

ORDINANCE 07-02

AN ORDINANCE AMENDING TOWN HALL SEARCH COMMITTEE ORDINANCE TO ADD PROHIBITION OF PAYMENT OF FEE OR OTHER REMUNERATION RELATED TO THE ACQUISITION OF REAL PROPERTY FOR A TOWN HALL TO TOWN SEARCH COMMITTEE MEMBERS, TOWN OFFICIALS AND EMPLOYEES AND SPECIFIED OTHERS; EXTENDING THE SUNSET DATE; PROVIDING FOR SEVERABILITY; EFFECT OF ORDINANCE AND EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town Council adopted Ordinance Number 06-15 on September 18, 2006, establishing the Fort Myers Beach Town Hall Search Committee and providing for the appointment of five persons to such advisory committee; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of Fort Myers Beach that such Ordinance be amended to extend the sunset date and to provide that no fee or other remuneration be accepted by any Town employee, Town elected official, or member of the Town Hall Search Committee or any entity he/she has an ownership interest in, are affiliated with (including affiliation by marriage or lineage) or employed by, related to the Town's acquisition of an interest in real property with an intention to establish a Town Hall on such property, whether or not such person is directly or indirectly involved with the Town's acquisition of such interest.

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

Section 1. Incorporation of Whereas Clauses. The above "Whereas" clauses are hereby incorporated by reference as though fully set forth herein.

Section 2. Amendment of Ordinance. Ordinance 06-15 regarding the establishment of the Town Hall Search Committee and related matters is hereby amended. The additions to such Ordinance are indicated by underlining and the deletions are indicated by ~~strikethroughs~~.

Section 3. Amendment of Section 2. Appointment and Length of Service. Section 2 of Ordinance 06-15 is hereby amended as follows:

SECTION 2. Appointment and Length of Service. The Fort Myers Beach Town Hall Search Committee shall consist of five (5) members appointed by the Town Council. Each member shall serve for a period of one (1) year, unless reappointed by Town Council. However, the term of office for the initial members of this committee shall be through April 30, 2008. Any persons

interested in serving on this Committee shall apply to the Town Clerk when a vacancy occurs or no later than March 1 of 2008 and any subsequent year(s), as applicable “

~~“Each member shall serve for six months, unless reappointed by Town Council.~~

Section 4. Amendment of Section 5. Effective Date and Sunset Date. Section 5 of Ordinance 06-15 is hereby amended as follows:

SECTION 5. Effective Date and Sunset Date. This ordinance shall become effective immediately upon its adoption. ~~This Ordinance shall automatically sunset upon the expiration of seven (7) months from its effective date, unless extended by Town Council via Resolution prior thereto.~~

Section 5. Ordinance 06-15 is hereby amended to add new Sections 6, 7 and 8:

Section 6. Town Hall Search Committee Member’s Ineligibility for Fee or Other Remuneration. No member of the Town Hall Search Committee shall be eligible for a fee, commission or other remuneration or compensation whatsoever, in any way related to the Town’s acquisition of an interest in real property with an intention to establish a Town Hall on such property, whether or not such committee member is directly or indirectly involved with the Town’s acquisition of such interest.

Section 7. Ineligibility for Fee by Related Person or Entity. No entity or person in which such Search Committee member, his or her spouse, or other relative, including relatives by marriage, has any ownership interest, is affiliated with, as an independent contractor, or otherwise, or employed by in any capacity whatever shall be eligible for a fee, commission or other remuneration or compensation whatsoever, related to the Town’s acquisition of an interest in real property with an intention to establish a Town Hall on such property, whether or not the Search Committee member is directly or indirectly involved with the Town’s acquisition of such interest.

Section 8 Ineligibility for Fee or Other Remuneration by Elected Town Officials and Town Employees. The restrictions set forth in Section 6 above shall apply with equal force and effect to the members of the Town Council and all Town employees, as shall the provisions of Section 7 providing for ineligibility for fee by related person or entity.

Section 6. 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 7. Effect of Ordinance. The provisions of this Ordinance shall be deemed cumulative and supplemental and shall have no legal effect upon any other ordinance, except as expressly provided.

SECTION 8. Effective Date. This ordinance shall become effective immediately upon its adoption.

The foregoing ordinance was enacted by the Town Council upon a motion by Vice Mayor Massucco and seconded by Councilmember Meador and, upon being put to a vote, the result was as follows:

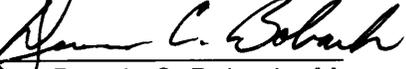
Dennis C. Boback, Mayor	aye
Don Massucco, Vice Mayor	aye
Garr Reynolds	nay
Charles Meador, Jr.	aye
William Shenko, Jr.	nay

DULY PASSED AND ENACTED this 20th day of February, 2007.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle D. Mayher, Town Clerk

By: 
Dennis C. Boback, Mayor

Approved as to form by:


Anne Dalton, Town Attorney