

**RESOLUTION NUMBER 23-120**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION OF THE TOWN TAKEN REGARDING THE WAIVING OF THE TOWN'S COMPETITIVE PROCUREMENT POLICY AND APPROVAL OF THE PROPOSALS RECEIVED FOR TURF, IRRIGATION, AND LANDSCAPE FOR BAYSIDE PARK IN THE AMOUNTS NOT TO EXCEED \$92,050.00 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 of Fort Myers Beach has been working diligently on coordinating repairs to the Town's Bayside Park facility; and

**WHEREAS**, the Town could meet the target opening date for Bayside Park through the use of Stahlman-England to complete irrigation, turf, and landscape work required due to hurricane and storm surge damage to return the park back to previous conditions.

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

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. This Resolution memorializes and ratifies the actions of the Town to sign proposals for the repairs to Bayside Park and waiving of the Town's procurement policy, directing Town staff to continue coordination with these contractors for repairs in the amounts not to exceed \$92,050.00.

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

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

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Councilmember	Aye
Bill Veach, Councilmember	Aye
Karen Woodson, Councilmember	aye

ADOPTED this 25<sup>th</sup> day of September 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

**TOWN OF FORT MYERS BEACH**

**Dan Allers**

---

Dan Allers, Mayor

**ATTEST:**

**Amy Baker**

---

Amy Baker, Town Clerk

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

**Gretchen R. H. "Becky" Vose**

---

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 26<sup>th</sup> day September 2023.

**Signature:**   
Dan Allers (Sep 26, 2023 16:36 EDT)  
**Email:** allersd@fmbgov.com

**Signature:**   
Becky Vose (Sep 26, 2023 17:58 EDT)  
**Email:** bvose@voselaw.com

**Signature:**   
AMY BAKER (Sep 27, 2023 10:26 EDT)  
**Email:** AMY@FMBGOV.COM