

**RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 08-42**

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE FINAL TOWN OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2008/2009, PROVIDING AUTHORITY; TOWN MANAGER'S RESPONSIBILITY; FINAL BUDGET; PUBLIC HEARING; CONSISTENCY WITH THE TOWN COMPREHENSIVE PLAN; ADOPTION; SEVERABILITY; REPEALING CLAUSE; AND EFFECTIVE DATE.

WHEREAS, Florida Statute 200.065(2)(c) establishes the method for determining and levying an ad valorem millage rate and adopting a budget for all taxing authorities in the State of Florida; and

WHEREAS, Florida Statute 166.241 requires the governing body of each municipality in Florida to adopt a budget via ordinance or resolution before the start of each fiscal year; and

WHEREAS, Article XI, Section 11.03 of the Town Charter provides for adoption of the budget by resolution on or before the 30th day of September of each year; and

WHEREAS, the Town of Fort Myers Beach, by and through its Town Council, hereby determines that it is in the best interest of the Town and orderly governmental process to hold public hearings as required by the aforesaid state statutes and Town Charter provisions; and

WHEREAS, following due notice, on September 15, 2008, the Town Council held the required public hearing and, following public input on the budget, review and consideration of LPA Resolution 2008-35 regarding the proposed 2008-2009 Town capital improvement program, and review of all other pertinent matters, considered the adoption of the final 2008-2009 Town operating and capital budget which sets forth appropriations and revenue estimates in the amount of **\$20,198,727.00** for fiscal year 2008-2009.

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

SECTION ONE: Authority. This Resolution is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION TWO: Town Manager's Responsibility. The Town Manager of the Town of Fort Myers Beach, Florida, has presented to the Town Council the final operating and capital budget covering the revenues and expenditures as estimated to be required for the fiscal year 2008/2009.

SECTION THREE: Final Budget. The Town Council, in duly called sessions, has reviewed the budget and, having made any necessary amendments thereto, has adopted a final operating and capital budget which sets forth the appropriations and revenue estimates in the amount of **\$20,198,727.00** for Fiscal Year 2008-2009. A copy of the budget as amended by the Town Council during its meeting is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION FOUR. Consistency with the Town Comprehensive Plan. Following review of the report

of the LPA as contained in LPA Resolution 2008-35, the Town Council hereby finds that the 2008/2009 Town capital improvement program (CIP) is consistent with the Town Comprehensive Plan as required by Plan Policy 11-A-1 and Policy 11-A-2(iii).

SECTION FIVE: Adoption. The Town of Fort Myers Beach, Florida, final operating budget, revenue, expenditures, and capital improvement budget for the fiscal year 2008/2009, which is attached hereto as Exhibit "A", is hereby adopted.

SECTION SIX: Severability. If any one of the provisions of this resolution should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this resolution, and in no way affect the validity of all other provisions of this resolution.

SECTION SEVEN: Effective Date. This resolution shall become effective immediately upon adoption.

The foregoing Resolution was adopted by the Fort Myers Beach Town Council present after reasonable notice, upon motion by Councilmember Raymond and seconded by Councilmember List. Upon being put to a vote, the result was as follows:

Larry Kiker, Mayor	<u>aye</u>
Herb Acken, Vice Mayor	<u>nay</u>
Tom Babcock, Councilmember	<u>aye</u>
Jo List, Councilmember	<u>aye</u>
Bob Raymond, Councilmember	<u>aye</u>

DULY PASSED AND ENACTED this 15TH day of September, 2008.

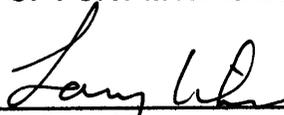
TOWN OF FORT MYERS BEACH

ATTEST:

By:


Michelle D. Mayher, Town Clerk

By:


Larry Kiker, Mayor

Approved as to form by:


Anne Dalton, Town Attorney