

## ORDINANCE 17-02

**AN ORDINANCE AMENDING ORDINANCE 13-03, THE TOWN OF FORT MYERS BEACH PERSONNEL MANUAL WHICH INCLUDES PROVISIONS RELATING TO EMPLOYMENT POLICIES AND PROCEDURES; EMPLOYEE BENEFITS; AND EMPLOYEE CONDUCT AND RESPONSIBILITIES; ORDINANCE 17-02 PROVIDES FOR THE ALLOCATION AND PAYMENT OF ON CALL PAY, PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND AN EFFECTIVE DATE.**

WHEREAS, Article X of the Town Charter empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town previously passed Ordinance 13-03, known as the Town of Fort Myers Beach Personnel Manual and is amending it to include provisions for on call pay; and

WHEREAS, salaried and non-salaried Water utility employees are, from time to time, requested to serve in an on call capacity after hours; and

WHEREAS, the Town Council desires to adopt policies regarding the proper procedures, responses, and administration to and of on call events; and

WHEREAS, the Town Council desires to adopt a policy providing for the compensation of salaried and non-salaried Utility Employees who serve in an on call capacity

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:**

**Section 1.** The Town of Fort Myers Beach Personnel Manual, was adopted through Ordinance 13-03.

**Section 2.** The remainder of the Employee Policy Manual will remain in full force and effect except to the extent that the Employee Policy Manual contradicts with the terms and provisions of this ordinance and/or the amended Section identified as Utility on Call.

**Section 3.** Ordinance 13-03 (the Town of Fort Myers Beach Personnel Policy) is hereby amended to add the following Section:

**Utility on Call.** Non-Exempt utility employees are entitled to \$125/week for each week served in an after-hours on call capacity. Such compensation is in addition to their base salary.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason 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 portions hereof.

**Section 5. Effective Date.** This ordinance takes effect immediately upon adoption by the Town Council.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Fort Myers Beach, that:

The foregoing Ordinance was adopted by the Town Council upon a motion by and seconded by and upon being put to a roll call vote, the result was as follows:

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Shamp and seconded by Council Member Cereceda and, upon being put to a vote, the result was as follows:

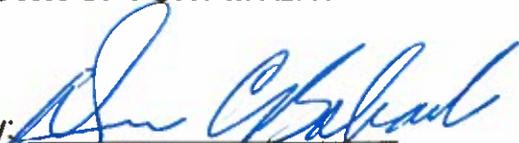
Dennis C. Boback, Mayor	absent
Rexann Hosafros, Vice Mayor	aye
Anita Cereceda, Council Member	aye
Joanne Shamp, Council Member	aye
Tracey Gore, Council Member	aye

DULY PASSED AND ADOPTED ON THIS 21st DAY OF FEBRUARY, 2017

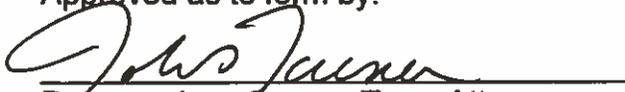
**ATTEST:**

**TOWN OF FORT MYERS BEACH**

By:   
Michelle D. Mayher, Town Clerk

By:   
Dennis C. Boback, Mayor

Approved as to form by:

  
Peterson Law Group, Town Attorney