

**1. Discussion Objective:**

**Work Session Date: February 6, 2012**

Proposed ordinance amending Bay Oaks Recreation Campus Advisory Board (BORCAB) Ordinance 09-06.

**2. Submitter of Information:**

- Council
- Town Staff
- Town Attorney

**3. Estimated Time for this item: 10 minutes**

**4. Background:**

On January 17, 2012 the BORCAB Chair appeared before Town Council requesting a revision to the Ordinance quorum requirement of "50% plus 1", allowing for a "simple majority" (i.e. four members of the seven appointed member board constitute a quorum).

Council directed staff to schedule this item for a workshop discussion, and the Town Attorney review the enabling legislation.

The Town Attorney has drafted the attached proposed ordinance for review and discussion.

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV, DIVISION 3 IN THE CODE OF ORDINANCES, "BAY OAKS RECREATIONAL CAMPUS ADVISORY BOARD;" AMENDING SECTION 2-145(a), "COMPOSITION; APPOINTMENT PROCEDURE; TERM OF OFFICE," BY AMENDING THE QUORUM REQUIREMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 2-145(a) of the Town of Fort Myers Beach Code of Ordinances is hereby amended as follows:

**Sec. 2-145. Composition; appointment procedure; term of office.**

(a) There shall be no less than five members and no more than seven members of BORC-AB. A quorum shall consist of a majority plus one person of the total number of persons appointed by the council for this committee at any given time.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason 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 portions hereof.

Section 3. Effective Date. This ordinance shall take effect immediately upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by \_\_\_\_\_ and seconded by \_\_\_\_\_ and upon being put to a vote, the result was as follows:

Larry Kiker, Mayor                      Bob Raymond, Vice Mayor  
Joe Kosinski                              Jo List  
Alan Mandel

DULY PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2012, BY THE  
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

ATTEST:

By: \_\_\_\_\_  
Larry Kiker, Mayor

By: \_\_\_\_\_  
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By: \_\_\_\_\_  
FOWLER WHITE BOGGS, Town Attorney