

ORDINANCE No. 98- 5

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH CLARIFYING PROVISIONS OF THE CHARTER OF THE TOWN OF FORT MYERS BEACH, PROVIDING AUTHORITY; FOR CLARIFICATION AND AS A MATTER OF POLICY SECTION 4.02 MAYOR AND SECTION 4.03 VICE MAYOR; FOR CLARIFICATION AND AS A MATTER OF POLICY SECTION 4.05 COMPENSATION; FOR CLARIFICATION AND AS A MATTER OF POLICY SECTION 4.07 FORFEITURE OF OFFICE; FOR CLARIFICATION AND AS A MATTER OF POLICY SECTION 6.03 POWERS AND DUTIES; SEVERABILITY; EFFECT OF ORDINANCE 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. For clarification and as a matter of policy Section 4.02 Mayor and Section 4.03 Vice mayor shall be interpreted to include:

Section 4.02 Mayor.--At the first regularly scheduled meeting following the town's regular election, the council, by majority vote, shall elect from its membership a mayor. The mayor shall serve as chairperson during meetings of the council and shall serve as the head of municipal government for the purpose of execution of legal documents as required by ordinance. The mayor shall also serve as the ceremonial head of the town.

Section 4.03 Vice mayor.--At the first regularly scheduled meeting following the town's regular election, the council, by a majority vote, shall elect from among its membership a vice mayor who shall serve as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become interim mayor pursuant to section 4.08 of this charter.

- A. In non-election years the election of mayor and vice-mayor shall be at the first regularly scheduled meeting in November.
- B. Should the vice mayor become interim mayor, then, the council, by a majority vote, shall elect from among its membership an interim vice mayor who shall serve as mayor during the absence or disability of the interim mayor.

SECTION 3. For clarification and as a matter of policy Section 4.05 Compensation shall be interpreted to include:

Section 4.05 Compensation.--

(b) The council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

Expenses must be reasonable and necessary to be eligible for reimbursement.

SECTION 4. For clarification and as a matter of policy Section 4.07 Forfeiture of office shall be interpreted to include:

Section 4.07 Forfeiture of office.--A member of the council may forfeit the office, if the member:

(a) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law;

(b) Violates any express prohibition of this charter;

(c) Is convicted of a felony or criminal misdemeanor which misdemeanor involves the office of town council; or

(d) Misses three consecutive regularly scheduled council meetings.

If any of these events should occur, a hearing shall automatically be conducted at the next regularly scheduled council meeting, and the member may be declared to have forfeited office by majority vote of the council.

A. A council member who has been excused from attending a meeting by a vote of three other council members shall not be considered as missing that meeting.

B. If the next regularly scheduled council meeting is less than one week from the event of forfeiture, then the hearing will be continued to allow at least one week notice.

SECTION 5. For clarification and as a matter of policy Section 6.03 Powers and duties shall be interpreted to include:

Section 6.03 Powers and duties.--The town manager shall be the chief administrative officer of the town and shall implement and administer all ordinances, resolutions, and policies adopted by the council and shall perform such other duties as may be required by the council or law. The town manager shall be responsible to the council and shall have the following powers and duties:

(i) To perform such other duties as are specified in this charter or as may from time to time be assigned by the council.

A. The town manager during absence or unavailability shall maintain and submit to the council a succession plan.

B. The town manager shall submit the next years budget at a regularly scheduled meeting on or before the 15th day of July.

SECTION 7. 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 8. Effect of Ordinance. The provisions of this Ordinance shall be deemed cumulative and supplemental and shall have no legal effect except as expressly provided.

SECTION 9. Effective Date. This ordinance shall become effective immediately upon its adoption.

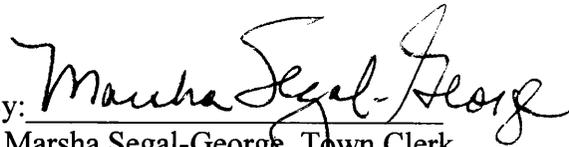
The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Murphy and seconded by Council Member Hughes and, upon being put to a vote, the result was as follows:

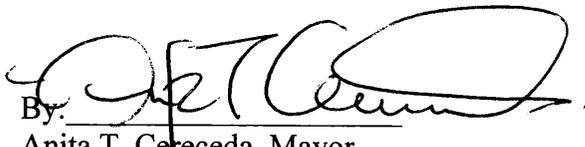
Anita T. Cereceda	<u>aye</u>
Daniel Hughes	<u>aye</u>
John Mulholland	<u>aye</u>
Garr Reynolds	<u>no</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 15th day of June, 1998.

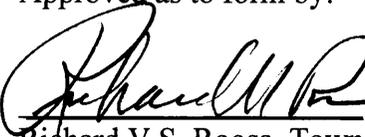
ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Anita T. Cereceda, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney