

ORDINANCE 06-02

AN ORDINANCE AMENDING THE TOWN OF FORT MYERS BEACH CULTURAL AND ENVIRONMENTAL LEARNING CENTER ADVISORY BOARD ORDINANCE; PROVIDING AUTHORITY; AMENDMENTS TO SECTION 4, QUALIFICATIONS OF MEMBERS AND SECTION 6. COMPOSITION AND APPOINTMENT; SEVERABILITY; EFFECT OF ORDINANCE AND EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

**SECTION 1.** Authority. This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law. Additions to prior Ordinance(s) are indicated by underlining and deletions to prior Ordinance(s) are indicated by ~~striketroughs~~.

**SECTION 2.** Amendment. The provisions of SECTION 4 (Qualifications of Members) of the Fort Myers Beach Cultural And Environmental Learning Center Advisory Board Ordinance 98-09 et seq. are hereby amended to read as set forth below.

SECTION 4. Qualifications of Members. Membership on the CELCAB shall render a person ineligible for membership on any other advisory committee for the Town of Fort Myers Beach during his/her term of office. One spouse per household will be eligible for membership on CELCAB during any given term of office. No current member of Town Council shall be eligible to serve on CELCAB. All members must be residents of or owners of real property located within the territorial boundaries of the Town of Fort Myers Beach at the time of application for membership on CELCAB and during the period of service on this Board. All applicants must apply on or before March 1 of the appointment year, with each application being submitted on a one sheet 8 1/2" by 11" paper, and including a short biography and short explanation as to why the applicant wishes to serve on CELCAB. No members of the CELCAB shall be salaried officials of the Town.

**SECTION 3.** Amendment. The provisions of SECTION 6 (Composition and appointment), of the Fort Myers Beach Cultural And Environmental Learning Center Advisory Board Ordinance 98-09 et seq., amended by Ordinance 05-09, is further amended to read as set forth below.

SECTION 6. Composition and appointment. The CELCAB shall consist of ~~not less than five (5) nor more than~~ seven (7) members appointed by the Town Council. The term of office of a member of the CELCAB shall be one year or until a successor has been appointed and has qualified but shall not extend past March 31 of any given year. Appointments shall be made annually at the first meeting of the council in ~~April~~ May. Vacancies in the CELCAB shall, within thirty days, be filled by the council for the remainder of the term created by such vacancy. ~~For the 2005-2006 Committee membership year only, the Town Council shall appoint not more than twelve (12) members to the CELCAB. If any CELCAB member resigns, is disqualified, or is otherwise terminated during the 2005-2006 Committee membership year, that person will not be replaced unless the total membership on the CELCAB is thereby reduced below seven (7) persons. If, by such action, the CELCAB membership is reduced below seven (7) persons, the Town Council shall have the ability to name such additional members as is required to bring the total membership to a maximum of seven (7) persons under its normal procedures. If, on February 28, 2006, the membership of the CELCAB is in excess of seven (7) persons, the CELCAB shall assembled a list of seven (7) or less recommendations for CELCAB appointments for the 2006-2007 membership year at its regular March meeting and shall forward it for consideration by the Town Council no later than March 31, 2006. The CELCAB shall have not more than seven (7) members for the 2006-2007 and future membership years.~~

SECTION 4. Severability. If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and in no way affect the validity of all other provisions of this ordinance.

SECTION 5. Effect of Ordinance. The provisions of this Ordinance shall be deemed cumulative and supplemental and shall have no legal effect upon the ordinance establishing the Town Of Fort Myers Beach Cultural And Environmental Learning Center Advisory Board except as expressly provided.

SECTION 6. Effective Date. This ordinance shall become effective immediately upon its adoption.

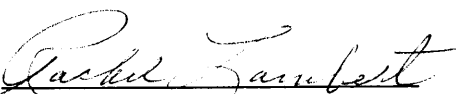
The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Boback and seconded by Council Member Shenko and, upon being put to a vote, the result was as follows:

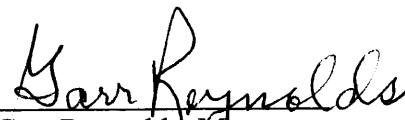
Garr Reynolds, Mayor	<u>Aye</u>
Don Massucco, Vice Mayor	<u>Aye</u>
Dennis Boback	<u>Aye</u>
Charles Meador, Jr.	<u>Nay</u>
William Shenko, Jr.	<u>Aye</u>

DULY PASSED AND ENACTED this 23rd day of January, 2006.

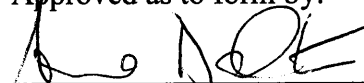
ATTEST:

TOWN OF FORT MYERS BEACH

By:   
Rachel Lambert, Town Clerk

By:   
Garr Reynolds, Mayor

Approved as to form by:

  
Anne Dalton, Town Attorney