

**1. Requested Motion:**

**Meeting Date:**

**August 6, 2012**

Motion to approve the Introduction of Ordinance 12-06, establishing a Public Safety Committee and setting the first and final hearing date for August 20, 2012.

**Why the action is necessary:**

State law provides that prior to adoption of an ordinance; it must be read by title at a public meeting at least once prior to the date when it is adopted.

**What the action accomplishes:**

Introduces the ordinance by reading the title and sets the date for the Final Public Hearing date for the ordinance.

**2. Agenda:**

Consent  
 Administrative

**3. Requirement/Purpose:**

Resolution  
 Ordinance  
 Other

**4. Submitter of Information:**

Council  
 Town Staff – Public Works  
 Town Attorney

**5. Background:**

Town Council requested staff to initiate the formation of a Public Safety Committee and develop an ordinance to provide for the same. This ordinance will repeal the ordinances creating the Public Safety Task Force and Traffic Mitigation Agency including all amendments to the same.

Based on continuing concerns associated with pedestrian and vehicle safety Town Council authorized a safety task force to look at improvements that can be accomplished immediately. The creation of the Committee will move the task force activities to a standing committee. The focus of the Committee will be to review, discuss and evaluate safety and transportation issues for the purpose of the health, safety and welfare of the citizens of and visitors to the Town and provide recommendations for the same to Town Council.

**6. Alternative Action:**

Take no action.

**7. Management Recommendations:**

Approve the Introduction of Ordinance 12-06.

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Town Clerk
					

**9. Council Action:**

Approved     Denied     Deferred     Other

ORDINANCE -12-06

AN ORDINANCE REPEALING CHAPTER 2, ARTICLE IV, DIVISIONS 7 AND 10 OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES, "PUBLIC SAFETY TASK FORCE" AND "TRAFFIC MITIGATION AGENCY;" AND ESTABLISHING A NEW CHAPTER 2, ARTICLE IV, DIVISION 7 TO BE ENTITLED "PUBLIC SAFETY COMMITTEE;" PROVIDING FOR CREATION OF THE COMMITTEE; PURPOSE AND SCOPE; COMPOSITION, APPOINTMENT PROCEDURE AND TERM OF OFFICE; AND FORFEITURE OF OFFICE; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

**Section 1.** Chapter 2, Article IV, Division 7 of the Town of Fort Myers Beach Code of Ordinances, entitled "Public Safety Task Force" (Sections 2-311 through 2-326), is hereby repealed in its entirety.

**Section 2.** Chapter 2, Article IV, Division 10 of the Town of Fort Myers Beach Code of Ordinances, entitled "Traffic Mitigation Agency" (Sections 2-431 through 2-446), is hereby repealed in its entirety.

**Section 3.** A new Chapter 2, Article IV, Division 7 of the Town of Fort Myers Beach Code of Ordinances, to be entitled "Public Safety Committee," is hereby established as follows:

**Sec. 2-311. Creation of committee.**

A Town of Fort Myers Beach committee to be known as the "Public Safety Committee" is hereby created.

**Sec. 2-312. Purpose and scope.**

The Public Safety Committee shall address any safety and transportation issues specifically assigned to the Committee by the Town Council for the purpose of the health, safety and welfare of the citizens of and visitors to the Town of Fort Myers Beach. The Committee shall review, discuss and evaluate the most significant safety and transportation issues within the Town. The Committee shall utilize methods that include, but are not limited to, public participation and forums.

**Sec. 2-313. Composition; appointment procedure; term of office.**

(a) There shall be no less than five (5) members and no more than seven (7) members of the Public Safety Committee. A quorum of the Committee shall be a majority of the total number of persons appointed by the council for the committee at any given time.

(b) Each member shall serve on the committee for a period of two (2) years or until a successor has been appointed and has qualified, provided, however, that in order to provide for staggered terms, appointments made in 2012 shall be equally distributed between one (1) and two (2) year terms. If there is an uneven number of appointees in 2012, then the staggering of terms shall be such that one-half of the members plus one shall be appointed to two (2) year terms and the remainder shall be appointed for one (1) year terms. There shall be no restriction on the number of terms to which an otherwise qualified Public Safety Committee member may be appointed.

(c) With the exception of the initial appointments in 2012, Town Council shall appoint members in October of each year. Persons who desire to serve on the committee must submit an application to the Town Clerk no later than September 1 in order to be eligible for appointment the following October. Each application should include a short biography and explanation as to why the applicant wishes to serve on the Public Safety Committee. Any vacancy that occurs on the Public Safety Committee, other than a vacancy created by the expiration of a term, shall be filled by appointment by the Town Council within thirty (30) days of the occurrence of the vacancy, or as soon thereafter as practicable. Such appointment to fill a vacancy shall be for the remainder of the term for the seat where the vacancy occurred.

(d) Membership on the Public Safety Committee shall not render a person ineligible for appointment to any other Town advisory committee or board. Only one member of the same household shall be eligible to serve on the Public Safety Committee at the same time. No current member of Town Council, or the spouse or child of that member, shall be eligible to serve on the Public Safety Committee. All members of the Public Safety Committee must be residents of the Town at the time of application for appointment and during the time they serve on the Committee.

(e) The members of the Public Safety Committee shall elect a chairperson and vice-chairperson at the November meeting of each year, provided, however, that for 2012 only, such election shall occur at the first meeting of the Public Safety Committee following initial appointments by Town Council. The chairperson shall preside over all meetings and sign all minutes. The vice-chairperson shall preside in the absence of the chairperson.

(f) The Public Safety Committee shall meet at least every other month, with the initial meeting to be held within thirty (30) days of the initial member appointments by Town Council. The Committee may meet more frequently as determined by a majority of its members or by the chairperson. The Committee shall adopt policies and procedures for the transaction of its business and minutes of all meetings shall be kept. All meetings shall be publicly noticed as required by law.

#### **Sec. 2-314. Forfeiture of Office.**

A member of the Public Safety Committee shall forfeit his or her office if said member:

(1) Lacks, at any time during the term of office, any qualification for the office as prescribed by the Town code or state law;

(2) Violates any standard of conduct or code of ethics established by law for public officials; or

(3) Has three consecutive unexcused absences from regular Public Safety Committee meetings. For an absence to be considered "excused," it must be approved by majority vote of the remaining members.

**Section 4. 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 5. 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  
Joe Kosinski  
Alan Mandel

Bob Raymond, Vice Mayor  
Jo List

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