

ORDINANCE 06-07

AN ORDINANCE AMENDING THE TOWN OF FORT MYERS BEACH TIMES SQUARE M.S.B.U. ORDINANCE; PROVIDING AUTHORITY; AMENDMENT TO SECTION 6. ADVISORY COUNCIL; AMENDMENT TO SECTION 7. MEMBER TERM AND VACANCIES; 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, Chapter 166, Florida Statutes, and other applicable provisions of law. Additions to the prior Ordinance(s) are indicated by underlining and deletions to the prior Ordinance(s) are indicated by ~~strikethroughs~~.

SECTION 2. The provisions of Section 6. Advisory Council, of Ordinance 99-09, Town Of Fort Myers Beach Times Square M.S.B.U. , as amended by Ordinances 01-04, 02-06, and 05-13, are further amended to read as follows:

SECTION 6. Advisory Council. There is hereby established an advisory council to the board of directors comprised of ~~not less than five nor more than~~ seven members. At the time of application for membership and during the period of service thereon, all members must be either residents of the district or property owners or persons designated by a property owner as their agent (one each) of the district; however, any person designated as an agent of a property owner hereunder shall be specifically approved by Town Council prior to such appointment being effective. ~~who shall not be salaried officials of the town. The number of members of this advisory council in existence upon the effective date of this Ordinance shall be reduced to seven (7) by attrition. Therefore, upon the resignation, disqualification, or death of a member, or expiration (if any) of a member's term, no person shall be added to the membership of advisory council until the total membership of this council is reduced to seven (7) persons. At that time, the normal process of selection of new members shall resume.~~ In addition to their duty to recommend special assessments, they shall also review and make recommendations to the Town Council on a calendar of events, with proposed budget, and on any capital improvements proposed for the M.S.B. U. area.

SECTION 3. The provisions of Section 7. Advisory Council- Member's term and vacancies of Ordinance 99-09, Town Of Fort Myers Beach Times Square M.S.B.U. , are amended to read as follows:

SECTION 7. Advisory Council – Member's term, qualification, and vacancies. The term of office of a member shall be one year or until a successor has been appointed and has qualified, but shall not extend past March 31 of any given year. Membership on the Advisory Council shall 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 Advisory Council during any given term of office. No current member of Town Council shall be eligible to serve on the Advisory Council. All applicants must apply on or before March 1 of the appointment year, with each application being submitted on a one sheet, 8 1/2" by 11" paper, and include a short biography and short explanation as to why the applicant wishes to serve on the Advisory Council. Appointments shall be made annually at the first meeting of the council in January April. Vacancies shall be filled within thirty days by the council for the remainder of the term. ~~within thirty days.~~

SECTION 4. 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 5. Effect of Ordinance. The provisions of this Ordinance shall be deemed cumulative and supplemental and shall have no legal effect upon the ordinance establishing the Town Of Fort Myers Beach Times Square M.S.B.U. Ordinance except as expressly provided.

SECTION 6. Effective Date. This ordinance shall become effective immediately upon its adoption.

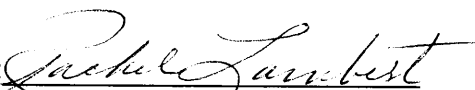
The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Boback and seconded by Council Member Shenko and, upon being put to a vote, the result was as follows:


Garr Reynolds, Mayor Aye
Don Massucco, Vice Mayor Aye
Dennis Boback Aye
Charles Meador, Jr. Aye
William Shenko, Jr. Aye

DULY PASSED AND ENACTED this 23rd day of January, 2006.


ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Rachel Lambert, Town Clerk

By: 
Garr Reynolds, Mayor

Approved as to form by:


Anne Dalton, Town Attorney