

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: March 21, 2007

Division: County Attorney

Bulk Item: Yes X No

Department: County Attorney

AGENDA ITEM WORDING:

Approval to advertise a public hearing for an ordinance amending Sec. 6-85 of the Monroe County Code relating to Terms of Office; Removal and Vacancies of members on the Contractors Examining Board.

ITEM BACKGROUND:

The Contractors Examining Board is totally comprised of volunteers. The members of the board include members from the community with no contracting background as well as contractors from the various disciplines of the contracting community. The current ordinance places term limits on the members of the board which is proving to be a disservice to the community. It is becoming increasingly difficult to find volunteers willing to devote the time and energy the Board demands. By amending the ordinance the Board will not be deprived of the services of an otherwise qualified member.

PREVIOUS RELEVANT BOCC ACTION:

Section 6-90 was last amended by the BOCC in 2003 by ordinance 038-2003

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval to advertise.

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY:

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No

AMOUNT PER MONTH **Year**

APPROVED BY: County Atty OMB/Purchasing Risk Management

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM #

ORDINANCE NO. _____ - 2007

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AMENDING CHAPTER 6 OF THE MONROE COUNTY CODE ENTITLED "BUILDINGS AND CONSTRUCTION" BY AMENDING SEC. 6-85 REPEALING TERM LIMITS FOR MEMBERS OF THE CONTRACTORS EXAMINING BOARD; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners finds it necessary to regulate building construction practices to further the public health, safety, and welfare of the citizens of Monroe County; and

WHEREAS, Florida Statutes Sec. 489.127(5) authorizes local governments to enforce codes and ordinances regulating contractors; and

WHEREAS, Florida Statutes 489.127 authorizes local governments to establish a Local Construction Regulation Board; and

WHEREAS, existing law provides for term limits for members which has proven to deprive the Board of otherwise qualified candidates to serve as members;

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

Section 1. Section 6-85 of the Monroe County Code shall be amended as follows*:

Sec. 6-85. Terms of office; removal, vacancies.

(a) Each member, regular or alternate, shall be selected for a period of three (3) years. ~~and shall be permitted to serve no more than three (3) consecutive terms.~~ Upon expiration of a member's term, any member, regular or alternate, who has served in good standing and receives the recommendation of a quorum of the examining board, shall be eligible for reappointment to the examining board. Nothing contained in this section shall be construed to impose any limit on the number of terms, consecutive or otherwise, any individual member can serve.

(b) Any member, regular or alternate, of the examining board may be removed from office by a majority vote of the 5 members of the board of county commissioners.

(c) Any vacancy occurring during the unexpired term of office of any member, regular or alternate, of the examining board shall be filled by the board of county commissioners for the unexpired term thirty (30) days after such vacancy occurs.

(d) Any regular member of the contractor's examining board who absents himself from any three (3) consecutive regular meetings of the contractor's examining board, unless excused from such attendance by consent of the board, expressed by action of record in its official minutes, or who is absent from a total of four (4) regular meetings of the board in any fiscal year without having been excused from such attendance by consent of the board expressed by action of record in its official minutes shall thereby automatically forfeit his position and office as a member of the contractor's examining board; and the name of such person shall be automatically removed from the membership of the board immediately after the adjournment of any such third consecutive meeting or any such fourth meeting in any fiscal year, as the case may be, at which such member has not appeared. The board shall thereupon promptly notify the member so removed, and the board of county commissioners for Monroe County shall thereupon appoint a new member to serve the remainder of the unexpired term for the member so removed.

(Ord. No. 16-1975, § 6(C); Ord. No. 46-1988, § 2; Ord. No. 18-1991, § 1; Ord. No. 10-1993, §§ 4--7; Ord. No. 038-2003, § 1)

Section 2. Ordinance Codified. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 3. Effective Date. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

* - Deleted language is shown with strikethrough's, new language is underlined.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the ____ day of _____, 2007.

Mayor Mario DiGennarro _____
Mayor Pro Tem Dixie Spehar _____
Commissioner Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner Sylvia Murphy _____

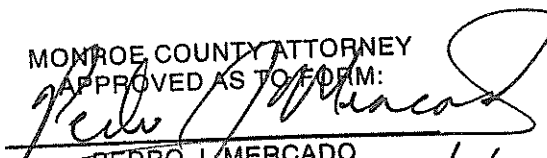
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMISSIONERS
OF MONROE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Mayor Mario DiGennarro

Dated _____

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

PEDRO J. MERCADO
ASSISTANT COUNTY ATTORNEY
Date 3/2/07