

ORDINANCE No. 99- 9

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH TIMES SQUARE M.S.B.U. PROVIDING DISTRICT NAME; BOUNDARIES AND SIZE; AUTHORIZATION OF THE USE OF SPECIAL ASSESSMENTS; DESIGNATION OF THE BOARD; ADVISORY COUNCIL; ADVISORY COUNCIL MEMBER'S TERM AND VACANCIES; ADVISORY COUNCIL FORFEITURE OF OFFICE; ADVISORY COUNCIL COMPENSATION OF MEMBERS; ADVISORY COUNCIL ELECTION OF OFFICERS; ADVISORY COUNCIL DUTIES OF OFFICERS; ADVISORY COUNCIL CLERK; RULE AND PROCEDURES; SEVERABILITY; CONFLICTS 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, and Chapter 170, Florida Statutes, Chapter 13. SECTION 4. Formation of districts, Town of Fort Myers Beach Code of Ordinances and other applicable provisions of law.

SECTION 2. District Name. The name of the district shall be: Times Square M.S.B.U.

SECTION 3. Boundaries and Size. The district shall include the following businesses operating in the following parcels of the Times Square area or, in default of payment by the business, the property owner:

See Attached

SECTION 4. Authorization of the Use of Special Assessments. Special assessments as determined by a resolution of the Town Council sitting as the

board of directors and pursuant to the provisions of s. 170.201 Florida Statutes shall be used to support district services.

SECTION 5. Designation of the Board. The Town Council is designated as the board of directors of the district.

SECTION 6. Advisory Council. There is hereby established an advisory council to the board of directors comprised of five property owners of the district who shall not be salaried officials of the town.

SECTION 7. Advisory Council-Member's term and vacancies. The term of office of a member shall be one year or until a successor has been appointed and has qualified. Appointments shall be made annually at the first meeting of the council in January. Vacancies shall be filled by the council for the remainder of the term within thirty days.

SECTION 8. Advisory Council-Forfeiture of office. A 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 meetings without being excused by the Presiding Officer.

SECTION 9. Advisory Council-Compensation of members. The members shall serve without compensation.

SECTION 10. Advisory Council-Election of officers. Each year at the first meeting of the newly appointed members elect one of its members as Presiding Officer and elect an alternate.

SECTION 11. Advisory Council-Duties of officers. It shall be the duty of the Presiding Officer to preside over all meetings. In the absence of the Presiding Officer, the alternate may preside.

SECTION 12. Advisory-Council Clerk. The town manager or a designee shall be the clerk. It shall be the duty of the clerk to keep a record of all proceedings, 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 13. Advisory Council-Rule and procedures. Meetings shall be held annually 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 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 shall be public meetings.

SECTION 14. 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 15. Conflicts. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive shall apply.

SECTION 16. 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 Daniel Hughes and seconded by Council Member Garr Reynolds 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>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 1st day of July, 1999.

ATTEST:

TOWN OF FORT MYERS BEACH

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

By: Raymond P. Murphy
Raymond P. Murphy, Mayor

Approved as to form by:

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