

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 12-04

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, CERTIFYING THE RESULTS OF THE REFERENDUM HELD ON JANUARY 31, 2012; 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 September 26, 2011, the Town Council passed Resolution 11-18 authorizing the submission of a referendum question to the Town electorate at the election in January, 2012, regarding issuance by the Town of Revenue and/or General Obligation Bonds to finance the acquisition and construction of a Town Hall, as set forth in specificity below; and

WHEREAS, the aforesaid referendum election in the Town of Fort Myers Beach was duly held on the 31st day of January, 2012 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 The Issuance by the Town of Revenue and/or General Obligation Bonds to Finance the Acquisition and Construction of a Town Hall. This Referendum inquired as follows: shall the Town of Fort Myers Beach issue bonds, including general obligation bonds, maturing not later than 30 years from their issuance, in a principal amount not exceeding \$7,000,000, bearing interest at market rates, to finance the acquisition and construction of a Town Hall, which bonds may be secured by and payable from ad valorem property taxes levied without limit on all taxable property

within the Town in addition to other available revenue sources? The votes received for this Referendum question are as follows:

Yes  
No

Section Four. Declaration as to Results of Referendum. The Town Council hereby declares that the Town Council is/is not authorized to issue bonds, including general obligation bonds, maturing not later than 30 years from their issuance, in a principal amount not exceeding \$7,000,000, bearing interest at market rates, to finance the acquisition and construction of a Town Hall, which bonds may be secured by and payable from ad valorem property taxes levied without limit on all taxable property within the Town in addition to other available revenue sources.

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 \_\_\_\_\_ and second by \_\_\_\_\_ and being put to a vote, the result was as follows:

Larry Kiker, Mayor  
Bob Raymond, Vice Mayor  
Jo List, Councilmember  
Alan Mandel, Councilmember  
Joe Kosinski, Councilmember

APPROVED THIS DAY OF FEBRUARY, 2012.

ATTEST:

TOWN OF FORT MYERS BEACH

By: \_\_\_\_\_  
Michelle D. Mayher, Town Clerk

By: \_\_\_\_\_  
Larry Kiker, Mayor

Approved as to form by:

\_\_\_\_\_  
FOWLER WHITE BOGGS  
Town Attorney