

ORDINANCE No. 97- 10

AN ORDINANCE ESTABLISHING THE TOWN MARINE RESOURCES TASK FORCE, PROVIDING AUTHORITY; AGENCY ESTABLISHED; COMPOSITION AND APPOINTMENT; QUALIFICATIONS OF MEMBERS; PURPOSE AND SCOPE; MEMBER'S TERM AND VACANCIES; FORFEITURE OF OFFICE; COMPENSATION OF MEMBERS; ELECTION OF OFFICERS; DUTIES OF OFFICERS; CLERK; RULE AND PROCEDURES; EMPLOYMENT OF STAFF AND EXPERTS; REIMBURSED EXPENSES; SUPERVISION OF STAFF; FUNCTIONS, POWERS AND DUTIES; COOPERATION WITH MRTF; SEVERABILITY 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. Agency Established. A marine resources task force to be known as the Town of Fort Myers Beach Marine Resources Task Force "MRTF" is hereby established.

SECTION 3. Composition and appointment. The MRTF shall consist of nine members appointed by the Town Council.

SECTION 4. Qualifications of members. No members of the MRTF shall be be salaried officials of the town.

SECTION 5. Purpose and scope. The broad objectives of MRTF are to further the welfare of the citizens of the town by helping to promote a better, more, healthful, safe and attractive community environment and to insure that the unique and natural characteristics of our marine resources are preserved.

SECTION 6. Member's term and vacancies. The term of office of a member of the MRTF shall be staggered three (3) years or until a successor has been appointed and has qualified, except that the respective terms of the members first appointed shall be three (3) for one (1) year, three (3) for two (2) years and three (3) for three (3) years.

Appointments shall be made annually at the first meeting of the council in January. Vacancies in the MRTF shall, within thirty days, be filled by the council for the remainder of the term created by such vacancy.

SECTION 7. Forfeiture of office. A MRTF member shall forfeit office if the member:

- a. Lacks at any time during the term of office any qualification for the office prescribed by town ordinance or state law;
 - b. Violates any standard of conduct or code of ethics established by law for public officials;
- or
- c. Is absent from three (3) consecutive regular MRTF meetings without being excused by the MRTF.

SECTION 8. Compensation of members. The members of the MRTF shall serve without compensation.

SECTION 9. Election of officers. The MRTF shall each year at the first meeting of the newly appointed members elect one of its members as Presiding Officer and elect an alternate.

SECTION 10. Duties of officers. It shall be the duty of the Presiding Officer to preside over all meetings of the MRTF. In the absence of the Presiding Officer, the alternate may preside.

SECTION 11. Clerk. The town manager or a designee shall be the clerk of the MRTF. It shall be the duty of the clerk to keep a record of all proceedings of the MRTF, transmit its recommendations when directed by the Presiding Officer, maintain an updated complete file of all its proceedings in the town hall, and perform such other duties as are usually performed by the clerk of a deliberative body.

SECTION 12. Rule and procedures. The MRTF shall meet at least once each month or more frequently at regular intervals to be determined by it, and at such other times as the Presiding Officer or it may determine. It shall adopt rules for the transaction of its business. The rules may be amended from time to time, but only upon notice to all members that said proposed amendments shall be acted upon at a specified meeting. A majority vote of the MRTF shall be required for the approval of the proposed amendment. It shall keep a properly indexed record of its resolutions, transactions, findings and determinations, which record shall be a public record. All meetings of the MRTF shall be public meetings.

SECTION 13. Employment of staff and experts. The MRTF may, subject to the approval of the town council and within the financial limitations set by appropriations made or other funds available, recommend the town manager employ such experts, consultants, technicians and staff as may be deemed necessary to carry out the functions of the MRTF.

SECTION 14. Reimbursed expenses. MRTF members may be reimbursed for expenses as are necessary to conduct the work of the agency from funds appropriated by the town council.

SECTION 15. Supervision of staff. Staff personnel of the MRTF shall be under the day-to-day supervision of the town manager.

SECTION 16. Functions, powers and duties. The functions, powers and duties of the

MRTF shall be, in general to:

a. Acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in these conditions, and provide data for estimates of future conditions. Such information and material may include maps and photographs of man-made and natural physical features of the area concerned, statistics on trends and present and future estimate conditions with respect to various parameters of environmental quality, and such other information as is important or likely to be important in determining the necessary regulation of marine resources to insure that the unique and natural characteristics of the island be preserved.

b. Conduct such public hearings as may be required to gather information necessary for the making of recommendations to the Town Council for the promotion of the stewardship of our marine resources.

c. Perform any other duties which lawfully may be assigned to it by resolution of the town council, such as, but not limited to, the review, holding of public hearings and making recommendations to the town, on regulations, codes and other documents, as may be necessary to stop further damage and to rehabilitate Estero Bay and its surrounding waters.

SECTION 17. Cooperation with MRTF. Each officer and employee of the town is hereby directed to give all reasonable aid, cooperation and information to the MRTF or to the authorized assistants of such agency when so requested.

SECTION 18. 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 19. 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 Murphy and seconded by Council Member Reynolds and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>absent</u>
William (Rusty) Isler	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 11th day of August, 1997.

ATTEST:

By: Marsha Segal-George
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: Anita T. Cereceda
Anita T. Cereceda, Mayor

Approved as to form by:

Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney