

TOWN OF FORT MYERS BEACH

ORDINANCE NO. 18-06

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF BOARDS, COMMITTEES, AND COMMISSIONS; PROVIDING FOR QUALIFICATIONS AND APPOINTMENTS OF MEMBERS; PROVIDING FOR MEETINGS, QUORUM, MINUTES AND ATTENDANCE REQUIREMENTS; PROVIDING FOR THE REMOVAL OF BOARD, COMMITTEE, OR COMMISSION MEMBERS; PROVIDING PROCEDURES FOR APPOINTMENT AND FILLING OF VACANCIES; PROVIDING TERMS OF OFFICE; PROVIDING RULES OF PROCEDURE; PROVIDING FOR ESTABLISHMENT AND DISSOLUTION OF BOARDS, COMMITTEES, OR COMMISSIONS; PROVIDING FOR INCORPORATION, CONFLICT, AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII 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, Section 3.01 of the Town of Fort Myers Beach Charter empowers the Town to adopt, amend, or repeal such ordinances, resolutions, and codes as may be required for the good governing of the Town; and

WHEREAS, Town Council desires to establish procedures for the establishment of Boards, Committees, and Commissions, the qualification of members, the terms of office, and the conduct of meetings.

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

Sec. 1. Establishment of Agencies, Boards, Committees, and Commissions

Agencies, Boards, Committees, or Commissions may be established by ordinance or resolution at the discretion of the Town Council. An ordinance or resolution establishing a Board, Committee, Authority, or Commission shall also describe the duties and the qualifications of its members.

Sec. 2. Qualifications and Appointments of members

In addition to qualifications, which may be specified for membership by state statutes, charter, ordinance, or resolution, a person appointed to an Agency, Board, Committee or Commission shall give preference to a registered voter within the Town's jurisdiction or a property owner within the Town's jurisdiction. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the subject matter. In the event that any member is no longer a qualified elector, or is convicted of a felony, an offense involving moral turpitude while in office

or has unpaid fines or liens due the Town of Fort Myers Beach, the Town Council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

(a) Anchorage Advisory Committee. The anchorage advisory committee shall advise the Town Council concerning all matters relevant to the management and use of the waters of the Town for mooring and anchoring. The Anchorage Advisory Committee shall prepare and submit the Matanzas Harbor Management Plan and any amendments thereto for review and approval by the Town Council and make recommendations for the establishment of managed municipal anchorages and mooring fields where warranted by objective evidence of environmental damage or user conflicts; or any other topics as assigned by the Town Council.

(b) Audit Committee. All members of the Audit Committee shall be Town residents who do not have any direct financial or business interests involving the Town. The Town Council may waive the residency requirements by majority vote if there are an insufficient number of applicants who reside in the Town. All members should, through education and experience, possess a basic understanding of governmental financial reporting and auditing. At least one member of the Audit Committee shall have accounting, auditing, or related financial management expertise that is specifically relevant to the government sector. The Audit Committee shall advise the Town Council on these matters and other matters pursuant to 218.391, F.S., or any other topics as assigned by the Town Council.

(c) Bay Oaks Recreational Campus Advisory Board. The purpose of BORCAB is to serve the Town as a community center and recreational facility providing individuals and groups passive and active recreational, social and community activities and events for both residents and visitors. BORCAB members shall work closely and in cooperation with the Parks and Recreation Director, and advise the Town Council regarding matters concerning the Bay Oaks Recreational Campus and the Community Pool; or any other topics as assigned by the Town Council.

(d) Community Resource Advisory Board. The broad objectives of CRAB are to further the welfare of the citizens of the Town in the implementation of our community as a “living park” as defined in the Comprehensive Plan and make recommendations to the Town Council on acquisition and management of public areas including, but not limited to, pools, parks, beach accesses, streetscapes and other public easements and property to further the living park concept. The CRAB shall advise the Town Council on these matters or any other topics as assigned by the Town Council.

(e) Cultural and Environmental Learning Center Advisory Board. The broad objectives of CELCAB are to ensure and promote the mission of the Mound House and Newton Beach Park to be accomplished through stewardship, advocacy and oversight according to best practices of museums and the requirement as stated in the Florida Communities Trust Agreements for each property. The CELCAB shall advise the Town Council on these matters or any other topics as assigned by the Town Council.

(f) Marine Resources Task Force. The broad objectives of MRTF are to further the welfare of the citizens of the Town by helping to promote a better, more healthful, safe and attractive community environment and to ensure that the unique and natural characteristics of our marine resources are preserved; or any other topics as assigned by the Town Council.

(g) Public Safety Committee. The PSC shall address any safety and transportation issues specifically assigned to the committee by the Town Council for the purpose of the health, safety and welfare of the citizens and visitors to the Town of Fort Myers Beach. The committee shall review, discuss and evaluate the most significant safety and transportation issues within the Town. The PSC shall advise the Town Council on these matters or any other topics as assigned by the Town Council.

Sec. 3. Meetings, Quorum, Minutes and Attendance Requirements.

(a) Regular Meetings. Meetings shall be scheduled in accordance with the ordinance or resolution authorizing the establishment of the Board, Committee, or Commission. Public Notice of the meeting shall be provided in accordance with procedures adopted for Town Council meetings. Meetings may be called by the committee Chair person or by the Town Manager or designee.

(b) Quorum. A majority of all members appointed to the Agency, Board, Committee or Commission shall constitute a quorum for the transaction of business unless otherwise required by the ordinance or resolution authorizing the establishment of a particular Agency, Board, Committee or Commission.

(c) Minutes. A written record of the proceedings of the Board, Committee, or Commission shall be kept showing its action on each question considered. Such record shall be filed with the Town Clerk and shall be open to public inspection.

(d) Attendance. Unexcused absence from three (3) meetings within the member's term of an Agency, Board, Committee or Commission shall automatically operate to vacate the seat of an Agency, Board, Committee or Commission by motion duly passed and recorded in the official minutes.

Sec. 4. Removal of Agency, Board, Committee or Commission Members.

Unless otherwise precluded by state statutes, ordinance, or resolution, any member of an Agency, Board, Committee or Commission shall serve at the pleasure of Town Council and may be removed by Town Council with or without cause. In the event that any member is no longer a registered voter within the Town's jurisdiction or a property owner within the Town's jurisdiction, or is convicted of a felony, an offense involving moral turpitude while in office or has unpaid fines or liens due the Town of Fort Myers Beach, the Town Council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

Sec. 5. Procedure for Appointment and Filling Vacancies.

Except as otherwise provided by state statutes, ordinance, or resolution, appointments to an Agency, Board, Committee or Commission shall be filled by the Town Council in accordance with the following procedure:

- (a) Town Council may direct the Town Manager to advertise a vacancy and seek resumes from interested members of the public willing to accept appointment.
- (b) Unless otherwise regulated by state statutes, ordinance or resolution, the composition of each Agency, Board, Committee or Commission shall consist of no less than four (4) members and no more than seven (7) members. Each Town Council member shall reserve the right to recommend the appointment of an applicant to the Agency, Board, Committee or Commission. Town Council may accept or reject the recommendation offered by the Council member.
- (c) If a vacancy occurs on the Agency, Board, Committee or Commission during the term of the seat now vacated, pursuant to the process delineated in Section (b), a member shall have the right to recommend a replacement to fill the vacancy to complete the unexpired term. Town Council may accept or reject the recommendation.
- (d) The Town Clerk shall advertise the opportunity to serve on the Agency, Board, Committee or Commission and receive applications, resumes or other such documents in accordance with section 2. Town Council may schedule public interviews to vet applicants.

Sec. 6. Terms of Office.

- (a) The initial terms of office of the agencies, boards, committees or commissions shall be as follows:
  - 1. Four members shall be appointed for two years in October 2018 in the subsequent even years.
  - 2. Three members shall be appointed in October 2019 in the subsequent odd years.

Each appointment or reappointment shall be for a term of two years.

- (b) A member may be reappointed by the Town Council for successive terms. Appointments to fill any vacancy on the Agency, Board, Committee or Commission shall be for the remainder of the unexpired term of office.
- (c) A member may not be a member of another Town of Fort Myers Beach board or committee unless this prohibition is specifically waived by the Town Council during their appointment.

Unless otherwise regulated by state statutes, ordinance or resolution, the terms of members appointed to an Agency, Board, Committee or Commission shall be for two years. The members shall serve staggered terms.

Sec. 7. Rules of Procedure.

Unless otherwise regulated by state statutes, ordinance or resolution, the Town Manager shall prepare standard Rules of Procedure for the conduct of meetings. Such Rules of Procedure shall be followed by each appointed Agency, Board, Committee or Commission. At its earliest opportunity, the membership of the Agency, Board, Committee or Commission shall elect a chairman and vice chairman from among its members. Officers' terms shall be for one year, with eligibility for reelection after one year.

Sec. 8. Establishment and Dissolution

Unless otherwise regulated by state statutes, ordinance, or resolution, Town Council may establish and dissolve a Town Agency, Board, Committee or Commission.

Sec. 9. Incorporation, Conflict and Severability.

(a) It is the intention of the Town Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Fort Myers Beach, Florida, and that the sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.

(b) All sections or parts of sections of the Code of Laws and Ordinances of Lee County, Florida, all Lee County Ordinances or parts of ordinances and all Lee County resolutions or parts of resolutions made applicable by the Town Charter in conflict herewith are hereby repealed to the extent of such conflict.

(c) In the event this Ordinance conflicts with any other Ordinance of the Town of Fort Myers Beach or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

Sec. 10. Repealer.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the following ordinances and regulations: 97-10; 97-17; 98-09; 00-04; 00-07; 00-14; 01-02; 02-03; 02-05; 04-02; 04-03; 04-05; 05-09; 05-11; 05-12; 05-18; 05-19; 05-20; 06-01; 06-02; 06-03; 06-04; 06-11; 06-22; 07-08; 08-12; 09-06; 09-07; 11-06; 12-01; 12-06; 12-10; 13-02.

Sec. 11. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Fort Myers Beach Town Council.

The foregoing Ordinance was adopted by a roll call vote of the Town Council upon a motion by Vice Mayor Shamp and seconded by Mayor Gore and upon being put to a roll call vote, the result was as follows:

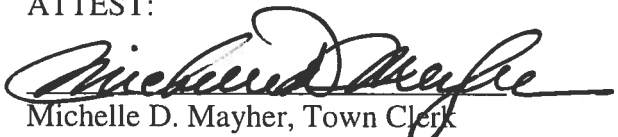
Tracey Gore, Mayor	aye	Joanne Shamp, Vice Mayor	aye
Anita Cereceda, Council Member	nay	Dennis Boback, Council Member	aye
Bruce Butcher, Council Member	aye		

ADOPTED this 7<sup>th</sup> day of May, 2018, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

By:   
Tracey Gore, Mayor

ATTEST:

  
Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM:

  
Peterson Law Group, Town Attorney