

Town of Fort Myers Beach
Agenda Item Summary

Blue Sheet Number: 2009-151

1. Requested Motion:

Meeting Date:

Motion to approve Ordinance 09-07 modifying advisory committee membership requirements.

December 7, 2009

Why the action is necessary:

This action implements Town Council direction regarding amendment of advisory committee ordinances to allow for membership on multiple Town advisory committees.

What the action accomplishes:

Gives Council a forum within which to amend advisory committee ordinances if Council so chooses.

2. Agenda:

3. Requirement/Purpose:

4. Submitter of Information:

Consent
 Administrative
 Appeal

Resolution
 Ordinance
 Other:

Council
 Department:
 Town Attorney

5. Background:

Town Council has discussed amending the Town advisory committee ordinances to allow membership on multiple Town advisory committees, in the discretion of Town Council. Ordinance 09-06, which created the Bay Oaks Recreational Campus Advisory Board, provides that members of this Board may also be members of other Town committees. This ordinance would modify other advisory committee requirements to create reciprocity with Ordinance 09-06. The Town Council can (1) approve this ordinance as-is; (2) take no action, in which case advisory committee members cannot be members of any other Town advisory committee; (3) direct that this ordinance be modified to provide that advisory committee members may not be members of committees created by Town Ordinance but can be members of non-ordinance committees (i.e., ad hoc committees) or (4) take other action. This Ordinance does not cover the membership requirements of the Local Planning Agency. At its meeting of November 16, 2009, Council directed that the Ordinance which was introduced at that meeting be brought forward to hearing as-is.

Attachment: Draft Ordinance 09-07

6. Alternative Action:

Take no action.

7. Management Recommendations:

8. Recommended Approval:

Finance Director	Public Works Director/Cultural Resources Director	Comm. Development Director	Town Clerk	Town Attorney	Town Manager
					

9. Council Action:

Approved Denied Deferred Other

ORDINANCE 09-07

AN ORDINANCE AMENDING THE MEMBERSHIP REQUIREMENTS OF THE ANCHORAGE ADVISORY COMMITTEE, COMMUNITY RESOURCE ADVISORY BOARD, CULTURAL AND ENVIRONMENTAL LEARNING CENTER ADVISORY BOARD, MARINE RESOURCE TASK FORCE, PUBLIC SAFETY TASK FORCE, TIMES SQUARE ADVISORY BOARD, AND TRAFFIC MITIGATION AGENCY TO ALLOW FOR MEMBERSHIP ON MULTIPLE TOWN COMMITTEES; PROVIDING AUTHORITY; STATEMENT OF EFFECT ON ORDINANCE 07-08 AND ORDINANCE 08-12; 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, Chapters 163 and 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. Town Advisory Committees Affected. This Ordinance amends membership requirements for the following Town advisory bodies: Anchorage Advisory Committee ("AAC"); Community Resource Advisory Board ("CRAB"); Cultural and Environmental Learning Center Advisory Board ("CELCAB"); Marine Resource Task Force ("MRTF"); the Public Safety Task Force ("PSTF"); Times Square Advisory Board ("TSA"), and Traffic Mitigation Agency ("TMA"). All other requirements for membership, including but not limited to those set forth in Ordinances 07-0 and 08-12, continue in full force and effect, except as specifically modified below.

SECTION 3. Termination of Restriction Regarding Membership on Multiple Town Committees.

Language being deleted from Ordinance 06-01, Section 3 is indicated with ~~strikethroughs~~ and language being added is indicated with underlining, as follows:

~~"... Any person who is otherwise eligible for membership on a Town advisory committee may be appointed to membership on more than one (1) Town advisory committee in the discretion of the Town Council." Membership on the AAC 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.~~

SECTION 4. Modification of Additional Advisory Committee Ordinances. Although the specific ordinance being amended is Ordinance 06-01, Section 3, other Town ordinances which set forth the same provision are CELCAB Ordinance 06-02, Section 2; CRAB Ordinance 06-03, Section 3; MRTF Ordinance 06-04, Section 3; PSTF Ordinance 06-05, Section 3; TSA Ordinance 06-07, Section 3; and TMA Ordinance 06-06, Section 3. All such ordinances shall be deemed amended with the language set forth in SECTION 3 above as though each were individually amended via separate Ordinance.

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 ordinances of the Town of Fort Myers Beach, 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 _____ and seconded by Council Member _____ and, upon being put to a vote, the result was as follows:

Larry Kiker, Mayor
Jo List, Councilmember
Tom Babcock, Councilmember

Herb Acken, Vice Mayor
Bob Raymond, Councilmember

DULY PASSED AND ENACTED this 7th day of December, 2009.

Attest:

Town of Fort Myers Beach, Florida

BY: _____
Michelle Mayher, Town Clerk

BY: _____
Larry Kiker, Mayor

Approved as to Legal Form:

Anne Dalton, Esquire, Town Attorney