

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 06-05

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, IMPLEMENTING A EXECUTIVE SUCCESSION FOR THE MAYOR IN ACCORDANCE WITH THE REQUIREMENTS OF THE EMERGENCY INTERIM EXECUTIVE AND JUDICIAL SUCCESSION ACT SET FORTH IN CHAPTER 22, FLORIDA STATUTES

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, Chapter 252, Florida Statutes, authorizes the waiver of procedures and formalities, otherwise required of political subdivisions, to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency, and

WHEREAS, Chapter 22, Florida Statutes, which is known as the Emergency Interim Executive and Judicial Succession Act, requires that the municipality designates emergency successors to exercise the Mayor's duties and powers when the Mayor is unavailable; and

WHEREAS, Article X of the Town Charter empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

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

Section 1. Adoption of Recitals. The above recitals as set forth in the various "Whereas" clauses are hereby adopted and incorporated into the body of this Resolution.

Section 2. Definition and Interpretation.

- A. The term "unavailable" shall be defined as set forth in F.S. 22.03: "a vacancy in office exists or... the lawful incumbent of the office is absent or unable to exercise the powers and discharge the duties of the office."
- B. The Mayor and Vice-Mayor each occupy an enumerated Council Seat in addition to their respective duties under the Charter. Accordingly, the numerical council seats assigned to the Mayor and Vice-Mayor shall not be counted below for purposes of emergency succession hereunder.

Section 3. Designation of Emergency Successors. The Town Council of the Town of Fort Myers Beach hereby designates the following persons as emergency successors to exercise the Mayor's duties and powers when the Mayor is unavailable:

- A. The Vice-Mayor of the Town of Fort Myers Beach, as set forth in the Town Charter, Article IV, Section 4.02;
- B. If the Mayor and the Vice-Mayor are unavailable, the current incumbent of, successively, Council Seat 1, 2, 3, 4, and 5.

Section 4. Compliance with NIMS Requirements. It is hereby declared to be the policy of the Town of Fort Myers Beach that implementation of this Resolution will meet all requirements of the National Incident Management System (NIMS) in accordance with federal guidelines to the extent that such implementation is subject to such jurisdiction.

Section 5. Effective Date. 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 Meador and seconded by Council Member Shenko and, upon being put to a vote, the result was as follows:

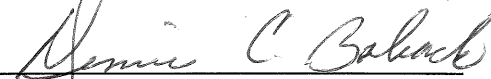
Dennis Boback , Mayor	aye
Don Massucco, Vice Mayor	absent
Charles Meador, Jr.	aye
Garr Reynolds	aye
William Shenko, Jr.	aye

DULY PASSED AND ADOPTED this 24th day of July, 2006.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle Mayher, Town Clerk

By: 
Dennis Boback, Mayor

Approved as to legal sufficiency by:


Anne Dalton, Town Attorney