

ORDINANCE No. 06-06

AN ORDINANCE AMENDING THE TOWN OF FORT MYERS BEACH TRAFFIC MITIGATION AGENCY, PROVIDING AUTHORITY; AMENDMENTS TO SECTION 3. COMPOSITION AND APPOINTMENT, SECTION 4. QUALIFICATIONS OF MEMBERS AND SECTION 6, MEMBER'S TERM AND VACANCIES; 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 the prior Ordinance are indicated by underlining and deletions to the prior Ordinance are indicated by ~~strikethroughs~~.

SECTION 2. The provisions of SECTION 3. Composition and appointment of the Fort Myers Beach Traffic Mitigation Agency Ordinance 04-19 are amended as follows:

SECTION 3. Composition and appointment. The TMA shall consist of ~~not less than five (5) nor more than~~ seven (7) members appointed by the Town Council.

SECTION 3. The provisions of SECTION 4. Qualifications of members of the Fort Myers Beach Traffic Mitigation Agency Ordinance 04-19 are amended as follows:

SECTION 4. Qualifications of members. Membership on the TMA 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 TMA during any given term of office. No current member of Town Council shall be eligible to serve on TMA. 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 TMA and during the period of service on TMA. 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 include a short biography and short explanation as to why the applicant wishes to serve on TMA. Members of the TMA shall ~~be residents of the town and~~ shall not be salaried officials of the town.

SECTION 4. The provisions of SECTION 6. Member's Term and Vacancies of members of the Fort Myers Beach Traffic Mitigation Agency Ordinance 04-19 are amended as follows:

SECTION 6. Member's Term and Vacancies. The term of office of a member of the TMA 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 ~~May~~ April. Vacancies in the TMA shall, within thirty days, be filled by the council for the remainder of the term created by such vacancy.

SECTION 5. 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 6. 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 Public Safety Task Force Ordinance except as expressly provided.

SECTION 7. Effective Date. This ordinance shall become effective immediately upon its adoption.

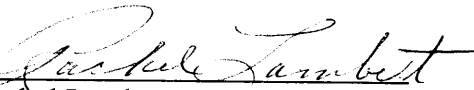
The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Boback and seconded by Council Member Shenko and, upon being put to a vote, the result was as follows:


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