

RESOLUTION NUMBER 24-219

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING TOWN MANAGER'S PURCHASE OF A SWEEPER FOR \$170,000.00; AUTHORIZING BUDGET ADJUSTMENT #2; 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 resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Lee County Visitor and Convention Bureau approved the distribution of Tourism Development Tax funds to the Town of Fort Myers Beach for beach and shoreline maintenance, which specifically included approval of \$67,000 of funding for the purchase of a new \$170,000 Multihog Sweeper and is included in the TDC adopted budget for Fiscal Year 2025; and

WHEREAS, the remainder of funding is proposed to be provided by \$35,972 of insurance proceeds from the Emergency Fund and \$67,028 from the accumulated fund balance in the Gas Tax Fund, neither of which funding sources are included in the Fiscal Year 2025 budget; and

WHEREAS, the Multihog Sweeper was purchased from Jet-Vac through Sourcewell and was delivered on October 22, 2024, to be put to immediate use in removing sand from beach accesses and sidewalks that was deposited by Hurricane Milton; and

WHEREAS, Florida Statutes s. 200.065 establishes the method for adoption of a budget for all taxing authorities in the State of Florida and Florida Statutes s. 166.241 requires the governing body of each municipality in Florida to adopt a budget via ordinance or resolution before the start of each fiscal year; and

WHEREAS, on September 23, 2024, the Town Council of the Town of Fort Myers Beach, following due public notice, adopted a final operating budget for fiscal year 2024-25, as set forth with greater specificity in Town Resolution 24-185; and

WHEREAS, Section 11.05(a) of Article XI of the Town Charter provides that if, during the fiscal year, the town manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council, by resolution, may make supplemental appropriations for the year up to the amount of such excess, so long as a fiscally responsible reserve is maintained; and

WHEREAS, \$35,972 of insurance proceeds from the Town’s previously owned sweeper that was destroyed in the storm surge of Hurricane Ian are being held on reserve in the Emergency Fund; and

WHEREAS, there is a fund balance of approximately \$1.3 million in the Gas Tax Fund from which \$67,028 may be withdrawn while still leaving a fiscally responsible reserve; and

WHEREAS, adoption of this Resolution is in the best interest of the residents of the Town.

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

Section 1. That 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 purchase of the \$170,000 Multihog Sweeper from Jet-Vac through Sourcewell is hereby ratified by the Town Council as an emergency purchase for use in removing sand deposited by Hurricane Milton, with the understanding that it will be funded by \$67,000 from TDC, \$35,972 from insurance proceeds in the Emergency Fund, and \$67,028 from the Gas Tax Fund.

Section 3. That the following adjustment to the Fiscal Year 2025 budget is hereby authorized:

| | | |
|-----------------|---|----------|
| 13.31.541.38100 | Emergency Fund-Public Works: Prior Year Carryover | \$35,972 |
| 13.31.541.64500 | Emergency Fund-Public Works: Other Equipment | \$35,972 |
| 20.31.541.38100 | Gas Tax Fund: Prior Year Carryover | \$67,028 |
| 20.31.541.64500 | Gas Tax Fund: Other Equipment | \$67,028 |

Section 4. That the 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 |
| John R. King, Council Member | Aye |
| Scott Safford, Council Member | Aye |
| Karen Woodson, Council Member | Aye |

ADOPTED this 4th day of November 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH


Dan Allers (Nov 4, 2024 13:44 EST)

Dan Allers, Mayor

ATTEST:


Amy Baker (Nov 5, 2024 13:41 EST)

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 (Nov 4, 2024 13:05 EST)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 4th day November 2024.