

ORDINANCE 06-11

AN ORDINANCE AMENDING THE MEMBERSHIP REQUIREMENTS OF THE ANCHORAGE ADVISORY COMMITTEE, CULTURAL AND ENVIRONMENTAL LEARNING CENTER ADVISORY BOARD, COMMUNITY RESOURCE ADVISORY BOARD, MARINE RESOURCE TASK FORCE, PUBLIC SAFETY TASK FORCE, TIMES SQUARE ADVISORY BOARD, AND TRAFFIC MITIGATION AGENCY, PROVIDING AUTHORITY; 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, Chapters 163 and 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. Town Advisory Bodies. This Ordinance amends membership requirements for the following Town advisory bodies: Anchorage Advisory Committee ("AAC"); Cultural and Environmental Learning Center Advisory Board ("CELCAB"); Community Resource Advisory Board (CRAB"); Marine Resource Task Force ("MRTF"); the Public Safety Task Force ("PSTF"); Times Square Advisory Board ("TSA"), and Traffic Mitigation Agency ("TMA").

SECTION 3. Maximum Number of Members in Each Town Advisory Body. Language being added to each existing ordinance is indicated with underlining, as follows: "the (advisory body) shall consist of a minimum of five (5) members and a maximum of seven (7) members appointed by Town Council." The specific ordinances being amended are the AAC Ordinance 06-01, Section 2; CELCAB Ordinance 06-02, Section 3; CRAB Ordinance 06-03, Section 2; MRTF Ordinance 06-04, Section 2; PSTF Ordinance 06-05, Section 2; TSA Ordinance 06-07, Section 2; and TMA Ordinance 06-06, Section 2, with the name of the respective Town advisory body substituted for the language in the parens.

SECTION 4. Extension of Time for Application and Appointment for 2006 only. Language being added to each existing ordinance is indicated with underlining, as follows, and shall apply nunc pro tunc: "All applicants must apply on or before March 1 the appointment year; however, for 2006 only, the application period for membership in (this advisory body) shall be extended to April 19, 2006.Appointments shall be made annually at the first available meeting in April, except that for 2006 only, appointments shall be made at the first general Council meeting after April 19, 2006. The specific ordinances being amended are the AAC Ordinance 06-01, Section 3; CELCAB Ordinance 06-02, Section 2 and Section 3; CRAB Ordinance 06-03, Section 3 and 4; MRTF Ordinance 06-04, Section 3; PSTF Ordinance 06-05, Sections 3 and 4; TSA Ordinance 06-07, Section 3; and TMA Ordinance 06-06, Section 3 and 4), with the name of the respective Town advisory body substituted for the language in the parens.

SECTION 5. Term Limits Language being added to each ordinance is indicated with underlining, as follows: "The term of office of a member of the (advisory body) shall be one (1) year or until a successor has been appointed and has qualified. No member shall serve more than two (2) consecutive terms of one (1) year each. However, after

one (1) year out of office with (this advisory body), any person who has previously served and is otherwise qualified may apply for an additional appointment hereto. The specific ordinances being amended are the AAC Ordinance 06-01, Section 4; CELCAB Ordinance 06-02, Section 3; CRAB Ordinance 06-03, Section 4; MRTF Ordinance 06-04, Section 3; PSTF Ordinance 06-05, Section 4; TSA Ordinance 06-07, Section 3; and TMA Ordinance 06-06, Section 4.), with the name of the respective Town advisory body substituted for the language in the parens.

SECTION 6. Forfeiture of Office. . Language being repealed from the existing ordinances is indicated with ~~strike throughs~~ and entirely new language is indicated with underlining. Forfeiture of Office. A Committee member shall forfeit office if the member:

....(3) Is absent from three ~~consecutive~~ regular (advisory body) committee meetings per year without being excused by the (advisory body). The specific ordinances being amended are the AAC Ordinance 00-14, Section 11(c); CELCAB Ordinance 98-9, Section 7(c); CRAB Ordinance 00-07, Section 7(c); MRTF Ordinance 97-10 Section 7(c); PSTF Ordinance 98-02, Section 7(c); TSA Ordinance 99-9, Section 8 (c); and TMA Ordinance 04-19, Section 7(c)), with the name of the respective Town advisory body substituted for the language in the parens.

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 upon the ordinances of the Town of Fort Myers Beach, 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 Boback and seconded by Council Member Meador and, upon being put to a vote, the result was as follows:

Dennis Boback , Mayor	<u>aye</u>
Don Massucco, Vice Mayor	<u>aye</u>
Charles Meador, Jr.	<u>aye</u>
William Shenko, Jr.	<u>aye</u>
Garr Reynolds	<u>aye</u>

DULY PASSED AND ENACTED this 1st day of March, 2006.

ATTEST:

By: Rachel Lambert
Rachel Lambert, Town Clerk

TOWN OF FORT MYERS BEACH

By: Dennis Boback
Dennis Boback, Mayor

Approved as to form by:

Anne Dalton
Anne Dalton, Town Attorney