

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 07-14

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, CERTIFYING THE RESULTS OF THE REFERENDUM HELD ON MARCH 13, 2007; DECLARATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the State Constitution and Chapter 166 of the 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 services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter 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 11.03 of Article XI of the Town Charter provides that, unless authorized by the electors of the Town at a duly held referendum election, the Council shall not authorize or allow to be authorized various financing mechanisms as set forth fully therein if the repayment thereof exceeds thirty-six months; and

WHEREAS, on November 20, 2006, the Town Council passed Ordinance 06-20 authorizing the submission of a referendum question to the Town electorate at the election in March, 2007, regarding acquisition of financing in excess of 36 months for the water utility owned by the Town of Fort Myers Beach Public Works Services, Inc., a not for profit corporation, as set forth in specificity below; and

WHEREAS, the aforesaid referendum election in the Town of Fort Myers Beach was duly held on the 13th day of March, 2007 in accordance with all applicable laws.

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

Section One. Whereas Clauses The above "Whereas" recitals are incorporated herein by reference.

Section Two. Certification of Results of Election. It is hereby certified that the appropriate election officials have canvassed the ballots and certified same to the Lee County Supervisor of Elections and the Supervisor has in turn, certified the election results to the Town Council of the Town of Fort Myers Beach, Florida.

Section Three. Referendum Regarding Acquisition of Financing in Excess of 36 Months for the Town Water Utility. This Referendum inquired as follows: is the Town Council authorized to obtain financing or extend the existing financing in excess of 36 months in connection with the refinancing of the purchase of the water utility operated by the Town of Fort Myers Beach Public Works Services, Inc. and for the purpose of providing for capital improvements necessary in connection with the operation and maintenance thereof? The votes received for this Referendum question are as follows:

| | | |
|-----|------|-----|
| Yes | 1817 | 91% |
| No | 176 | 9% |

Section Four. Declaration as to Results of Referendum. The Town Council hereby declares that the Town Council is authorized to obtain financing or extend the existing financing in excess of 36 months in connection with the refinancing of the purchase of the water utility operated by the Town of Fort Myers Beach Public Works Services, Inc. and for the purpose of providing for capital improvements necessary in connection with the operation and maintenance thereof.

Section Five. Effective Date. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach, Florida.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon motion by Vice Mayor Massucco and second by Councilmember Reynolds and being put to a vote, the result was as follows:

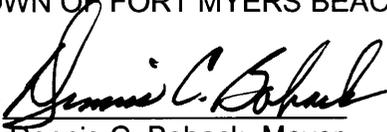
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|--------------------------|-----|
| Dennis Boback, Mayor | aye |
| Don Massucco, Vice Mayor | aye |
| Garr Reynolds | aye |
| Charles Meador, Jr. | aye |
| William Shenko, Jr. | aye |

APPROVED THIS 19th DAY OF MARCH, 2007.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle D. Mayher, Town Clerk

By: 
Dennis C. Boback, Mayor

Approved as to form by:


Anne Dalton, Town Attorney