

Town of Fort Myers Beach
Agenda Item Summary

Blue Sheet Number: 2011-098

1. **Requested Motion:** Motion to introduce ordinance 11-08, Creating Town Clerk and Parks and Recreation Departments and set a public hearing on October 3, 2011 at 9:00 AM

Meeting Date: 9/26/11

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 a public hearing date for the ordinance.

2. **Agenda:**

Consent
 Administrative

3. **Requirement/Purpose:**

Resolution
 Ordinance
 Other

4. **Submitter of Information:**


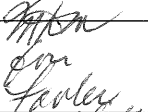

Council
 Town Staff
 Town Attorney

5. **Background:** The Town Manager has proposed a reorganization that creates a new parks and recreation department. The Town Charter provides that Town departments must be created by ordinance. In addition, the Town Clerk was previously established by a prior Town Manager as a department, but it appears that an ordinance providing for same was never proposed or adopted by Town Council. The proposed ordinance creates the departments of Town Clerk and Parks and Recreation.

6. **Alternative Action:** Decline to introduce the proposed ordinance and set a public hearing date.

7. **Management Recommendations:** Introduce the ordinance and set a public hearing date.

8. **Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
	 Fowler White					

9. **Council Action:**

Approved Denied Deferred Other

ORDINANCE NO. 11-08

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE III IN THE CODE OF ORDINANCES, "OFFICERS AND EMPLOYEES;" AMENDING SECTION 2-42, "FINDING OF NECESSITY," BY ADDING TOWN CLERK AND PARKS AND RECREATION DEPARTMENTS; ADDING NEW SECTIONS 2-47 AND 2-47 RELATING TO CREATION OF TOWN CLERK AND PARKS AND RECREATION DEPARTMENTS; RENUMBERING SECTIONS 2-46 AND 2-47 TO 2-48 AND 2-49; 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 2-42 of the Town of Fort Myers Beach Code of Ordinances is hereby amended as follows:

Sec. 2-42. Finding of necessity.

The town council finds that the establishment of the town finance department, the public works department, and the community development department, the town clerk department, and the parks and recreation department, as set forth elsewhere in this article, is necessary for the efficient administration and operation of the town, as set forth in article IX, section 9.01 of the town Charter.

Section 2. A new Section 2-46 is hereby added to the Town of Fort Myers Beach Code of Ordinances as follows:

Sec. 2-46. Same—Town Clerk.

A department to be known as the town clerk department is hereby established. The town clerk shall be selected by the town manager. The town clerk will possess such qualifications as the town manager determines are necessary to efficiently direct the effective functioning of this department, shall perform the functions required in Section 7.01 of the town charter, and shall serve at the pleasure of the town manager.

Section 3. A new Section 2-47 is hereby added to the Town of Fort Myers Beach Code of Ordinances as follows:

Sec. 2-47. Same—Parks and Recreation.

A department to be known as the parks and recreation department is hereby established. The parks and recreation director shall be selected by the town manager. The parks and recreation director will possess such qualifications as the town manager determines are necessary to efficiently direct the effective functioning of this department and shall serve at the pleasure of the town manager.

Section 4. Current Section 2-46 of the Town of Fort Myers Beach Code of Ordinances is renumbered to be Section 2-48 as follows:

Sec. 2-468. Functions and duties of departments.

The town manager shall assign such functions and duties to each department hereunder as would in the normal course of business be performed by such department.

Section 5. Current Section 2-47 of the Town of Fort Myers Beach Code of ordinances is renumbered to be Section 2-49 as follows:

Sec. 2-479. Ordinance enforcement specialist.

The ordinance enforcement specialist shall be responsible for the enforcement of parking violations and violations occurring on public property of the following town ordinances:

- (1) Chapter 4, article IV, open containers.
- (2) Chapter 6, animals.
- (3) Chapter 14, article III, littering.
- (4) Chapter 18, article II, park regulations.
- (5) Chapter 20, article II, recyclable materials.
- (6) Chapter 28, article II, stopping, standing and parking.
- (7) Chapter 32, article III, live shellfish.
- (8) Chapter 32, article IV, night sleeping on beach.

Section 6. 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 7. 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 _____ 2011, 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