

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL CREATING AND ESTABLISHING THE WATERWAY ADVISORY BOARD; AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE V, BOARDS AND COMMISSIONS, CREATING DIVISION 14, WATERWAY ADVISORY BOARD; PROVIDING PURPOSE AND CREATION; POWERS AND DUTIES; MEMBERSHIP AND APPOINTMENT, TERM, AND VACANCIES AND FORFEITURE OF OFFICE; MEETINGS, PROCEDURES, RECORDS AND QUORUM; COMPENSATION; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cape Coral wishes to establish an advisory board for the purpose of making policy recommendations related to the health, safety, maintenance, and sustainability of Cape Coral's waterways.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the City of Cape Coral, Chapter 2, Administration, Article V, Boards and Commissions, is hereby amended to create Division 14, Waterway Advisory Board, and to read as follows:

DIVISION 14. WATERWAY ADVISORY BOARD

Sec. 2-120.51. Purpose and Creation

In order to serve the Cape Coral City Council in an advisory capacity on matters concerning Cape Coral waterways, the City of Cape Coral Waterway Advisory Board is created to make recommendations and furnish input and helpful information to the City Council to assist them in their policy making as it pertains to the City's public navigable waterways. The Board shall make nonbinding policy recommendations specifically related to the health, safety, maintenance and sustainability of Cape Coral's waterways. Moreover, the Board shall seek to ensure that the waterways remain accessible for recreational use and enjoyment of all.

Sec. 2-120.52. Powers and Duties

A. Powers and Duties. The City of Cape Coral Waterway Advisory Board shall provide the City Council with input and review, evaluation, recommendations, and reports on any matter it considers appropriate, including the following:

1. Conditions of waterways and needed corrections, including study of the most feasible and economical method of maintaining the depths of waterways within the City;
2. Waterway safety and traffic control on waterways;
3. Regulation of waterskiing;
4. Operation of City marinas, boat launching, docks, etc.;
5. Sanitation problems and proposed laws governing effluents from boats;
6. Water quality;
7. Recreational opportunities;
8. Advertising and publicity.

Sec. 2-120.53. Membership and Appointment, Term, and Vacancies and Forfeiture of Office

A. Membership and appointment. The City of Cape Coral Waterway Advisory Board shall have seven (7) regular members and two (2) alternate members, appointed by majority vote of the City Council. When substituting for an absent member, the alternate member may vote and participate in all discussions of the Advisory Board in the same manner and to the same

extent as the regular members of the Advisory Board. When not substituting for an absent member, the alternate member shall not vote on any matter before the Advisory Board, but may participate in all discussions of the Advisory Board in the same manner and to the same extent as the regular members of the Advisory Board. Alternate members shall substitute for absent members on a rotating basis. The members shall be residents of the City of Cape Coral. If practicable, the composition of the Board shall reflect a broad cross-section of all residents of the City of Cape Coral. The City Council shall consider factors such as the following in making appointments to the Board:

1. Geographic diversity of applicants;
 2. Experience of applicants with fresh water or salt water;
 3. Interest of applicants in waterways, such as fishing, boating, residing on water;
 4. Background, education or experience of applicants in water-related matters;
 5. Whether applicants have direct or indirect access to waterways.
- B. Term. The initial board shall consist of three members who shall serve for a period of one year, four members who shall serve for a period of two years, and two alternates who shall serve for a period of two years. Thereafter members shall serve for a period of two years from the date of their appointment.
- C. Vacancies and forfeiture of office. Any vacancy on the Board shall be filled for the unexpired portion of the term in the same manner as the original appointment. Board members shall be subject to the forfeiture of office provisions of § 2-58 of the Cape Coral Code of Ordinances.
- D. The City Council shall appoint a City Council member to serve as a liaison between the City Council and the Advisory Board.

Sec. 2-120.54. Meetings, Procedures, Records, and Quorum

- A. Meetings. The City of Cape Coral Waterway Advisory Board shall hold meetings on a regular bi-monthly basis. Special meetings may be called by the chairperson when deemed imperative. Meetings may be cancelled by the chairperson in the absence of business. Notice of the date, time, and location and the agenda for all meetings of the Board shall be provided to the City Clerk in a timely manner prior to the meeting for inclusion in the notice of public meetings in order to comply with Sunshine Law regulations.
- B. Procedures. The City of Cape Coral Waterway Advisory Board shall elect a chairperson and vice-chairperson from among its members to serve for a term of one year. The chairperson shall preside at all meetings and exercise all the usual rights, duties, and prerogatives of chairperson. The vice-chairperson shall perform the duties of the chairperson in the absence or disability of the chairperson. Robert's Rules of Order shall guide all meetings of the Board.
- C. Records. The City Clerk shall keep minutes and records of all meetings of the City of Cape Coral Waterway Advisory Board, and all meetings shall be open to the public.
- D. Quorum. The presence of a majority of the members of the City of Cape Coral Waterway Advisory Board shall constitute a quorum for the transaction of business.

Sec. 2-120.55. Compensation

The members of the City of Cape Coral Waterway Advisory Board shall serve without compensation, but may be reimbursed for travel, mileage, and per diem expenses as may be authorized by City Council.

Section 2. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

Section 3. Effective Date. This ordinance shall take effect immediately upon its adoption by the Cape Coral City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS 7th DAY OF December, 2020.

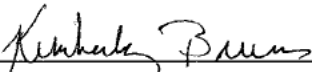


JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	<u>aye</u>	NELSON	<u>aye</u>
GUNTER	<u>aye</u>	WELSH	<u>aye</u>
SHEPPARD	<u>aye</u>	WILLIAMS	<u>excused</u>
HAYDEN	<u>aye</u>	COSDEN	<u>aye</u>

ATTESTED TO AND FILED IN MY OFFICE THIS 14th DAY OF December, 2020.



KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



DOLORES D. MENENDEZ
CITY ATTORNEY
Ord\Waterway Advisory Board-Updated
12/7/2020