach Nourishment and Hurricane Restoration Project after July 1, 2024 and before July 1, 2025; 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 authorize the Town Manager to execute amendments to the Florida Department of Environmental Protection Hurricane Restoration Reimbursement Grant Agreement 23LE4.

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 amendments to the Hurricane Restoration Reimbursement Grant Agreement for eligible expenses incurred from the Estero Island Beach Nourishment and Hurricane Restoration Project and authorizes the Town Manager to administer the Grant Agreement.

Section 3. 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 4. This resolution shall take effect immediately upon its adoption.

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 7th 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 08:21 EDT)

Dan Allers, Mayor

ATTEST:

Amy Baker
Amy Baker (Aug 12, 2024 10:52 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 15:05 EDT)

Vose Law Firm, LLP, Town Attorney

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