

RESOLUTION NUMBER 08-31

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, IMPLEMENTING THE PROVISIONS OF ORDINANCE 08-13, KNOWN AS THE TOWN OF FORT MYERS BEACH EMERGENCY PREPAREDNESS FUND ACCESS ORDINANCE, FOR FISCAL YEAR 2008-09 AND 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, Section 166.241(2), Florida Statutes provides that the governing body of the municipality must adopt a budget each fiscal year and such budget must regulate expenditures of the municipality; and

WHEREAS, Article X of the Town Charter empowers the Town of Fort Myers Beach, Florida (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 has established an Emergency Preparedness Fund within the Town budget, which Fund is available for bona fide Town emergencies as declared by the Town Council and as otherwise set forth in Town Ordinance 08-13; and

WHEREAS, Town Ordinance 08-13 requires the Town Council to pass a Resolution each year in conjunction with passage of the annual Town Operating and Capital Improvement Budgets, which Resolution is to specify the total final funding of this reserve for the upcoming budget year; the methodology for rebuilding the initial amount of this fund during the course of the budget year if necessary; restrictions, if any on emergency access to these funds; and such other specifics as Town Council may determine necessary for the upcoming funding year; and

WHEREAS, the measures set forth in this Ordinance are necessary to provide for the protection of public health, safety, and welfare and to preserve the lives and property of the people of the Town.

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

Section 1. Incorporation of Whereas Clauses. The above "Whereas" clauses are hereby incorporated by reference as though fully set forth herein.

Section 2. Amount of Emergency Preparedness Fund for 2008-2009. The Town of Fort Myers Beach Emergency Preparedness Fund is established at a total of five hundred thousand (\$500,000) dollars for Town fiscal year 2008-09, with all interest accruals to be added to this Fund during the fiscal year.

Section 3. Methodology for Rebuilding Fund During the Fiscal Year. If, at any time, the total amount of this Fund is less than five hundred thousand (\$500,000) dollars, the Town shall address this as an agenda item in a regular or special Town meeting within sixty (60) days thereof.

Section 4. Restrictions on Access to these Funds Upon Declaration of Emergency by Town Council. Upon adoption of a Resolution by Town Council setting forth a Declaration of Emergency, the Town shall have access to this fund for expenditures reasonably related to such emergency.

Section 5. Effective Date. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

Upon motion by Councilmember List and second by Councilmember Babcock, the Resolution was

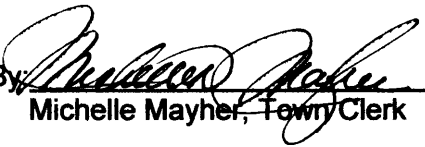
DULY PASSED AND ADOPTED ON THIS 15th DAY OF September, 2008.

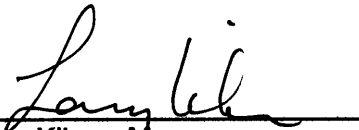
Larry Kiker, Mayor aye
Tom Babcock, Councilmember aye
Bob Raymond, Councilmember aye

Herb Acken, Vice Mayor aye
Jo List, Councilmember aye

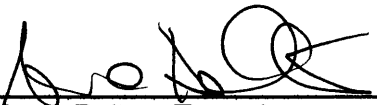
ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle Mayher, Town Clerk

By: 
Larry Kiker, Mayor

Approved as to legal sufficiency by:

By: 
Anne Dalton, Town Attorney