

RESOLUTION NUMBER 25-328

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, AMENDING AND RESTATING RESOLUTION 25-300 TO INCLUDE GUIDANCE REGARDING UNEXCUSED ABSENCES OF ANY INDIVIDUAL SERVING ON THE TOWN OF FORT MYERS BEACH CHARTER REVIEW COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provides 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 Council to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Section 13.03 of the Town Charter states that “[a] five-member charter review commission shall be appointed and funded by the council. The charter review commission shall be appointed at least 6 months before the next scheduled election and complete its work and present any recommendations to the Council for change no later than 60 days before the election. The council shall hold a minimum of two public hearings to approve, reject or modify the proposed changes to the charter prior to placing the proposed changes on the scheduled election ballot”; and

WHEREAS, during the June 2, 2025 Town Council meeting, the Town Council appointed five individuals to serve on the Town’s Charter Review Commission (“CRC”) and two additional individuals to serve as alternates; and

WHEREAS, the appointment of the two individuals to serve as alternates is not in conflict with or prohibited by the Town Charter or in its Code of Ordinances; and

WHEREAS, during its first public meeting the CRC requested direction from the Town Council regarding the role of the appointed alternates;

WHEREAS, on or about October 20, 2025, the Town adopted Resolution 300 containing guidelines for individuals serving on the Town’s CRC to follow; and

WHEREAS, at its meeting on November 4, 2025, the CRC requested additional guidance from the Town Council on how to address unexcused absences by any individual serving on the CRC; and

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

NOW, THEREFORE, IT IS RESOLVED BY THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA THAT:

Resolution Number 25-300 is hereby amended and restated as follows (new language shall be underlined; deleted language shall be ~~struck through~~):

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein.

Section 2. The Town Council directs that the role of the alternate appointed members of the CRC serve as follows:

- a. Alternates shall attend all meetings of the CRC and participate as non-voting members of the CRC.
- b. In the event of an absence of an appointed CRC member, an alternate in attendance shall become a voting member of the CRC. The two alternates shall alphabetically rotate in filling occasional absences of appointed CRC members if both are present at the meeting.
- c. Alternates shall be subject to compliance with the Sunshine and Public Records laws throughout the duration of their appointment as required by all appointed members of the CRC.

Section 3. In the event an appointed CRC member or appointed alternate member has two unexcused absences from a scheduled CRC meeting, as verified by the Town Clerk's attendance records, the individual shall be subject to removal from the CRC upon notice to the Town Council.

Section 4. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Safford and seconded by Council Member Atterholt, and upon being put to a roll call vote, the result was as follows:

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

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

TOWN OF FORT MYERS BEACH


Dan Allers (Nov 20, 2025 17:10:29 EST)

Dan Allers, Mayor

ATTEST:


Amy Baker (Nov 21, 2025 09:02:35 EST)

Amy Baker, Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


Vose Law Firm (Nov 20, 2025 12:01:43 EST)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on Nov 21, 2025