

RESOLUTION NUMBER 24-51

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE USE OF \$1,000,000 OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO MATCH A \$1,000,000 GRANT FROM FDEP FOR THE BAY OAKS CAMPUS REDEVELOPMENT PROJECT, AND RELATED BUDGET ADJUSTMENT; 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 appeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Congress adopted the American Rescue Plan Act in March of 2021 (“ARPA”) which included \$65 billion in recovery funds for cities across the country; and

WHEREAS, the Town received a total of \$3,553,056 in ARPA funding in two disbursements; and

WHEREAS, the Final Rule adopted by the Secretary of the Treasury allows ARPA Funds to be obligated to fund government services and infrastructure expenses; and

WHEREAS, the Town approved Resolution 23-83 on August 7, 2023, authorizing the American Rescue Plan Act (ARPA) Funds to be considered as a source of funding for any allowable government services and/or infrastructure expense, subject to final approval by Town Council; and

WHEREAS, the Town subsequently included \$1,324,537 of the ARPA Funds for General Government Services in the Fiscal Year 2023-2024 budget approved by Resolution 23-117 on September 25, 2023; and

WHEREAS, \$2,229,019 of ARPA Funds remains to be obligated; and

WHEREAS, according to the Final Rule all eligible costs to be funded by ARPA Funds must be incurred (i.e., all ARPA funds must be obligated) by December 31, 2024, and all obligated funds must be fully expended by December 31, 2026; and

WHEREAS, according to the Final Rule, Government Services includes Health Services, including investments in parks and recreation to promote improved health outcomes; and

WHEREAS, the Town has received a \$1,000,000 matching grant from the Florida Department of Environmental Protection for the Bay Oaks Recreational Campus Redevelopment project that expires December 31, 2024, and that includes outdoor recreational facilities such as a multi-sport field, basketball court, tennis courts, pickleball courts, loop trail, picnic areas, playground, batting cages, parking lot, sidewalks, utilities and site work; and

WHEREAS, according to the Final Rule the funds available for the provision of government services generally may be used to meet the non-federal cost-share or matching requirements of other federal programs; and

WHEREAS, adoption of this Resolution is in the best interest of the residents of the Town of Fort Myers Beach, Florida.

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

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

Section 2. That the Town Council authorizes that \$1,000,000 of the American Rescue Plan Act (ARPA) Funds may be used to match the \$1,000,000 grant from the Florida Department of Environmental Protection for the Bay Oaks Campus Redevelopment project.

Section 3. That the following adjustment to the Fiscal Year 2024 budget is hereby authorized:

40.50.572.33436	Capital Fund-Bay Oaks: FDEP Grant	\$1,000,000
40.50.572.38123	Capital Fund-Bay Oaks: Transfer in from ARPA	\$1,000,000
40.50.572.63720	Capital Fund-Bay Oaks: Athletic Fields	\$2,000,000
60.19.519.38191	ARPA: Prior Year Carryover	\$1,000,000
60.19.519.59112	ARPA: Transfer out to Capital Fund	\$1,000,000

Section 4. That this resolution is effective immediately upon adoption.

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

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 4th day of March 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers
Dan Allers (Mar 6, 2024 09:05 EST)

Dan Allers, Mayor

ATTEST:

Amy Baker
Amy Baker (Mar 6, 2024 16:09 EST)

Amy Baker, Town Clerk

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

Becky Vose
Becky Vose (Mar 5, 2024 20:26 EST)

Vose Law Firm, Town Attorneys

This Resolution was filed in the Office of the Town Clerk on this 5th day of March 2024.