

ORDINANCE 05-18

AN ORDINANCE AMENDING THE TOWN OF FORT MYERS BEACH CULTURAL AND ENVIRONMENTAL LEARNING CENTER ADVISORY BOARD ORDINANCE; PROVIDING AUTHORITY; AMENDMENT TO SECTION 3. 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.

SECTION 2. Composition and appointment, of Fort Myers Beach Cultural And Environmental Learning Center Advisory Board Ordinance is amended to read as set forth below. Additions to the Ordinance are indicated by underlining and deletions to the Ordinance are indicated by ~~strike-throughs~~.

SECTION 3. Composition and appointment. The CELCAB shall consist of not less than five (5) nor more than seven (7) members appointed by the Town Council. 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. The number of members of CELCAB in existence upon the effective date of this Ordinance shall be reduced to seven (7) by attrition. Therefore, upon the resignation, disqualification, or death of a member, or expiration (if any) of a member's term, no person shall be added to the membership of CELCAB until the total membership of this Board is reduced to seven (7) persons. At that time, the normal process of selection of new members shall resume.

SECTION 3. 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 4. 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 5. 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 Rynearson and seconded by Council Member Van Duzer and, upon being put to a vote, the result was as follows:

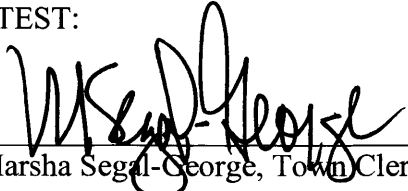
Howard Rynearson	<u>Aye</u>
Don Massucco	<u>Aye</u>
Ken Kateko	<u>Aye</u>
W. H. "Bill" Van Duzer	<u>Aye</u>
Garr Reynolds	<u>Aye</u>

DULY PASSED AND ENACTED this 27th day of June, 2005.

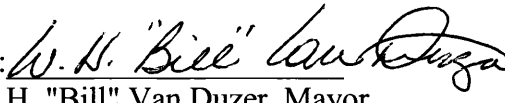
ATTEST:

TOWN OF FORT MYERS BEACH

By:


Marsha Segal-George, Town Clerk

By:


W. H. "Bill" Van Duzer, Mayor

Approved as to form by:


Anne Dalton, Town Attorney