

**RESOLUTION NUMBER 25-324**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT DATED MAY 15, 2023 BY AND BETWEEN THE TOWN OF FORT MYERS BEACH AND THE SCHOOL BOARD OF LEE COUNTY, FLORIDA TO SUSPEND ACTIVITIES OF THE AD HOC COMMITTEE DURING CHAPTER 164 MEETINGS BETWEEN THE TOWN AND THE SCHOOL BOARD OF LEE COUNTY, FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; 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 Town entered into an Interlocal Agreement with The School Board of Lee County, Florida ("School Board") regarding the operation and repair of the Fort Myers Beach Elementary School following damage caused by Hurricane Ian; and

**WHEREAS**, the parties are currently engaged in the governmental conflict resolution process under Chapter 164, Florida Statutes, and agree that suspension of Ad Hoc Committee activities during this process will promote good faith discussions and avoid duplicative or conflicting efforts; 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 COUNCIL OF 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 if stated herein.

Section 2. The First Amendment to the referenced Interlocal Agreement as provided in Exhibit A is approved.

Section 3. 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 Atterholt and seconded by Vice Mayor Safford, and upon being put to a roll call vote, the result was as follows:

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

ADOPTED this 17<sup>th</sup> day of November 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

**TOWN OF FORT MYERS BEACH**

*Dan Allers*

Dan Allers (Nov 24, 2025 09:52:08 EST)

\_\_\_\_\_  
Dan Allers, Mayor

**ATTEST:**

*Amy Baker*

Amy Baker (Dec 1, 2025 15:31:26 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:**

*NSA*

NSA (Nov 24, 2025 10:39:18 EST)

\_\_\_\_\_  
Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on Dec 1, 2025

**FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT**  
**BETWEEN**  
**THE TOWN OF FORT MYERS BEACH**  
**AND**  
**THE SCHOOL BOARD OF LEE COUNTY, FLORIDA**  
**REGARDING THE FORT MYERS BEACH ELEMENTARY**

This First Amendment is made this 17<sup>th</sup> day of November 2025 by and between The Town of Fort Myers Beach (“Town”) and The School Board of Lee County, Florida (“School Board”).

**RECITALS**

- A. The Parties entered into an Interlocal Agreement dated May 15, 2023 (“Agreement”) regarding the continued operation of Fort Myers Beach Elementary School.
- B. Section 2.7 of the Agreement provides for an Ad Hoc Committee to support collaboration between the Parties.
- C. The Parties are currently engaged in the governmental conflict resolution process under Chapter 164, Florida Statutes, and agree that suspension of Ad Hoc Committee activities during this process will promote good faith discussions and avoid duplicative or conflicting efforts.

**AMENDMENT**

- 1. Suspension of Ad Hoc Committee. All activities of the Ad Hoc Committee established under Section 2.7 of the Agreement are hereby suspended effective immediately. No meetings of the Ad Hoc Committee shall be held, including the meeting previously scheduled for November 20, 2025, until further written agreement of both Parties.
- 2. Effect of Suspension. During this suspension period, no failure of the School Board or Town to convene, attend, or act upon matters of the Ad Hoc Committee shall constitute a breach or default under the Agreement.
- 3. No Other Changes. Except as expressly modified herein, all other terms and conditions of the May 15, 2023, Interlocal Agreement remain in full force and effect.

**INTENTIONALLY LEFT BLANK**

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the day and year first above written.

**TOWN OF FORT MYERS BEACH**

By: *Dan Allers*  
Dan Allers (Nov 24, 2025 09:52:08 EST)  
Dan Allers, Mayor

Date: Nov 24, 2025

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE OF THE TOWN OF FORT MYERS BEACH, ONLY:

By: *Gretchen R. H. Vose*  
Gretchen R. H. Vose (Nov 26, 2025 10:06:57 EST)  
Gretchen R. H. Vose, Town Attorney

Date: Nov 26, 2025

**THE SCHOOL BOARD OF LEE COUNTY, FLORIDA**

By: *Denise Carlin*  
Denise Carlin (Dec 10, 2025 14:07:33 EST)  
Denise M. Carlin, Ed.D., Superintendent

Date: 12/10/2025

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE OF THE SCHOOL BOARD OF LEE COUNTY, FLORIDA ONLY:

By: *[Signature]*  
Kathy Dupuy-Bruno (Dec 4, 2025 09:33:56 EST)  
Kathy Dupuy-Bruno, Esq., B.C.S., School Board Attorney and General Counsel

Date: 12/4/25