

TOWN OF FORT MYERS BEACH, FL

RESOLUTION NO. 95 - 01

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH REQUESTING ASSISTANCE FROM THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS AND LEE COUNTY STAFF IN THE ORDERLY TRANSITION AND ESTABLISHMENT OF THE FORT MYERS BEACH TOWN GOVERNMENT, DELEGATING CERTAIN POWERS, DUTIES, AND AUTHORITY TO LEE COUNTY TO EFFECTUATE THIS TRANSITION ON A TEMPORARY BASIS AS PROVIDED BY THE TOWN OF FORT MYERS BEACH CHARTER, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Fort Myers Beach, Florida will assume all governmental, corporate and proprietary powers provided Florida municipalities by law as of December 31, 1995; and

WHEREAS, in order to effectuate an orderly transition of governmental powers, duties, and services from Lee County for the protection of public health, safety and welfare of the citizens of Fort Myers Beach, the Fort Myers Beach Town Council has determined it necessary to delegate certain powers, duties and authority to the Lee County Board of County Commissioners and Lee County staff on a temporary basis as provided by the charter of the Town of Fort Myers Beach; and

WHEREAS, it is the intent of the Fort Myers Beach Town Council to diligently work toward a permanent solution regarding the transition of governmental powers and duties with Lee County after December 31, 1995; however, until those solutions are developed and adopted, time is of the essence in providing temporary measures to ensure an orderly transition is accomplished; and

WHEREAS, the Fort Myers Beach Town Council finds that an emergency exists;

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

SECTION 1. Pursuant to Section 3.02 of the charter of the Town of Fort Myers Beach, the Town Council requests assistance from the Lee County Board of County Commissioners and Lee County staff in the orderly transition of governmental powers, duties, and services, to continue the provision of certain services on and after December 31, 1995 as existed prior to December 31, 1995 on a temporary basis, specifically:

- A) Public road right-of-way and easement monitoring and maintenance;
- B) All of the powers and duties of the Lee County hearing examiner, Lee County Department of Community Development, and other applicable Lee County departments in all comprehensive land use plan issues, land development regulations, building code regulations, and code enforcement regulations, including but not limited to all zoning and land use functions, development permitting, building permitting, building inspections, and code enforcement functions, except for final agency action for all matters before the hearing examiner shall be at a public hearing of the Town Council.

SECTION 2. It is the intent of the Fort Myers Beach Town Council to diligently work toward a permanent solution regarding the transition of governmental powers and duties with Lee County after December 31, 1995. Until those solutions are developed and adopted, time is of the essence in providing temporary measures to ensure an orderly transition. The Fort Myers Beach Town Council, therefore, requests that the Lee County Board of County

Commissioners consider this delegation of powers and duties at its December 20, 1995 Commission meeting.

SECTION 3. If it is the decision of the Lee County Board of County Commissioners to assist the Town of Fort Myers Beach in the orderly transition of governmental duties and services as described in this resolution, The Fort Myers Beach Town Council hereby delegates all required powers to perform these duties and services on a continuing basis until March 31, 1996, or until a permanent solution regarding any or all of the services outlined in Section 1 of this resolution is developed and adopted by both governmental entities, whichever occurs first.

Section 4. Effective Date. This resolution shall become effective immediately upon adopted.

DULY PASSED AND ENACTED by the Town Council of the Town of Fort Myers Beach, Lee County, Florida, this 18th day of DECEMBER, 1995.

AUTHENTICATION:  
Mayor Acting Town Clerk

APPROVED AS TO FORM:  12/18/95
Interim Town Attorney Date

Date filed with Acting Town Clerk: 12/18/95