

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, DIVISION 9, AUDIT COMMITTEE, CHAPTER 14, CITIZENS ADVISORY BOARD FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT ACTIVITIES, CHAPTER 26, CAPE CORAL CHARTER SCHOOL AUTHORITY, AND CHAPTER 27, COMMUNITY REDEVELOPMENT, AND THE LAND DEVELOPMENT CODE, ARTICLE 2, DECISION MAKING, CHAPTER 1, PLANNING AND ZONING COMMISSION, TO AMEND THE TERMS OF BOARD MEMBERS TO TWO YEAR TERMS FOR A MAXIMUM OF TWO TERMS, WITH ALL TERMS HAVING THE SAME BEGINNING AND END OF TERM IN THEIR RESPECTIVE YEARS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Code of Ordinances, Chapter 2, Administration, Article V, Boards and Commissions, is hereby amended as follows:

## CHAPTER 2 ADMINISTRATION

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### *DIVISION 9. AUDIT COMMITTEE*

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#### § 2-120.32 Membership.

- (a) *Members.* The Audit Committee shall consist of five regular members, one of whom shall be a City Council member, and one alternate member, who shall not be a City Council member, and shall serve as an alternate for only non-City Council members. When substituting for an absent member, the alternate member may vote and participate in all discussions of the Committee in the same manner and to the same extent as the regular members of the Committee. When not substituting for an absent member, the alternate member shall not vote on any matter before the Committee, but may participate in all discussions of the Committee in the same manner and to the same extent as the regular members of the Committee. The regular and alternate Audit Committee members who are not City Council members shall be selected based on their qualifications and willingness to serve. Members of the Audit Committee shall be selected without regard to race, creed, national origin, age, sex or the presence of a disability.
- (b) *Eligibility.*
  - (1) All members of the Audit Committee shall be city residents who do not have any direct financial or business interests involving the city. City Council may waive the residency requirement by majority vote if there are an insufficient number of applicants who reside in the city.
  - (2) The composition of the Audit Committee shall be consistent with the "Auditor Selection Guidelines" dated 2007 and promulgated by the Auditor Selection Task Force established by the State of Florida Auditor General's Office.
  - (3) All members should, through education and experience, possess a basic understanding of governmental financial reporting and auditing. At least one non-City Council member of the Audit Committee shall have accounting, auditing, or related financial management expertise that is specifically relevant to the government sector and includes:
    - a. An understanding of generally accepted accounting principles and financial statements;
    - b. Experience in preparing or auditing financial statements of comparable entities;

- c. Experience in applying such principles in connection with the accounting for estimates, accruals, and reserves;
- d. Experience with internal accounting controls; and
- e. An understanding of audit committee functions.

- (c) Appointments. As of November 30, 2023, the current term of all members of the Audit Committee shall be terminated. At the first regular meeting of City Council in the month of December, 2023, City Council shall appoint the members of the Audit Committee. Of the members first appointed, three shall serve for terms of two years, and two for terms of one year. Thereafter, the term of office for each member shall be two years. Terms of office shall commence immediately following the December appointment, with terms thereafter commencing on December 1 each year and terminating on November 30 of the calendar year in which the term expires.. Members may serve no more than two consecutive terms. Any member presently serving, whose term shall be terminated on November 30, 2023, may be appointed for a maximum of one additional term. Regular and alternate members of the Audit Committee who are not City Council members shall be appointed by the City Council for terms of four years and may not be appointed to more than two full consecutive terms. The alternate member of the Audit Committee shall serve an initial term of one two years. Thereafter, the alternate member shall serve for a period of four two years from the date of appointment. City Council members appointed to serve as a member of the Audit Committee shall serve a term of one year with no limitation as to reappointment for additional, consecutive one-year terms. The term of office limitation imposed by this section may be waived in regard to specific individuals by a two-thirds (2/3) vote of the City Council. Notwithstanding the foregoing, nothing herein precludes a member from serving until a successor is appointed.

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SECTION 2. The City of Cape Coral Code of Ordinances, Chapter 14, Citizens Advisory Board for the Community Development Block Grant Activities, is hereby amended as follows:

#### **CHAPTER 14: - CITIZENS ADVISORY BOARD FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT ACTIVITIES**

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##### **§ 14-2 - Composition.**

- (a) The Board shall be composed of five members. All members shall be residents of the city and all will be appointed by a majority vote of the City Council. As of November 30, 2023, the current term of all members of the Citizens Advisory Board for the Community Development Block Grant Advisory Board shall be terminated. At the first regular meeting of City Council in the month of December, 2023, City Council shall appoint the members of the Community Development Block Grant Advisory Board. Of the members first appointed, three shall serve for terms of two years, and two for terms of one year. Thereafter, the term of office for each member shall be two years. Terms of office shall commence immediately following the December appointment, with terms thereafter commencing on December 1 each year and terminating on November 30 of the calendar year in which the term expires. Members may serve no more than two consecutive terms. Any member presently serving, whose term shall be terminated on November 30, 2023, may be appointed for a maximum of one additional term. Of the members first appointed, two shall serve for terms of three years, two for terms of two years and one for a term of one year. Thereafter, the term of office for each member shall be three years. Terms of office shall commence on December 1 of the year in which appointed. Any member of the Board may be removed for cause by a majority vote of the City Council. Whenever a vacancy occurs on the Board, the city shall fill the vacancy for the remainder of the term, within 30 days after the vacancy occurs.
- (b) Whenever possible, at least one member of the Board shall be selected from the following community segments:
- (1) Elderly (over 65 years of age);
  - (2) Handicapped;
  - (3) Clergy;

- (4) Low or moderate income families; and/or
- (5) Minority families.

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SECTION 3. The City of Cape Coral Code of Ordinances, Chapter 26, Cape Coral Charter School Authority, is hereby amended as follows:

## CHAPTER 26: CAPE CORAL CHARTER SCHOOL AUTHORITY

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### § 26-9 - Terms of Board members.

- (a) As of November 30, 2023, the current term of all members of the Cape Coral Charter School Authority Board shall be terminated. At the first regular meeting of City Council in the month of December, 2023, City Council shall appoint the members of the Charter School Authority Board. Of the members first appointed, at least four (but no more than six) shall serve for terms of two years, and at least three (but no more than five) for terms of one year. Thereafter, the term of office for each member shall be two years. Terms of office shall commence immediately following the December appointment, with terms thereafter commencing on December 1 each year and terminating on November 30 of the calendar year in which the term expires. Members may serve no more than two consecutive terms. Any member presently serving, whose term shall be terminated on November 30, 2023, may be appointed for a maximum of one additional term. The City Council Member Board member shall serve a one-year term commencing on December 1, and terminating on November 30, of the next calendar year, or until a successor is appointed. If he or she is otherwise qualified, the City Council member may be reappointed by the City Council for additional one-year terms with no limitation on the number of terms the member may serve on the Board.
- (b) ~~The member from the business community, the member from the education community and the four members from the community at large who are appointed by the City Council shall each serve a three-year term with no limitation on the number of terms any member may serve on the Board.~~
- (c) The parent Board member(s) shall serve ~~one~~ two-year terms commencing on ~~October~~ December 1, and terminating ~~September~~ November 30, ~~of the next calendar year.~~ If they are otherwise qualified, parents may be reappointed by the parent organization(s) of the charter school(s) for ~~one additional one~~ two-year terms ~~with no limitation on the number of terms the member may serve on the Board.~~
- (d) Members shall serve until the expiration of their term, resignation, death, ~~or removal, or until a successor is appointed.~~ Vacancies shall occur upon the death, resignation, removal, inability of a member to serve, or if a member no longer meets the requirements for a particular class of membership. When a vacancy on the Board occurs, the City Council, or the appointing authority or entity if the City Council did not originally appoint the member, shall appoint a replacement from the same membership class as the predecessor member. Persons appointed to fill a vacant position shall fill only the remainder of the term. All Board members, except the City Council member, shall be governed by the provisions of §§ 2-57 and 2-58 of the Cape Coral ~~e~~Code of ~~e~~Ordinances as they may be amended from time to time, at the time of their appointment and while serving as members of the Board.

### § 26-10 - Organization of Board.

The annual organizational meeting of the Authority Board shall be held at the first meeting of the Board that is held during the month of December, or as soon thereafter as practicable, for the purpose of electing officers for the ensuing calendar year. The annual organizational meeting of the Board may be either a regular or special meeting of the Board. A chair and vice-chair shall be elected by the Board from its voting membership for terms of one year, beginning on ~~January~~ December 1 and expiring on ~~December 31~~ November 30 of the following calendar year. Non-voting members shall not be eligible to hold any officer position. Officers will holdover until new officers are elected.

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SECTION 4. The City of Cape Coral Code of Ordinances, Chapter 27, Community Redevelopment, is hereby amended as follows:

**CHAPTER 27: COMMUNITY REDEVELOPMENT**

**§ 27-1 - Community Redevelopment Agency.**

- (a) As provided for in Section 163.356 of the Redevelopment Act, there is hereby created and established a board of commissioners of the City of Cape Coral Community Redevelopment Agency (the "Agency") consisting of five commissioners. Such board of commissioners shall replace the City Council as the governing body of the Agency.
- (b) ~~The previous appointments by the City Council of the current members to the South Cape Community Redevelopment Advisory Committee, excluding the alternate member, are hereby ratified and confirmed as the board of commissioners of the City of Cape Coral Community Redevelopment Agency and shall act as the governing body of the Agency upon the adoption of this section. As of November 30, 2023, the current term of all members of the Community Redevelopment Agency shall be terminated. At the first regular meeting of City Council in the month of December, 2023, City Council shall appoint the members of the Community Redevelopment Agency. Of the members first appointed, three shall serve for terms of two years, and two for terms of one year. Thereafter, the term of office for each member shall be two years. Terms of office shall commence immediately following the December appointment, with terms thereafter commencing on December 1 each year and terminating on November 30 of the calendar year in which the term expires. Members may serve no more than two consecutive terms. Any member presently serving, whose term shall be terminated on November 30, 2023, may be appointed for a maximum of one additional term. The City Council shall appoint a member to serve as Chair and a member to serve as Vice Chair of the Board. The board of commissioners shall hold an organizational meeting as soon as practicable after the adoption of this section. The terms of office of the commissioners shall be for four years except that two of the members shall be designated to serve an initial term of two years from the date of their appointments, and thereafter all members shall be designated to serve for terms of four years from the date of their appointments. Whenever a vacancy occurs on the board of commissioners, the City Council shall promptly appoint a successor after the vacancy occurs for the remainder of the unexpired term. The term of a board member appointed to fill a vacancy shall expire at the time the term of the original member would have expired.~~

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**§ 27-2 - Redevelopment Trust Fund.**

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- (q) The City Clerk of the city is hereby authorized and directed to send a certified copy of this section to each of the taxing authorities and to the Property Appraiser and Tax Collector of the City of Cape Coral Lee County, Florida.

SECTION 5. The City of Cape Coral Land Development Code, Article 2, Decision Making, Chapter 1. Planning and Zoning Commission, is hereby amended as follows:

**ARTICLE 2: - DECISION MAKING**

**CHAPTER 1. - PLANNING AND ZONING COMMISSION**

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**Section 2.1.2. - Membership; vacancy; compensation.**

- A. Membership. The Commission shall consist of seven members. All members shall be residents of the City and will be appointed by a majority vote of the City Council. As of November 30, 2023, the current term of all members of the Planning and Zoning Commission shall be terminated. At the first regular meeting of City Council in the month of December, 2023, City Council shall appoint the members of the Planning and Zoning Commission. Of the members first appointed, four shall serve for terms of two years, and

three for terms of one year. Thereafter, the term of office for each member shall be two years. Terms of office shall commence immediately following the December appointment, with terms thereafter commencing on December 1 each year and terminating on November 30 of the calendar year in which the term expires. Members may serve no more than two consecutive terms. Any member presently serving, whose term shall be terminated on November 30, 2023, may be appointed for a maximum of one additional term. The term of office for each member shall be three years, or until a successor is appointed. Terms of office shall commence on the first day of March of the year in which appointed. In addition to the seven members, two alternate members shall be appointed by a majority vote of the City Council to serve as alternates for the term of one year, ~~or until a successor is appointed.~~ Alternate members shall be residents of the City. Alternate members shall substitute for absent members on a rotating basis. When substituting for an absent member, an alternate member may vote and participate in all discussions of the Commission in the same manner and to the same extent as the other members of the Commission. When not substituting for an absent member(s), alternate members shall not vote on any matter, but may participate in all discussions in the same manner and to the same extent as the other members. Alternate members shall have the same attendance requirements as the other members of the Commission. Board members and alternate members shall be subject to the forfeiture of office provisions of Section 2.58 of the Cape Coral Code of Ordinances. Whenever a vacancy occurs on the Commission, the city shall fill the vacancy for the remainder of the term as soon as practicable after the vacancy occurs.

B. Vacancies.

1. If a vacancy occurs on the Commission as the result of the resignation, death, or removal of a member, the senior alternate member shall temporarily fill such vacancy without action by the City Council, until the City Council appoints a successor regular member. In the event both alternates have served for the same continuous period of time then the alternate who is next scheduled to substitute for an absent regular member according to the rotation schedule shall temporarily fill the vacancy until the City Council appoints a successor regular member. In the event that the alternate member dies, resigns, is removed, or becomes a member, the City Council shall promptly appoint a qualified person to the unexpired term of the alternate.
2. In the event a vacancy occurs on the Commission; an alternate member may apply to be a regular member in the same manner as other applicants. In the event an alternate member is appointed to be regular member, then such appointment shall simultaneously terminate such person's position as an alternate member. In that event, the City Council may then appoint another person to fill the resulting alternate member vacancy.

C. Compensation. Members of the Commission shall receive no salary for their services, but may receive such travel and other expenses while on official business for the City as are made available by the City Council for these purposes.

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SECTION 6. 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 7. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

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JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

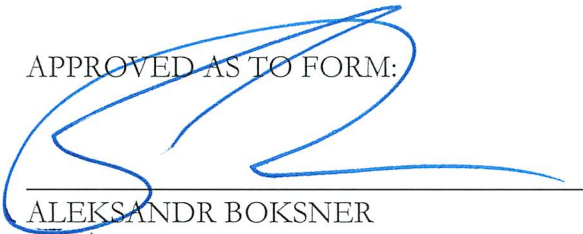
GUNTER \_\_\_\_\_  
STEINKE \_\_\_\_\_  
SHEPPARD \_\_\_\_\_  
HAYDEN \_\_\_\_\_

CUMMINGS \_\_\_\_\_  
WELSH \_\_\_\_\_  
LONG \_\_\_\_\_  
COSDEN \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2023.

\_\_\_\_\_  
KIMBERLY BRUNS  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ALEKSANDR BOKSNER  
CITY ATTORNEY  
ord/Boards and Commissions Terms