

Town of Fort Myers Beach
Agenda Item Summary

Blue Sheet Number: 2012-020

1. **Requested Motion:** Motion to adopt ordinance 12-01, amendment to BORCAB

Meeting Date: 3.05.2012

Why the action is necessary: BORCAB requested a modification in the quorum requirements of ordinance 09-06.

What the action accomplishes: Complies with State law to hold a public hearing for adoption of ordinances.

2. **Agenda:**

Consent
 Administrative

3. **Requirement/Purpose:**

Resolution
 Ordinance
 Other

4. **Submitter of Information:**

Council
 Town Staff
 Town Attorney

5. **Background:** BORCAB has requested an amendment to the ordinance that created BORCAB to change the quorum requirement to a simple majority. At the February 21, 2012 meeting, the Council moved the introduction to ordinance 12-01 to the March 5, 2012 meeting date for final public hearing.

6. **Alternative Action:** Decline to adopt the proposed ordinance or continue the hearing to another date certain.

7. **Management Recommendations:** Adopt ordinance 12-01.

8. **Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

9. **Council Action:**

Approved Denied Deferred Other

ORDINANCE NO. 12-01

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV, DIVISION 3 IN THE CODE OF ORDINANCES, "BAY OAKS RECREATIONAL CAMPUS ADVISORY BOARD;" AMENDING SECTION 2-145(a), "COMPOSITION; APPOINTMENT PROCEDURE; TERM OF OFFICE," BY AMENDING THE QUORUM REQUIREMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. Section 2-145(a) of the Town of Fort Myers Beach Code of Ordinances is hereby amended as follows:

Sec. 2-145. Composition; appointment procedure; term of office.

(a) There shall be no less than five members and no more than seven members of BORC-AB. ~~A quorum shall consist of a majority plus one person of the total number of persons appointed by the council for this committee at any given time.~~

Section 2. 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 3. Effective Date. This ordinance shall take effect immediately upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Larry Kiker, Mayor
Joe Kosinski
Alan Mandel

Bob Raymond, Vice Mayor
Jo List

DULY PASSED AND ADOPTED THIS ____ DAY OF _____ 2011, BY THE
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

ATTEST:

By: _____
Larry Kiker, Mayor

By: _____
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By: _____
FOWLER WHITE BOGGS, Town Attorney