

**RESOLUTION NUMBER 22-16**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A PIGGYBACK CONTRACT BETWEEN THE TOWN AND EXPOSHOWS, INC., TO PROVIDE FIREWORKS FOR 4<sup>TH</sup> OF JULY AND NEW YEAR'S EVE IN AN AMOUNT NOT TO EXCEED \$60,000.00, UTILIZING THE CITY OF MARCO ISLAND'S FIREWORKS CONTRACT #2022-007, AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT, EXPEND BUDGETED FUNDS, AND TAKE ALL APPROPRIATE ACTIONS TO CONDUCT THE FIREWORKS SHOWS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, 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 service, 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 ("Town") empowers the 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 wishes to provide a firework show for the 4<sup>th</sup> of July and New Year's Eve; and

**WHEREAS**, under the Town Code, the purchase of goods under a contract awarded by another governmental entity is authorized provided the finance department director makes a written determination that time and expense factors make it financially advantageous for the Town to do so; and

**WHEREAS**, City of Marco Island and Exposhow, Inc., ("Exposhow") have entered into a competitively procured contract to provide a firework show to the City of Marco Island, and the Town's Finance Director has determined that piggybacking on this contract is financially advantageous to the Town; and

**WHEREAS**, the Town believes it is in the best interest of the Town's business owners, residents and visitors to enter into a piggyback contract with Exposhow for fireworks shows on the 4<sup>th</sup> of July and New Years Eve.

**NOW, THEREFORE, BE IT HEREBY RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:**

**Section 1.** The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The piggyback contract between the Town and Exposhow, attached as Exhibit "A", is approved, the Town Manager is authorized to execute the contract and expend budgeted funds on behalf of the Town, and take all appropriate actions to conduct the fireworks shows.

Section 3. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

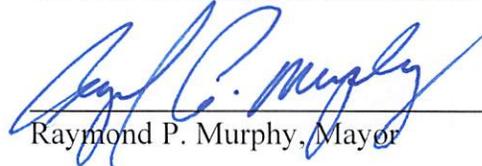
Section 4. This resolution shall take effect immediately upon its adoption.

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

Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Dan Allers, Council Member	aye
Jim Atterholt, Council Member	aye
Bill Veach, Council Member	aye

ADOPTED this 18<sup>th</sup> day of April 2022 by the Town Council of the Town of Fort Myers Beach, Florida.

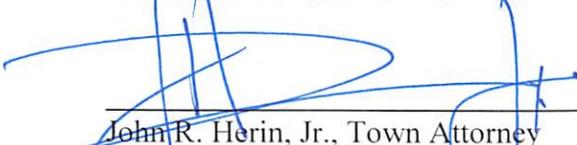
**TOWN OF FORT MYERS BEACH**

  
Raymond P. Murphy, Mayor

**ATTEST:**

  
Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

  
John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 19 day of April 2022.