

ORDINANCE No. 04-12

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH OLD SAN CARLOS 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: Old San Carlos 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:

Strap	Name		
		244623W3002070000	150 S.C.B.
		244623W30030A0010	POWELL
244623W3000040000	KIRIC	244623W30050A0010	KIRIC
244623W3002030010	INV BROS	244623W30050A0030	RICHARD
244623W3002030020	RICHARD	244623W30050A0080	RICHARD
244623W3002040010	ROESSLER	244623W30050A0130	HVAC
244623W3002040030	HOLLAND	244623W30050A0140	MAY S E
244623W30050A016A	JENKINS	244623W3000260000	KIRIC
244623W30050A018A	P B INV.	244623W3000260030	KIRIC
244623W3000050010	STREIT	244623W3002010010	STREIT
244623W3000240000	SCHULZ		
244623W3002020010	STREIT		
244623W3002020020	STREIT		
244623W3002020030	STREIT		

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 May. 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 Rynearson and seconded by Council Member Van Duzer and, upon being put to a vote, the result was as follows:

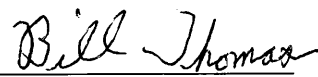
Howard Rynearson	<u>Aye</u>
Don Massucco	<u>Aye</u>
Bill Thomas	<u>Aye</u>
W. H. "Bill" Van Duzer	<u>Aye</u>
Garr Reynolds	<u>Aye</u>

DULY PASSED AND ENACTED this day of June 21, 2004.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Bill Thomas, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney