

RESOLUTION NUMBER 24-289

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE USE OF \$932,573 OF REMAINING UNALLOCATED AMERICAN RESCUE PLAN ACT (ARPA) FUNDS, AND RELATED BUDGET ADJUSTMENT (#4); 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 appeal 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, the Town received a total of \$3,553,056 in ARPA funding in two tranches; and

WHEREAS, the Final Rule adopted by the Secretary of the Treasury allows ARPA Funds to be obligated to fund government services and infrastructure expenses; and

WHEREAS, the Town approved Resolution 23-83 on August 7, 2023, authorizing the American Rescue Plan Act (ARPA) Funds to be considered as a source of funding for any allowable government services and/or infrastructure expense, subject to final approval by Town Council; and

WHEREAS, according to the Final Rule, Government Services includes Health Services, including investments in parks and recreation to promote improved health outcomes; and

WHEREAS, according to the Final Rule the funds available for the provision of government services generally may be used to meet the non-federal cost-share or matching requirements of other federal programs; and

WHEREAS, in accordance with the above allowable uses the Town has already authorized the following allocations of ARPA Funds through resolutions as well as the budget process:

ARPA Beginning Balance		3,553,556
2024 Budget	Transfer Out to General Fund To Balance Budget	831,598
2024 Budget	Tidal Basin - Critical Infrastructure	41,352
2024 Budget	Tidal Basin - Recovery & Resilience Planning	16,228
2024 Budget	Tidal Basin – Multi-Family Housing	832
2024 Budget	Tidal Basin - Hurricane Nicole	7,645
2024 Budget	Temp Town Hall Expense	28,125
Res 24-51	BORC Redevelopment Matching Grant	1,000,000
Res 24-126	Unreimbursed Vctor Expense	411,481
Res 24-151	Duckbill Outfall Expense	104,929
Res 24-248	Strategic Plan due Jun 2025	115,972
Res 24-248	Strategic Plan due Jan 2026	62,821
Total ARPA Funds Formally Obligated		2,620,983
ARPA Funds Available After Formally Obligated Uses		932,573

WHEREAS, \$932,573 of ARPA Funds remains to be obligated; and

WHEREAS, according to the Final Rule all eligible costs to be funded by ARPA Funds must be incurred (i.e., all ARPA funds must be obligated) by December 31, 2024, and all obligated funds must be fully expended by December 31, 2026; and

WHEREAS, a budget adjustment for the funding of the strategic plan was not included in Resolution 24-248 and therefore still needs to be made; and

WHEREAS, the Town has identified the following additional uses suitable for ARPA funding that may be obligated by December 31, 2024, and fully expended by December 31, 2026:

Palm Trees for Times Square	47,500
Combination Jet/Vac Truck for Stormwater Drain Cleanout	648,531
Mound House Walkway Lighting	13,586
Coastal Engineering - Canal Debris Assessment	28,842
DRMP STA05 - Bay Oaks Rec Center Campus Plans	55,650
Public Works Truck – 2025 Ford E-Series Cutaway	66,464
North Tower Landscaping Required by Development Code	72,000
Total Additional Items to Consider Charging to ARPA	932,573

WHEREAS, in the event a signed contract for the Bay Oaks Recreational Campus Matching Grant project is not obtained by December 31, 2024, it is in the best interest of the Town of Fort Myers Beach to have an alternate plan to allocate the \$1,000,000 of ARPA Funds; and

WHEREAS, other projects eligible for ARPA funding for which the Town already has signed contracts are those related to the renovation of the new town hall and purchase of adjacent property, which includes the following:

Balance of Purchase of 7-11 Property not covered by state grant	720,323
Elevator Repairs	139,553
Exterior Painting	57,017
Interior Painting	49,050
Carpeting	29,382
Stairwell Painting	4,675
Total Alternative Allocation of ARPA Funds	1,000,000

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council authorizes that the remaining unallocated \$932,573 of American Rescue Plan Act (ARPA) Funds be obligated for the following uses:

Palm Trees for Times Square	47,500
Combination Jet/Vac Truck for Stormwater Drain Cleanout	648,531
Mound House Walkway Lighting	13,586
Coastal Engineering - Canal Debris Assessment (FY24)	28,842
DRMP STA05 - Bay Oaks Rec Center Campus Plans	55,650
Public Works Truck – 2025 Ford E-Series Cutaway	66,464
North Tower Landscaping Required by Development Code	72,000
Total Additional Items to Consider Charging to ARPA	932,573

Section 3. The following adjustment to the Fiscal Year 2025 budget is hereby authorized for the above allocation of ARPA Funds as well as to include the budget adjustments of \$115,972 and \$62,821 that are necessary to fund the strategic plan that were not included in resolution #24-248:

60.10.511.54000	ARPA: Town Council-Strategic Plan Services	\$ 115,972
60.10.511.54000	ARPA: Town Council-Strategic Plan	\$ 62,821
60.32.541.54602	ARPA: Times Sq-Repair & Maint-Landscaping	\$ 47,500
60.80.538.64300	ARPA: Stormwater-Heavy Equipment	\$ 648,531
60.70.573.63330	ARPA: Mound House-Lighting Systems	\$ 13,586
60.33.543.59106	ARPA: Maritime-Tfr to Emergency Fund	\$ 28,842
60.50.572.53401	ARPA: Bay Oaks-Contracted Services	\$ 55,650
60.31.541.64020	ARPA: Public Works-Trucks & Vans	\$ 66,464
60.40.533.54602	ARPA: Water-Repair & Maint-Landscaping	\$ 72,000

60.19.519.60000	ARPA: Capital Outlay	(\$ 877,423)
60.19.519.38191	ARPA: Prior Year Carryover	\$ 233,943
13.33.543.38123	Emergency: Tfr from ARPA	\$ 28,842
13.33.543.80000	Emergency: Add to Reserve (Reimburse FY24)	\$ 28,842

Section 4. In the event a signed contract for the Bay Oaks Recreational Campus Matching Grant project is not obtained by December 31, 2024, the Town Council authorizes that the \$1,000,000 that had previously been allocated to the Bay Oaks Recreational Campus Matching Grant project by Resolution 24-51, be allocated to the following alternate projects instead:

Balance of Purchase of 7-11 Property not covered by state grant	720,323
Elevator Repairs	139,553
Exterior Painting	57,017
Interior Painting	49,050
Carpeting	29,382
Stairwell Painting (partial expense)	4,675
Total Alternative Allocation of ARPA Funds	1,000,000

Section 5. In the event a signed contract for the Bay Oaks Recreational Campus Matching Grant project is not obtained by December 31, 2024, the Town Council authorizes the following adjustment to the Fiscal Year 2025 budget in addition to the budget adjustment specified in Section 3 so as to reallocate the \$1,000,000 of ARPA Funds from the Bay Oaks Recreational Campus redevelopment to the new town hall renovation and purchase of adjacent land, and to fund the Bay Oaks Recreational Campus redevelopment with insurance proceeds in the Emergency Fund:

40.50.572.63500	Capital-Bay Oaks: Athletic Field	(\$1,000,000)
40.50.572.59119	Capital-Bay Oaks: Transfer to ARPA	\$1,000,000
60.29.519.38124	ARPA-Town Hall: Transfer from Capital	\$1,000,000
60.29.519.61000	ARPA-Town Hall: Land	\$ 720,323
60.29.519.62500	ARPA-Town Hall: Building Improvements	\$ 279,677
13.50.572.63500	Emergency Fund: Athletic Field	\$1,000,000
13.50.572.38191	Emergency Fund: Prior Year Carryover	\$1,000,000

Section 6. This resolution is effective immediately upon adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Atterholt and seconded by Mayor Allers, 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	Absent
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 16th day of December 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers
Dan Allers (Dec 18, 2024 15:38 EST)

Dan Allers, Mayor

ATTEST:

Amy Baker
Amy Baker (Dec 19, 2024 15:42 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:**

Vose Law Firm
Vose Law Firm (Dec 19, 2024 14:19 EST)

Vose Law Firm, Town Attorneys

This Resolution was filed in the Office of the Town Clerk on this 18th day of December 2024.