

## ORDINANCE 13-04

**AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV, BOARDS AND COMMISSIONS, OF THE CODE OF ORDINANCES; PROVIDING CHANGES TO THE TERMS OF OFFICE; PROVIDING FOR INCORPORATION, CONFLICT, AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII of the State Constitution 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**, Section 1.01 of the Marco Island City Charter empowers the City to adopt, amend, or repeal such ordinances, resolutions, and codes as may be required for the good governing of the City; and

**WHEREAS**, City Council desires to amend the terms of office for board and committee members.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY COUNCIL OF MARCO ISLAND, FLORIDA:**

**Section 1.** Chapter 2, Article IV, Boards and Commissions be amended as follows (with underlining indicating additions and strikethrough indicating deletions):

**Sec. 2-201. Procedure for Establishment.**

Boards, committees, or commissions may be established by ordinance, resolution, or motion at the discretion of city council. and shall also describe the duties and the qualifications of its members.

**Sec. 2-202 Qualifications of Members.**

In addition to qualifications that may be specified for membership by state statutes, the Charter, ordinance, resolution, or motion, a person appointed to a board, committee, or commission shall be a resident of the city, shall be a registered elector, and shall serve without compensation.

## **Sec. 2-203 Appointment of Members; Vacancies.**

Except as otherwise provided by state statutes, ordinance, resolution, or motion, appointments to a board, committee, or commission shall be filled by the city council in accordance with the following procedure:

- (1) The city council may direct the city manager to advertise a vacancy and seek resumes from interested members of the public willing to accept appointment.
- (2) The composition of each board, committee, or commission shall consist of seven (7) members. Each city council member shall reserve the right to recommend the appointment of one (1) member. The city council may accept or reject the recommendation.
- (3) If a vacancy occurs on the board, committee, or commission during the term of the council member, that council member shall have the right to recommend a replacement to fill the vacancy to complete the unexpired term. City council may accept or reject the recommendation.
- (4) The city council may delegate the appointment of advisory committees to the city manager.

## **Sec. 2-204. Terms of Members.**

Unless otherwise regulated by state statutes, ordinance, resolution, or motion, the following shall apply:

- ~~(1) The members appointed to the Code Enforcement Board shall serve three (3) year staggered terms.~~
- ~~(2) The members appointed to the Planning Board shall serve two (2) year terms.~~

The members appointed to ~~other~~ all boards, committees, or commissions shall serve ~~two (2) year terms~~ staggered terms that run concurrently with the terms of office of the appointing city council member.

- a. Such staggered terms shall commence for appointed member as follows:
  - i. June 1 following the election of the appointing city council member for the Audit Advisory Committee and the Code Compliance Board.

- ii. February 1 following the election of the appointing city council member for all other boards, committees, or commissions.
  - b. Such staggered terms shall end for appointed members at the earliest of any of the following:
    - i. May 31 following the election for which the appointing city council member did qualify, or would have been qualified, to seek re-election, or was term-limited, in the case of appointments to the Audit Advisory Committee and the Code Compliance Board; or
    - ii. January 31 following the election for which the appointing city council member did qualify, or would have been qualified, to seek re-election, or was term-limited, in the case of appointments to all other boards, committees, or commissions; or
    - iii. Upon replacement by a person appointed by the procedure described in Section 203 of this Ordinance; or
    - iv. Upon removal by majority vote of city council.
  - c. No members appointed to, or remaining on any boards, committees or commissions after February 1, 2013 may be re-appointed more than one time, nor may serve more than a total of eight (8) years on any board, committee or commission, nor any combination of boards, committees or commissions..
  - d. If reappointment or replacement is not made prior to or at the expiration of a term of office, the member shall continue to serve until a re-appointment or replacement is made.
  - e. Members of city council elected prior to November 2012 shall be permitted to continue their current appointees, or to make new appointments, and all such members serving on any board, committee or commission shall have terms that run concurrently with the term of office of the respective city council members, as specified in paragraph (1)
- ~~(3) The members of all boards, committees or commissions may be re-appointed to an additional term(s).~~
- ~~(4) The term of office of all boards, committees or commissions, shall expire on the first day of June. If a re-appointment or replacement is not made~~

~~prior to or at the expiration of a term of office, the member shall continue to serve until a re-appointment or replacement is made.~~

### **Sec. 2-205. Removal of Members.**

Unless otherwise precluded by state statutes, ordinance, resolution, or motion, any member of a board, committee, or commission shall serve at the pleasure of city council and may be removed by city council with or without cause.

### **Sec. 2-206. Meetings; Attendance Requirements.**

(1) Regular Meetings. Meetings shall be scheduled in accordance with the ordinance or resolution authorizing the establishment of the board, committee, or commission. Public Notice of the meeting shall be provided in accordance with procedures adopted for city council meetings. Meetings may be called by the committee chair or by the city manager or his/her designee.

(2) Quorum. A majority of all members appointed to the board, committee, or commission shall constitute a quorum for the transaction of business unless otherwise required by the ordinance or resolution authorizing the establishment of a particular board, committee, or commission.

(3) Minutes. A written record of the proceedings of the board, committee, or commission shall be kept showing its action on each question considered. Such record shall be filed with the city clerk and shall be open to public inspection.

(4) Attendance. Unless otherwise provided by state statute, ordinance, resolution, or motion, absence from thirty percent of the meetings held by a board, committee, or commission within any twelve month period, which period shall be considered to be the twelve month period immediately prior to and including the day of the last absence, shall automatically operate to vacate the seat of a member.

### **Sec. 2-207. Rules of Procedure.**

Unless otherwise regulated by state statutes, ordinance, or resolution, the City Manager shall prepare standard Rules of Procedure for the conduct of meetings. Such Rules of Procedure shall be followed by each appointed Board, Committee, or Commission.

### **Sec. 2-208. Authority of Council Regarding Establishment and Dissolution.**

Unless otherwise regulated by state statutes, the city council may establish and dissolve a city board, committee, or commission.

### **Section 3. Incorporation, Conflict, and Severability.**

(1) It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.

(2) All sections or parts of sections of the Code of Ordinances of the City of Marco Island, all ordinances or parts of ordinances, all resolutions or parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

(3) If any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of the remaining portion.

**Section 4 Effective Date.**

This Ordinance shall take effect immediately upon adoption by the Marco Island City Council.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 22<sup>nd</sup> day of January, 2013.

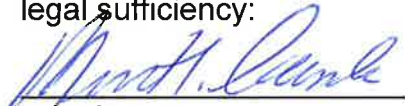
Attest:

  
\_\_\_\_\_  
Laura Litzan  
City Clerk

CITY OF MARCO ISLAND, FLORIDA

BY:   
\_\_\_\_\_  
Joe Batte, Council Chairman

Approved as to form and  
legal sufficiency:

  
\_\_\_\_\_  
Burt Saunders  
City Attorney

