

1. Requested Motion:

Meeting Date:

Move that Ordinance 09-06 establishing the Bay Oaks Recreational Campus Advisory Board be moved forward to hearing on _____, 2009, at ___ am/pm

October 19, 2009

Why the action is necessary:

The County has had a long-standing committee for the Bay Oaks facility. With the County's transfer of this facility to the Town, the County is sunsetting its advisory committee. The Town Council has directed that a Town Advisory Committee be created for this campus.

What the action accomplishes:

This provides Town Council with an opportunity to provide further direction as necessary and/or to move the Ordinance forward to hearing.

2. Agenda:

3. Requirement/Purpose:

4. Submitter of Information:

Consent
 Administrative

Resolution
 Ordinance
 Other:

Council
 Department:
 Town Attorney

5. Background:

Attached is draft Ordinance 09-06 to create the Bay Oaks Recreational Campus Advisory Board, for Council review and determination if it is ready at this time to be moved forward to hearing. Only one hearing is required.

The Mission Statement set out in the draft Ordinance was provided by Denny Weimer, Chair of the Ad Hoc BORC Committee, as a consensus statement.

This ordinance contains provisions which mirror other Town advisory committees, except that the Interim Town Manager has requested that (a) the membership not be limited to Town residents only, thereby allowing two (2) of the proposed seven (7) members to be from off-Island; and (b) the prohibition against membership on multiple Town committees be removed. The draft ordinance reflects both of these requests, for further Council review and direction.

6. Alternative Action: Unknown.

7. Management Recommendations:

8. Recommended Approval:

Finance Director	Public Works Director	Comm. Development Director	Town Clerk	Town Attorney	Town Manager
				AD	

9. Council Action:

Approved Denied Deferred Other

Town of Fort Myers Beach
ORDINANCE NO. 09-06
BAY OAKS RECREATION CAMPUS ADVISORY BOARD

AN ORDINANCE ESTABLISHING THE FORT MYERS BEACH BAY OAKS RECREATION CAMPUS ADVISORY BOARD, PROVIDING AUTHORITY, COMPOSITION AND APPOINTMENT; QUALIFICATIONS OF MEMBERS; PURPOSE AND SCOPE; MEMBERS TERMS AND VACANCIES; FORFEITURE OF OFFICE; COMPENSATION OF MEMBERS; ELECTION OF OFFICERS; DUTIES OF OFFICERS; CLERK; RULE AND PROCEDURES; EMPLOYMENT OF STAFF AND EXPERTS; REIMBURSED EXPENSES; FUNCTIONS, POWERS AND DUTIES; COOPERATION WITH BOARD; SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Constitution of the State of Florida and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the measures set forth in this Ordinance are necessary to provide for the protection of public health, safety and welfare of the citizens of the Town; and

WHEREAS, the Town acquired the real property and related structures and personalty, collectively known as Bay Oaks Recreation Campus from Lee County, as of September 30, 2009; and

WHEREAS, the Town Council desires to have an advisory committee comprised of Town citizens and others to assist the Town Council with regard to matters involving the Bay Oaks Recreation Campus.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. Incorporation of WHEREAS Clauses.

The above "Whereas" clauses are hereby incorporated by reference as findings of fact to support this ordinance.

Section 2. Creation of Board.

A town advisory board to be known as the Town of Fort Myers Beach Bay Oaks Recreation Campus Advisory Board (BORC-AB) is hereby created.

Section 3. BORC Mission Statement

The BORC mission statement is as follows: the Bay Oaks Recreational Campus (BORC) serves the Town of Fort Myers Beach and surrounding area as a community center and recreational facility providing individuals and groups passive and active recreational, social and community activities and events for both residents and visitors. Programs offered will be well-rounded and developed to serve the varying needs of our youngest to oldest patrons in a safe healthy environment. As a community center BORC is a key resource in bringing people together to develop their sense of community and common interests. The BORC park grounds, facilities and recreational offerings promote the development of group and individual health, fitness and personal advancement

Section 4. Purpose and Scope.

The purpose of BORC-AD is to facilitate the accomplishment of the BORC's mission statement and thereby to further the welfare of the citizens of the Town and other utilizing the Bay Oaks Recreation Campus and its facilities, as well as to provide advice to the Town Council upon request with regard to matters concerning the BORC and perform such other duties as the Town Council may, from time to time, assign to it.

Section 5. Composition, Appointment, Term of Office.

- A. There shall be no less than five (5) members and no more than seven (7) members of BORC-AB. A quorum shall consist of fifty percent (50%) plus one person of the total number of persons appointed by Council for this committee at any given time.
- B. Each member shall serve for a period of two (2) years or until a successor has been appointed and has qualified. However, in November, 2009 only, three (3) persons shall be initially appointed by Town Council to serve until the time of the Council appointments in October, 2010, as set forth below, and four (4) persons shall be appointed by Town Council to serve until the time of the Council appointments in October, 2011, so as to create staggered terms of office. There shall be no restrictions on the number of terms for which an otherwise qualified BORC-AB member can be appointed to serve.
- C. The Town Council shall appoint members in October of each year, commencing in October, 2010. Anyone wishing to serve on this board must apply no later than September 1 of such year. However, for 2009 only, the deadline for application will be October 31, 2009 and appointments will occur at the first available Town Council meeting in November, 2009. Each application will include a short biography and short explanation as to why the applicant wishes to serve on BORC-AB. Any vacancies in BORC-AB shall be filled by the Council within thirty (30) days of creation of such vacancy if possible, and shall be for the remainder of the term created by such vacancy.
- D. Membership on the BORC-AB shall not render a person ineligible for membership on any other advisory committee for the Town of Fort Myers Beach during his/her term of office. One spouse per household will be eligible for membership on the BORC-AB during any given term of office. No current member of Town Council shall be eligible to serve on this committee. Two (2) members may reside outside the municipal boundaries of the Town and all remaining members must be residents of the Town of

