

Town of Fort Myers Beach  
Agenda Item Summary

Blue Sheet Number: 2012-129

**1. Requested Motion:** Motion to introduce ordinance 12-10, amending Ordinance 12-06, Public Safety Committee, and set a public hearing date for January 7, 2013 at 9:00 AM.

**Meeting Date:** 12/17/12

**Why the action is necessary:** State law provides that prior to adoption of an ordinance, it must be read by title at a public meeting at least once prior to the date when it is adopted.

**What the action accomplishes:** Introduces the ordinance by reading the title and sets a public hearing date for the ordinance.

**2. Agenda:**

Consent  
 Administrative

**3. Requirement/Purpose:**

Resolution  
 Ordinance  
 Other

**4. Submitter of Information:**

Council  
 Town Staff  
 Town Attorney

**5. Background:** The Town Council has expressed a desire to include two *ex officio* non-voting members to the Public Safety Committee, one member from the Lee County Sheriff's Office and one member from the Fort Myers Beach Fire District. Since the Committee, including the composition of its members, was established by ordinance, the ordinance must be amended to include these new members.

**6. Alternative Action:** Decline to introduce the proposed ordinance and set a public hearing date.

**7. Management Recommendations:** Introduce the ordinance and set a public hearing date.

**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 12-10

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, DIVISION 7 OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES, "PUBLIC SAFETY COMMITTEE;" AMENDING SECTION 2-313 BY ADDING A NEW SUBSECTION (g) RELATING TO THE APPOINTMENT OF *EX OFFICIO* NON-VOTING MEMBERS TO THE COMMITTEE; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

**Section 1.** Chapter 2, Article IV, Division 7, Section 2-313 of the Town of Fort Myers Beach Code of Ordinances is hereby amended as follows:

**Sec. 2-313. Composition; appointment procedure; term of office.**

(a) There shall be no less than five (5) members and no more than seven (7) members of the Public Safety Committee. A quorum of the Committee shall be a majority of the total number of persons appointed by the council for the committee at any given time.

(b) Each member shall serve on the committee for a period of two (2) years or until a successor has been appointed and has qualified, provided, however, that in order to provide for staggered terms, appointments made in 2012 shall be equally distributed between one (1) and two (2) year terms. If there is an uneven number of appointees in 2012, then the staggering of terms shall be such that one-half of the members plus one shall be appointed to two (2) year terms and the remainder shall be appointed for one (1) year terms. There shall be no restriction on the number of terms to which an otherwise qualified Public Safety Committee member may be appointed.

(c) With the exception of the initial appointments in 2012, Town Council shall appoint members in October of each year. Persons who desire to serve on the committee must submit an application to the Town Clerk no later than September 1 in order to be eligible for appointment the following October. Each application should include a short biography and explanation as to why the applicant wishes to serve on the Public Safety Committee. Any vacancy that occurs on the Public Safety Committee, other than a vacancy created by the expiration of a term, shall be filled by appointment by the Town Council within thirty (30) days of the occurrence of the vacancy, or as soon thereafter as practicable. Such appointment to fill a vacancy shall be for the remainder of the term for the seat where the vacancy occurred.

(d) Membership on the Public Safety Committee shall not render a person ineligible for appointment to any other Town advisory committee or board. Only one member of the same household shall be eligible to serve on the Public Safety Committee at the same

time. No current member of Town Council, or the spouse or child of that member, shall be eligible to serve on the Public Safety Committee. All members of the Public Safety Committee must be residents of the Town at the time of application for appointment and during the time they serve on the Committee.

(e) The members of the Public Safety Committee shall elect a chairperson and vice-chairperson at the November meeting of each year, provided, however, that for 2012 only, such election shall occur at the first meeting of the Public Safety Committee following initial appointments by Town Council. The chairperson shall preside over all meetings and sign all minutes. The vice-chairperson shall preside in the absence of the chairperson.

(f) The Public Safety Committee shall meet at least every other month, with the initial meeting to be held within thirty (30) days of the initial member appointments by Town Council. The Committee may meet more frequently as determined by a majority of its members or by the chairperson. The Committee shall adopt policies and procedures for the transaction of its business and minutes of all meetings shall be kept. All meetings shall be publicly noticed as required by law.

(g) In addition to the regular members of the Public Safety Committee as specified in subsection (a) of this Section, the Town Council shall appoint one (1) *ex officio*, non-voting member from the Lee County Sheriff's Office and one (1) *ex officio*, non-voting member from the Fort Myers Beach Fire District. Such *ex officio* members of the Committee are not required to be Town residents, shall be entitled to participate in all discussions of the Committee, but shall not be entitled to vote on any measure.

**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:

Bob Raymond, Mayor  
Joe Kosinski  
Dan Andre

Alan Mandel, Vice Mayor  
Jo List

DULY PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2012, BY THE

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH.

ATTEST:

By: \_\_\_\_\_  
Bob Raymond, Mayor

By: \_\_\_\_\_  
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By: \_\_\_\_\_  
FOWLER WHITE BOGGS, Town Attorney