

RESOLUTION NUMBER 24-151

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING 1) THE USE OF \$104,929 OF AMERICAN RESCUE PLAN ACT (“ARPA”) FUNDS TO REIMBURSE THE STORMWATER FUND FOR EMERGENCY EXPENDITURES INELIGIBLE FOR REIMBURSEMENT BY FEMA; AND 2) AMENDMENTS TO THE FISCAL YEAR 2024 BUDGET RELATED TO THIS REIMBURSEMENT; 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, Congress adopted the American Rescue Plan Act in March of 2021 (“ARPA”), which included \$65 billion in recovery funds for cities across the country; and

WHEREAS, ARPA funds were initially intended to only provide support to state, local and tribal governments in responding to the impact of COVID-19; and

WHEREAS, the authorized use of ARPA funds was later expanded in the “2022 Final Rule” to allow it to be used to replace lost revenue, and to allow a recipient to elect a “standard allowance” of the lesser of \$10 million or its total allocation amount to spend on government services; and

WHEREAS, “government services” was later defined in the “2023 Interim Final Rule” to include emergency relief from natural disasters; and

WHEREAS, the Town of Fort Myers Beach has received a total of \$3,553,05, in ARPA funding and there is currently \$1,229,019 of ARPA Funds available; and

WHEREAS, the Town of Fort Myers Beach experienced a natural disaster in September 2022 of epic proportion when Hurricane Ian devastated Estero Island; and

WHEREAS, Andrew Sitework provided \$104,928.94 of emergency outfall duckbill repairs to the Town in the aftermath of Hurricane Ian that were subsequently ratified by the Town Council via Resolution 24-100 on June 3, 2024; and

WHEREAS, the emergency expenditure did not meet the reimbursement criteria for FEMA, therefore payment was made from existing funds in the Stormwater Fund; and

WHEREAS, the authorized use of ARPA funds to replenish the Stormwater Fund for payment of expenses for emergency relief is in the best interest of the Town and its residents.

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. That the Town Council authorizes the appropriation of \$104,929 from the ARPA Fund to reimburse the Stormwater Fund for emergency outfall duckbill repairs performed by and paid to Andrew Sitework, that were subsequently determined to be ineligible for FEMA reimbursement.

Section 3. That the following Budget Amendment #4 to the Fiscal Year 2024 budget is hereby authorized:

60.19.519.38191	ARPA Fund: Prior Year Carryover	\$104,929
60.19.519.59113	ARPA Fund: Transfer out to Stormwater Fund	\$104,929
21.80.538.38123	Stormwater Fund: Transfer from ARPA	\$104,929
21.80.538.63400	Stormwater Fund: Storm Drain System	\$104,929

Section 4. 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
Karen Woodson, Council Member	Aye
Scott Safford, Council Member	Aye
John R. King, 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 (Aug 12, 2024 16:52 EDT)

Dan Allers, Mayor

ATTEST:


Amy Baker (Aug 15, 2024 08:12 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 (Aug 13, 2024 20:40 EDT)

Vose Law Firm, Town Attorneys

This Resolution was filed in the Office of the Town Clerk on this 12th day August 2024.