

**CITY OF MARCO ISLAND
ORDINANCE 2004- 02**

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV, (BOARDS AND COMMISSIONS) OF THE CODE OF ORDINANCES; PROVIDING FOR PROCEDURES FOR ESTABLISHMENT, APPOINTMENT, TERMS OF MEMBERS, REMOVAL, MEETINGS, RULES OF PROCEDURE; AND PROVIDING A SEVERABILITY CLAUSE, CONFLICT PROVISION AND 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 ordinances, resolutions, and codes as may be required for the good governing of the City; and

WHEREAS, City Council desires to amend appointment procedures as provided in Chapter 2, Article IV, Boards and Commissions.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Marco Island, Florida that:

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 members. Each council member shall reserve the right to recommend the appointment of one member. The city council may accept or reject the recommendation offered by the council member.
- (3) If a vacancy occurs on the board, committee, or commission during the term of the council member shall have the right to recommend a replacement to fill the vacancy to complete the unexpired term. The 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. Term 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.
- (3) The members appointed to other boards, commissions, or committees shall serve two (2) year terms.
- (4) The members of all boards, commissions, or committees may be re-appointed to an additional term(s).
- (5) The term of office of all boards, commissions, or committees 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 the city council and may be removed by the 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 chairman or by the city manager or his 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, resolution, or motion, 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 dissolve a city board, committee, or commission.

Section 2. 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 relettered 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, be and the same are hereby repealed to the extent of the conflict.

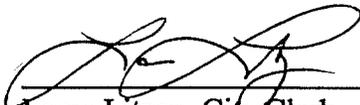
(3) If any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not

Section 3. Effective Date.

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

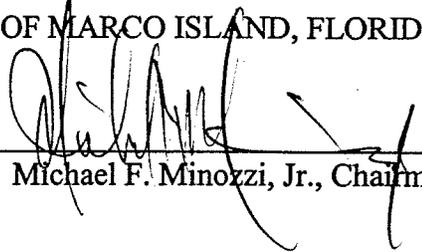
Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 1st day of March 2004.

Attest:



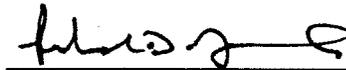
Laura Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

BY: 

Michael F. Minozzi, Jr., Chairman

Approved as to form and legal sufficiency:



Richard D. Yovanovich, Esquire
City Attorney