

**RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 09-12**

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REQUESTING THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS CONTINUE TO PROVIDE FUNDING FOR THE BAY OAKS FACILITY; 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 of the Town of Fort Myers Beach, Florida empowers the Town Council to adopt, amend, or repeal such resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Florida Interlocal Cooperation Act of 1969, Florida Statutes §163.01, encourages and empowers local governments to cooperate with one another on matters of mutual interest and advantage, and provides for interlocal agreements between local governments on matters such as joint planning; and

WHEREAS, Bay Oaks Recreation Facility is the only government-based facility for such diverse activities as after-school and summer camp programs for children, Little League; other Leagues, camps and clinics; and special events and tournaments; and

WHEREAS, Bay Oaks Recreation Facility is the only facility within the Town that is utilized by all age groups and persons of all economic levels, and therefore is a keystone facility which is an integral part of the Town community; and

WHEREAS, loss of the programs provided by Bay Oaks Recreational Facility will cause a severe economic cascade effect in that parents whose children currently utilize the after-school and summer camp programs are integral to the continued economic vitality of the Island; and

WHEREAS, funding for the school is dependent upon the number of children who are qualified to attend Beach Elementary and, to the extent that parents will be forced to leave the Island due to the unavailability of affordable and safe after-school and summer programs which are currently being provided by Lee County, the numbers of such children will be reduced. This could lead to the viability of Beach Elementary School being jeopardized; and

WHEREAS, many senior citizens currently utilize programs at Bay Oaks and many of these persons do not have ready access to comparable programs off-Island due to various limitations; and

WHEREAS, the Town does not at this time have funding options to ensure the continued existence of the programs at Bay Oaks and the County continues to have access to funding options, some of which are provided by Town residents and which would assist with continuation of these critically needed services to Lee County residents and Town residents; and

WHEREAS, many Lee County residents utilize these programs as well.

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

Section 1. The above recitals as set forth in the various "Whereas" clauses are hereby adopted and incorporated into the body of this Resolution.

Section 2. The Town Council of the Town of Fort Myers Beach hereby requests Lee County to continue to fund all operations at Bay Oaks Recreation Center for the foreseeable future and to work with the Town to find and utilize other revenue sources which may be available to the County but not the Town.

Section 3. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach Town.

The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Acken and seconded by Councilmember Babcock and, upon being put to a vote, the result was as follows:

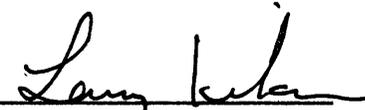
Larry Kiker, Mayor <u>aye</u>	Herb Acken, Vice Mayor <u>aye</u>
Tom Babcock, Councilmember <u>aye</u>	Jo List, Councilmember <u>aye</u>
Bob Raymond, Councilmember <u>absent</u>	

DULY PASSED AND ADOPTED this 4th day of May, 2009.

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