



ORDINANCE NO. 2009-16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2001-55, AS AMENDED, WHICH ESTABLISHED STANDARDS FOR CREATION AND REVIEW OF COUNTY BOARDS, BY AMENDING SECTION FIVE, "QUALIFICATIONS AND REQUIREMENTS FOR MEMBERSHIP ON BOARDS," TO ALLOW SERVICE ON MORE THAN TWO COUNTY BOARDS SIMULTANEOUSLY, BY AMENDING SECTION SEVEN, "TERM OF OFFICE," TO ELIMINATE TERM LIMITS; AND BY DELETING SECTION NINE, "REVIEW OF BOARDS" IN ITS ENTIRETY; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in keeping with its policy to promote economy, efficiency and improve service in the transaction of the public business by County Boards, the Board of County Commissioners, through adoption of Ordinance No. 2001-55, established standards for creation and review of County boards; and

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
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WHEREAS, Ordinance 2001-55 was subsequently amended through the adoption of Ordinance No. 2006-39 and Ordinance No. 2007-58; and

WHEREAS, the Board of County Commissioners desires to further amend Ordinance No. 2001-55, specifically, Section Five entitled, "Qualifications and Requirements for Membership on Boards," to allow persons to serve on more than two County Boards simultaneously; Section Seven entitled, "Term of Office," to eliminate terms limits; and to delete Section Nine, "Review of Boards" in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: AMENDMENT TO SECTION FIVE OF ORDINANCE NO. 2001-55, AS AMENDED.

Section Five is hereby amended to read as follows:

SECTION FIVE: Qualifications and Requirements for Membership on Boards.

Words Underlined are added; Words ~~Struck-Through~~ are deleted.

- A. All members of County Boards shall be permanent residents and electors of Collier County and should be reputable and active in community service. The foregoing requirement may be exempted, however, if an ordinance creating a board specifies the need for membership outside Collier County's boundaries. In addition, all Board members should have demonstrated an interest in the activity or service, which is the purpose of the Board. The provisions of this paragraph may be exempted, however, if an ordinance creating a board specifies the need for membership outside Collier County's boundaries.
- B. Any member of a County Board who ceases to be a resident of Collier County during his or her term of office shall immediately advise the Commission of such change in status. Upon such notice, the Commission shall declare the position to be vacant and shall promptly fill same pursuant to the provisions of Section Six, herein.
- C. The Commission's primary consideration in appointing Board members shall be to provide the Board with the technical, professional, financial, business or administrative expertise necessary to effectively accomplish the Board's purpose. Categories of expertise referenced by County Board's Ordinances as qualifications for board membership are considered to be primarily directory and not mandatory.
- ~~D. No person shall serve on more than two County Boards simultaneously. If application is made for service on a third board, the applicant must resign simultaneously from one of his or her current Board positions, or the application for a third board shall be disqualified. This provision, however, may be waived to allow for service on additional Boards provided the Commission votes unanimously to waive such provision.~~
- E. D. No member of any County Board shall become a candidate for an elective political office and continue to serve on such board during his or her candidacy unless such Board member/candidate is running unopposed for a non-remunerative elective position or an elective position receiving nominal remuneration, such as the Mosquito Control District Board or a fire district board. Should any County Board member compete for an elective non-remunerative political office or a nominally-remunerative political office on the date applications for candidacy expire, such candidacy shall be deemed a tender of

Words Underlined are added; Words ~~Struck Through~~ are deleted.

resignation from such Board and the Board shall immediately advise the Commission in writing of said resignation. No Board Member shall be required to resign or deemed to have tendered his or her resignation unless such candidacy is being opposed. The Commission shall deem the position vacant upon receipt of written notice of said resignation. The Board member shall not serve at any meetings after his or her position becomes vacant pursuant to this Ordinance. This provision shall not apply to candidates who currently serve in elected positions and who are seeking re-election.

F. E. The commencement of a legal challenge by a Board member as a plaintiff in a lawsuit against Collier County shall constitute a conflict of interest with Collier County and shall be deemed a tender of resignation from such Board. The County Board member's position shall automatically be considered vacant and the Commission shall promptly fill same pursuant to the provisions of Section Six, herein.

G. F. No member of any County Board, as defined herein, shall print or create, or have printed or created, or use or distribute any business or informational card depicting the County logo or in any way representing such Board member as a representative of Collier County or as a County Board member. The County Manager or his or her designee may, upon request and prior approval in writing, authorize the County Board members to obtain a County photo identification card identifying such members as a County advisory Board member.

**SECTION TWO: AMENDMENT TO SECTION SEVEN OF ORDINANCE NO. 2001-55,
AS AMENDED.**

Section Seven is hereby amended to read as follows:

SECTION SEVEN: Term of Office.

A. Terms of office shall be staggered.

~~B. Terms of office for Board members shall be limited to two consecutive terms of service on any one Board; provided, however, that appointment of a Board member to an initial term of one year shall not be considered a "term of office" for purpose of the limitations set forth in this section, and such members shall be entitled to serve two additional terms if so appointed.~~

Words Underlined are added; Words ~~Struck Through~~ are deleted.

- ~~C. Appointments to fill a vacancy for the remainder or balance of a term of office shall be considered a term of office for the purpose of the limitations set forth in subsection (b), above, only if the remainder of the term to be served exceeds 50 percent of the full term.~~
- ~~D. By unanimous vote of the commission, the limitations set forth in subsection (b) above may be waived.~~
- ~~E. Nothing set forth in this section shall prohibit any individual from being reappointed to a board after a hiatus of two years.~~
- F. B. All members of Boards created by the Commission shall serve at the pleasure of the Commission and may automatically be removed by a majority vote of the quorum of the Commission.

SECTION THREE: DELETION OF SECTION NINE, ENTITLED "REVIEW OF BOARDS," OF ORDINANCE NO. 2001-55, AS AMENDED.

Section Nine, entitled "Review of Boards," is hereby deleted in its entirety and the remaining Sections of Ordinance No. 2001-55, as amended, are renumbered accordingly.

SECTION FOUR: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is 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 portion.

SECTION FIVE: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article,"

or any other appropriate word. All references in the Code of Laws and Ordinances to Ordinance No. 86-41 and its amendments shall be changed to reflect the number assigned to this Ordinance.

SECTION SIX: EFFECTIVE DATE.

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 14th day of April, 2009.

ATTEST
DWIGHT E. BROCK, CLERK

By: [Signature]
Deputy Clerk

Attest as to Chairman's signature only

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: [Signature]
DONNA FIALA, CHAIRMAN

Approved as to form
and legal sufficiency:

[Signature]
Jeffrey A. Klatzkow
County Attorney

This ordinance filed with the
Secretary of State's Office the
17th day of April, 2009
and acknowledgement of that
filing received this 27th day
of April, 2009
By: [Signature]
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2009-16

Which was adopted by the Board of County Commissioners on the 14th day of April, 2009, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 15th day of April, 2009.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners


By: Martha Vergara
Deputy Clerk