

# City Council Champ <br> 735 Eighth Street So Naples, Florida 339. 

> -SUBJECT-

Time 2:00 p.m.
Date August 6, 1986

735 Eighth Street, South, Naples, Florida

## Mayor Putzell called the meeting to order and presided as Chairman:

Review of proposed 1986-87 general operating budget.

Present: Edwin J. Putzell, Jr., Mayor
John T. Graver
Lyle S. Richardson
Alden R. Crawford Councilmen

Absent: Kim Anderson-McDonald
William E. Barnett
William F. Bledsoe Councilmen

Also Present: Franklin C. Jones, City Manager Mark W. Wiltsie, Assistant City Manager
Frank W. Hanley, Finance Director
Tara A. Norman, Administrative Assistant
Norris C. Ijams, Fire Chief
Chuck Curry, Naples Daily News Henry Buckhannan, landscape architect
Former Councilman Gilbert Blanquart Dan Spina Fred White

Mayor Putzell introduced landscape architect Hank Buckhannan, who originally designed the landscaping for Lowdermilk Park. He has volunteered to assist in the planned upgrade project. Mr. Buckhannan displayed drawings of proposed improvements and commented on usage of various areas of the park, the north now receiving the least use. He proposed adding smaller pavilions, primarily for sheltered seating areas to replace space lost if the main pavilion is converted to a concession area. Another concept is to increase and rearrange parking and to place more activity areas to the north side, keeping in mind, however, that this is considered a passive rather than an active park. The picnic area on the south side of the park has been moved landward because of dune restoration which included plantings and walk-overs to protect the seaoats.

In addition to the pavilions and beach restoration already in place, there needs to be additional foliage introduced to add shade and define park areas, according to Mr. Buckhannan. He proposed cleaning the lake and utilizing the water area for benches and picnic tables to take advantage of more areas of the overall site.

The concrete fencing now in place (which was recovered from the old Gordon River Bridge) should be relocated at the street side of the park to assist in defining areas. Better signage on Banyan and Gulf Shore Blvd. are also needed, he said. The park entrance and exit points would remain the same. In response to Mayor Putzell, Mr. Buckhannan stated that 36 to 40 parking spaces would be added. The beach is not being totally utilized because parking is not in proportion to the park's beach capacity.

Mr. Graver asked about volleyball courts and whether the area on the north side of the park was sufficient. Mr. Buckhannan indicated that there would be sufficient room for at least two and most likely four courts. "This is really a family park," said Mr. Graver, who indicated that this should continue to be the theme. Other uses, such as jogging area, could also be added, Mr. Buckhannan stated, but pointed out that active uses in this type of park should be applied judiciously.

Mr. Richardson ascertained that most of this proposed work could be done with the funds appropriated.

Mr . Blanquart cautioned that the introduction of such activities as volleyball should take into consideration the views of nearby residents. He asked if there was a census of the number of people from outside Collier County using the park and cautioned that the City not make the park more attractive to outsiders. If this is done, the City should take steps to restrict use to citizens, he said. The Mayor pointed out that there is also the consideration that the park should be best developed with our citizens in mind. The Mayor stated that he was aware of prior problems experienced with utilization of the park.

With reference to the south side of the park and the addition of shade trees, Mr. Graver said it seemed that the southernmost area received the most use. Mr. Buckhannan said this is due to the greater amount of shade there; by providing more shade in other areas, this use could be more evenly distributed.

Mayor putzell pointed out that the drawing presented is a schematic; full detail about location and types of plantings was not indicated at this point.

Review of Operating Budget
The City Manager suggested that discussion involve explanation of steps taken in preparation of the proposed budget and then a review of the revenue portion. In the coming weeks, the staff would provide whatever additional information Council desired and would distribute it to all Council members so that as much information as possible is disseminated.

Mr. Jones reviewed the budget text presentation and pointed out the division of the budget into general fund, intergovernmental services, enterprise operations, and non-enterprise capital improvements.

To explain the budgeting process, Mr. Jones advised that the revenues are first assembled to determine constraints. Each operating department is issued information on prices, salaries, etc., and in return the City Manager receives a recommended budget from them. The city Manager and his staff review these requests, frequently with updated information not previously available to the departments. This includes setting personnel requested are aisol reviewed to determine what overall productivity increases might be achieved.

As an example, the City Manager pointed out the use of television cameras on refuse trucks which allowed the City to decrease the number of people needed for this function. Also, by combining bagged horticultural trash collection with the collection of household refuse, trash crews could spend more time collecting larger piles of clippings on a regular schedule. This was an item proposed by the property owner associations.

The Mayor addressed economies and asked that the City Manager give the Council a list of all economies which have been effected in the current 1985-86 budget year. This is a fair question by the public, the Mayor said, and is important to answer.

The City Manager stated that the final step before making his recommendation to council is a review of each departmental budget with that department's director. This budget is lean, the City Manager said, and he cautioned that major adjustments might greatly affect the level of service. This is a balanced budget, he added.

Mayor Putzell mentioned privatization and that the departments would be addressing this; he also asked about deferral of various items. Mr. Jones stated that items requested by the departments but not recommended in the final draft would be considered deferred.

With reference to revenues, Mr. Jones explained that the pages in the front of the budget document outline general fund and utility revenues with the capital improvement section and funding appearing later in the budget. Millage certified to the property appraiser is figured under the "Trim Bill" which is the roll-back rate computed by dividing last year's revenues by this year's assessed valuation, less new construction. There is some additional revenue $(\$ 35,000)$ because of new construction. The City is limited to raising the same amount of dollars from existing taxpayers unless taxpayers are advised through a prescribed notification process. All ad valorem revenues went to operations last year; this year the amount of millage required to fund the additional $\$ 400,000$ in special projects was identified. This will result in a a $19 \%$ increase to be communicated to the property owners via required public advertisement, including time and place of public hearing. This $\$ 400,000$ is shown in the revenue section of the capital improvement program at the rear of the budget document.

Mr. Crawford expressed concern that $19 \%$ seemed like a large amount, but, as pointed out by the City Manager, this would be only about $\$ 21$ per year additional city property tax for the owner of a $\$ 125,000$ home, taking into consideration homestead exemptions, etc. Mr. Jones indicated that when he and Community Services Director Chris Holley appeared on the Viewpoint Nine television program, they received no calls in opposition to the program to be funded with this $\$ 400,000$ (.2112 mills).

Mr. Richardson asked about gasoline tax collections and Mr. Jones explained that the large increase between the first and second year revenue was because collections were made for only a portion of the first year. Seventy percent of these funds go to capital improvement projects and $30 \%$ into the general fund. The money can only be used for transportation-type expenditures. The increase this year over last is based on state projected collections, said Mr. Jones.

Fees and licenses is the category for the licenses and permits issued by the City. Each department responsible for those operations submits a revenue estimate and this data is compared to previous trends. Franchise fees come from utility companies allowed to operate their businesses in the City and utilize rights-of-way to install their facilities (electric, phone, cable TV). This theory reflects a change from when the fee being considered a tax on the utility which could not be passed on to the customer; now the Public Service Commission requires that it be itemized on each customer's bill in the jurisdiction receiving the tax.

In response to Mr . Richardson, Mr . Jones explained that the administrative services figures indicate the costs of administrative functions reimbursed by enterprise operations. The federal government has provided a method for allocating administrative services on a variety of bases. The City's applicable administrative costs are distributed to water, sewer, solid waste and other enterprises with the bulk to water and sewer. This is the manner in which the enterprise operations reimburse the administration; auditors examine this annually to ascertain that the City has complied with the federal guidelines. This is often confused with a withdrawal of funds from the water and sewer merely to pay for administrative services, but there is a very sound basis for this allocation.

Fines and forfeitures are derived from citations, etc., divided by class of offense. Fines from school crossing violations, for example, go to offset the cost of school crossing guards. Police training is also a fee added to a fine which is restricted for that use. Recreation fees are user fees paid for these activities. Tennis fees are up considerably, pointed out Mr. Richardson, which indicates that a change in the administration of the courts has resulted in an improvement. The fees went up but the program has improved so that no permits were lost, Mr. Jones pointed out. The Naples Landing fees are for parking and no charge is made for use of the launching facilities.

Mr. Richardson asked about vending. Mr. Jones replied that this was privatized through an outside vendor and the funds shown represent the distribution of profit from this operation.

Dock revenues do not appear but are listed as a separate enterprise operation.

Federal shared revenues have been reduced; the number used in the budget is based on that recommended by the Florida League of Cities. The City could end up with more or less, depending on what the Congress appropriates. Total revenue sharing is $\$ 89,000$ which won't affect the City that much overall, Mr. Richardson pointed out.

Cigarette tax is a state tax distributed to the cities. This is a fairly stable and substantial source of revenue. State shared revenue has remained fairly stable, but the City's population doesn't grow as rapidly as the county and thus revenue to the City does not increase as rapidly as that received by Collier County from this source.

State sales tax is also increasing but total collections county-wide are going up at a much greater rate. This is split with the County on the basis of population. The Mayor observed that the city's share of revenue as well as sphere of influence is continuing to decline.

Mr. Graver noted that the sales tax may not be accurately distributed in accordance with where sales are generated. Mr. Jones indicated that the County is now catching up with proportionate sales figures.

A portion of parking revenues will be used for the study of a parking garage.

Mayor Putzell asked about the City's policy for beachfront parking. Mr. Jones responded that the staff had decided that when citizens were not able to find sufficient parking, more restrictions would be implemented with revenues from that type of operation utilized to underwrite the cost of putting these restrictions in place. A survey of beachfront parking usage will be provided soon. A priority system has been discussed for Lowdermilk Park; the City cannot exclude people from using the beach but can implement a system to provide preference for local residents. Mr. Crawford asked how these regulations would be enforced and Mr. Jones indicated that citations would be issued and cars could be towed if the primary objective was to vacate those areas in favor of local residents. Mayor Putzell indicated that a plan would be forthcoming to use volunteers in this type of enforcement effort.

The major problem of heavy use at the present time is in the general area of the pier. This could be the first area where restrictions might be put in place. There hasn't been a great number of incidents with enforcement problems in that area in the past year, however, the City Manager observed.

Mr. Richardson stated that an attempt to spread usage more evenly might be a better alternative at the present time than restrictions. The city Manager stated that redesign of the beachends has assisted in cutting down congestion and unauthorized use of a vacant lot was recently curtailed through cooperation with area residents and their property owner association.

Other revenues include funds from auction sales, surpluses, etc. Interest income was clarified by the City Manager in that some is derived from fund balances and cash flow positions; no actually new surpluses are generated. The figure included is a comfortable amount for cities of this size, Mr. Jones pointed out. This could be used at some time when there is a real emergency more of a natural disaster in nature than a financial emergency. The millage cap is 10 mills and we are levying only one, he pointed out, and charges for services are also relatively low, so it is unlikely that the City would not be able to face any financial emergency through ordinary revenues. A natural disaster would require immediate response but expenditures could be recovered over the next few years from revenues. The reserve fund amounts to ten to fifteen percent of the operating budget.

Mayor Putzell asked about the working capital needed per month and Bill Hanley explained that at the beginning of the year the City receives a large amount of revenue so that cash flow position is always favorable. Equipment purchases early in the year are offset by the street projects which are undertaken more evenly. It is not necessary to resort to methods such as tax anticipation notes, etc., like the school board must do.

Mr. Blanquart said this budget is $9.3 \%$ higher than the prior year and said this should be weighed against declining inflation. Dollars are more important for comparison than millage rates, he said.

The contingency fund represents unknowns such as negotiated salary adjustments. This is more applicable in some years than others, depending on the status of contracts. The fund also includes appropriation to cover possible cost increases. This is a traditional approach, rather than distributing these amounts throughout the various departmental budgets, the City Manager explained. Frequently it was not appropriate to reveal the amount anticipated for salary increases, pending union negotiations. Mr. Graver said it is his preference to have it spread among individual departments, but Mr. Jones said he would prefer to retain the funds in contingency.

Mr. Blanquart asked if pensions were over-funded and Mr. Jones confirmed this and indicated that the City's pension contributions:would therefore decrease in the coming year.

Mr. Jones pointed out the summaries of personnel presented both in the budget book and another summary prepared which addresses additional employees only. On Page 1.03 historical information is shown from 1982, prior to that there were a little over 400 employees which has been cut back slightly each year. Now some positions are being added. A significant amount of increase in the buaget this year over last is personnel costs represented by these additional positions. He quickly reviewed each position added. (Attachment \#1)

Mayor Putzell asked that the $1 / 2$, clerical position in the Manager's office be available for dictation from City Council members. This is understood, according to the City Manager, who indicated that he has looked at a system which would allow Council members to phone in their dictation. This equipment can also be used to transmit messages. He said he would like to determine if the Council would be comfortable with using this type of equipment.

In relation to the other half of that clerical position to be used by the City Attorney, Mr. Graver questioned how much work would actually be generated by the Code Enforcement Board. Although there is not a great deal of experience at this point, Mr. Jones said he felt there would be sufficient work to fill that person's time. Mayor Putzell questioned whether the legal aide position would be busy full time; the City Manager will provide justification.

Mayor Putzell questioned projected increases in building division activity because of the built-out character of the community although inspection figures have increased. Mr. Jones responded that the inspection services required would be for more complex projects and pointed out that dollar volume has not decreased. The community still has vacant properties and combined with properties torn down and new ones installed, the activity of the division should remain at a constant level, Mr. Jones explained. "Why can't we go with the same force in this area until increases are experienced," Mayor Putzell asked. Mr. Jones responded that an increasing level of service over the years has been absorbed with the same number of personnel and the overload is now catching up. Mr. Jones observed that an objective of Council was to improve and speed up services, but Mayor Putzell said this must be done at a reasonable level.

Mr. Graver said that he recognized the state mandates with reference to the comprehensive plan but that it would not be an on-going effort. Mr. Jones said this could be three or four years in duration, however, and if the need ended, the position could be eliminated through attrition.

The increase in fire personnel is due both to a contract agreement and the recent application of the Fair Labor Standards Act to municipalities which forced recognition of a reduced work week; the union contract requires that new personnel be hired rather than paying overtime to existing personnel.

Mr. Graver asked whether the City pays for the firefighters stationed at the airport and the Mayor indicated that reimbursement is now being negotiated with the Airport Authority.

There is a significant reorganization in the Police Department, Mr. Jones pointed out, due to the reassignment of lieutenants to overall supervision. Now lieutenants are in charge of specific squads instead of being assigned to various administrative areas. Also there is no secretarial support for the patrol unit and it is
desirable for that division to maintain its own records. Administrative and service responsibility is going to be placed under the assistant chief with heavy utilization of civilians. Net effect is approximately an addition of two patrol officers on the street where they are needed. Broadening the span of control is an ađđitional aspect which will be discussed further as Council looks at that department's budget.

Half of the increase in positions is public safety, two are increases in utility system needs and others because of comprehensive plan mandates, so that discretionary changes are minor, Mr. Jones pointed out.

Mayor Putzell asked how the elimination of one of these additional clerical positions could be achieved if 11 1/2 positions rather than 12 1/2 positions were authorized by the Council. The City Manager will bring back further justifications.

Mr. Crawford contrasted the increase in personnel with the constant level of previous years. The City Manager indicated that the constant levels in the past years were the result of additions being offset by elimination of other positions. Contracts with banks to handle receipt of utility bills has eliminated a position in the finance department as well as resulting in additional savings. Utility bills are sent to a post office box which the bank now handles and credits the City's account for proceeds. This is done in return for the City maintaining a compensating balance at the bank.

Discussion then turned to negotiations with reference to the Pelican Bay water agreement discussed at this morning's meeting. Mr. Jones advised that now a two-year term would be proposed and Mayor Putzell observed that the County has stated flatly that it will be ready and able to serve that area at the end of that period. Mr. Richardson suggested, that the meter at Vanderbilt Drive and U.S. 41 was recording a greater pressure than that maintained by the County in its system beyond that point and the City is therefore meeting its obligation. There are no constraints on the amount used although the county water system has not been improved since connection to the master meter, per the city Manager. There is also no requirement in the agreement between the two agencies, which addresses pressure levels.

Mr. Graver asked about what would occur after the proposed two year period. Because this is perceived as a dispute between Pelican Bay and the county, the city is unfortunately in the middle, Mr . Jones responded.

Adjourned - 3:55 p.m.
Edwin J. Putzell, Jr., Mayor
Janet Cason
City Clerk
Tara Norman
Administrative Assistant
These minutes of the Naples City Council approved $\qquad$ -

ATTACHMENT \#l - page

| DEPARTMENT \& DIVISION | $\begin{aligned} & \text { (Budgeted) } \\ & \text { FISCAL YEAR } \\ & 1985-86 \\ & \hline \end{aligned}$ | $\begin{array}{r} \text { (Proposed) } \\ \text { FISCAL YEAR } \\ 1986-87 \\ \hline \end{array}$ |
| :---: | :---: | :---: |
| Mayor \& City Council |  |  |
| Regular | 1 | 1 |
| City Attorney |  |  |
| Regular | 1 | 1.5 |
| Citv Clerk |  |  |
| Regular | 2 | 2 |
| Part-time | 2 | $-2 \cdots$ |
| Total Regular Positions | $\underline{2}$ | $\underline{2}$ |
| City Manager |  |  |
| Regular | 3 | 4.5 |
| Community Development | 0 |  |
| Building Division |  |  |
| Regular | 7.5 | 8 |
| Planning Division |  |  |
| Regular | 3.5 | 5 |
| Total Regular Positions | 11 | 13 |
| Encineering |  |  |
| Design/Administration |  |  |
| Regular | 7 | 8 |
| Streets \& Drainage | - |  |
| Regular | 19 | 18 |
| Traffic Control |  |  |
| Regular | 4 | 4 |
| Total Regular Positions | 30 | 30 |


|  | $\begin{aligned} & \text { (Budgeted) } \\ & \text { FISCAL YEAR } \\ & 2985-B 6 \\ & \hline \end{aligned}$ | $\begin{array}{r} \text { (Propose } \\ \text { FISCAL YE } \\ 1986-87 \\ \hline \end{array}$ |
| :---: | :---: | :---: |
|  |  | ATTACHMENT \# |
| Equipment Management |  |  |
| Regular | 13 | 13 |
| Part-time | 1 | 1 |
| Total Regular Positions | 13 | 13 |
| Finance |  |  |
| Administration/Accounting |  |  |
| Regular | 7 | 7 |
| Customer Service |  |  |
| Regular | 3 | 3 |
| Data Processing |  |  |
| Regular | 2 | 2 |
| Purchasing |  |  |
| Regular | 2 | 2 |
| Total Regular Positions | 14 | 14 |
| Fire |  |  |
| Regular | 36 | 39 |
| Community Services. |  |  |
| Administration |  |  |
| Regular | 2 | 2 |
| Parks |  |  |
| Regular | 10.5 | 20.5 |
| Part-time | 0 | 0 |
| Recreation |  |  |
| Regular | 20 | 20 |
| Part-time | 3 | 3 |
| Parkways | $-32.5$ | 32.5 |


| (Budgeted) | (Proposed) |
| :--- | :--- |
| FISCAL YEAR | FISCAL YEAR |
| 1985-86 | 1986-87 |

Bay Dock
Regular 2
Fishing Pier
Regular 4
Tennis
Regular


Part-time
1

Total Regular Positions $\quad 73$
Personnel
Regular
3
Part-time
Total Regular Positions
3

Police
Administration
Regular
9
Operation
Regular
43
Services
Regular
15
Part-time 6
Criminal Investigation
Regular 1212
Total Regular Positions 79

Sanitation
Sanitation/Commerical
Reguiar
8.1
8.1

Sanitation/Residential
Regular
14.1

2

4

2
1
734
(Proposed) FISCAL YEAR 1986-87


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HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CITY MANAGER FRANKIIN C. JONES
SUBJECT: SCHEDULE FOR BUDGET REVIEW
DATE: JULY 28, 1986

For your information I have attached a budget workshop and budget hearing schedule prepared by Bill Hanley.

Following last week's workshop we learned that several Council members would be on vacation August 12, 13 and 14 . For that reason we have developed this preliminary schedule for your consideration setting budget workshop meetings for August 19, 20 and 21. The other dates are established to comply with the City Charter and Florida Statutes.


FCJ/tan enc.


Since the mailed notice by the property appraiser will go out on Aug 20th this means according to the statute, our public hearing can not occur earlier than 10 days following a mailed notice or Sept lst.
8. NOTICE OF BUDGET SUMMARY

Aug 29. 1986
9. NOTICE OF PUBLIC HEARING FEDERAL REV SHARING

Aug 21, 1986
10. PUBLIC HEARING CONSIDERING AND ADOPTING TENTATIVE MILLAGE RATE AND BUDGET
11. PUBLIC HEARING - FEDERAL REVENUE SHARING
12. NOTICE OF PUBLIC HEARING PROPOSED ORDINANCE - FINAL BUDGET
13. NOTICE OF PUBLIC HEARING PROPOSED ORDINANCE FIXING TAX LEVY AND MILLAGE

This step must be taken with 15 days of step 10.
14. BUDGET HEARING
15. PUBLIC HEARING PROPOSED ORDINANCE FINAL BUDGET
16. PUBLIC HEARING PROPŌSED ORDINANCE FIXING TAX LEVY AND MILLAGE
©
This meeting must be held no sooner than 2 days following the advertisement nor later than 5 days of the advertisement.


TO: Frank Jones, City Manager
FROM:
SUBJECT:
Bill Hanley, finance Director 1 -

DATE: 7-25-86

The proposed budget calendar for the $86-87$ year is presented for your review. I have prepared the calendar to accommodate us as expeditiously as possible. Flexibility in this process is extremely limited and I will provide some narrative on several of the dates to demonstrate this point.

1. PROPERTY APPRAISER PROVIDES US WITH

DATE July 1. 1986 CERTIFICATION OF VALUE

This starts the budget clock running and by law this can not be earlier than July 1, but it can be later.
2. MILLAGES CERTIFIED BY CITY MANAGER

July 30, 1986
The City has 30 days from the receipt of the property appraisers certification to provide information back to the property appraiser identifying our proposed millage rate, our rolled back rate and the date, time, and place of our first public hearing. We really can't cut any time here because all the other taxing districts are under the same constraints. Even if we provided our information on July 2nd, it would not speed the process for us as the other agencies sucti as Mosquito Control and Water Management have until July 30 to submit their information. The other point is that the property appraiser has until August 20 th to mail out the notice of proposed taxes and he traditionally does this on the last day. This really sets up the remainder of the calendar.

」. BUDGET WORKSHOP
4. BUDGET WORKSHOP
5. BUDGET WORKSHOP
6. BUDGET WORKSHOP

Aug 6, 1986
2:00 p.m.
Aug 19, 1986
9:00 a.m.
Aug 20, 1986 -
2:00 p.m.
Aug 21, 1986
9:00 a.m.

735 EIGMTH STREET, SOUTH - NAPLES, FLORIDA 33940

## NEWS RELEASE

Subject: Parks Improvement Program
Date: July 30, 1986
For Further Information Please Call Franklin Jones, City Manager 649-3455

MAYOR PUTZELL PROPOSES MAJOR PARKS IMPROVEMENT PROGRAM TO CITY COUNCIL

As a part of the "Let's Keep Naples Green" program, a major Parks Improvement Program that will cost the owner of a $\$ 125,000$ home just 41 cents per week in extra taxes for two years will be proposed to City Council by Mayor Edwin J. Putzell, Jr.
*We have had many requests before and after the election to 'do something' about our parks," says Putzell. *Our city parks represent a major contribution to the Naples' way of life. With the passage of time these green areas become even more important to the lifestyle of Neapolitans. It is important that they are well maintained and their potential fully realized.".

With two exceptions, the parks are in good condition. The several miniparks are relatively new and Fleischmann Park, River Park Community Center, River Park Pool, the City Dock and Pier have recently undergone major renovation.
"But our two 'downtown' parks, Lowdermilk and Cambier," said Chris Holley, Director of Community Services, have received iittle attention since they were developed, other than the tennja courts and ball field in Cambier Park."
"We estimate," says Holley, "that Cambier has an annual attendance of 75,000, and Lowdermilk as many as 150,000. That's a lot of folks getting a lot of enjoyment out of just these two parks. ${ }^{\text {. }}$

LOWDERMILR is the city's beach park for picnicking under the trees, swimming in the Gulf, sunbathing, and family outings. picnic tables, outside showers, and a pavilion make it a delightful and convenient green space on Gulf Shore Boulevard North.

The main pavilion will be renovated, to provide a more beautiful and relaxing area in which to picnic under roof and to watch bathers and boaters in the Gulf of Mexico. A refreshment stand will be added to serve soft drinks, sandwiches, and snacks.

The big changes at Lowdermilk will be at the north and south ends of the park. A new picnic pavilion will be built at each end, giving added room for family outings.

A new parking area at the north end will accommodate additional park users. Volleyball courts and more picnic areas will be developed there. New sod and shade trees will restore the natural beauty and a walkover to the beach will protect the dunes and sea oats.
*Our plan is to maximize Lowdermilk's natural assets and to make it as attractive as its location on the beach, " says the Mayor, "a park where everyone can enjoy the Gulf. "

CAMBIER is our oldest park，developed in the eariy＇60＇s． Its two major improvements will be the restoration of the Community Center and the construction of the new Band Shell．
＂For ten years or more，our very popular Concert Bands have performed on a make－shift stage behind the Community Center， says putzell．We feel it is time we give our talented volunteer musical organizations a setting that will match their music．${ }^{\text {n }}$

The bands have been raising money at their Sunday Concerts in the Park．There have also been private donations，and a major gift from the $⿴ 囗 ⿱ 一 一$ istorical Society．
＂We would like to have the city add its $\$ 50,000$ to the total cost of $\$ 150,000$ and get the Band Shell built，says the Mayor． ＊It would add to the pleasure of the three thousand and more people who attend and enjoy every Sunday Concert in the Park．＂

Restoration of the Community Center will be the first in 20 years．＂The Center gets a lot of use，says Holley．＂It is the home of craft and hobby clubs，classes，and recreation groups， and is open six days a week，throughout the year．${ }^{*}$

The auditorium，meeting rooms，and game rooms will be com－ pletely reconditioned，with better planning for the many activi－ ties that take place．The exterior will also be given a freshening up，with new shades and plantings．

A new concession stand and restroom facility is planned for the Iittle League ball field．This request was initiated by the Boys＇Little League sponsors．They have agreed to fund the design and engineering costs and the interior work on the building．This building will also provide restroms and storage facilities for the north end of the park，the tennis courts，and the new Band Shell．

New shade trees and sod will complete the renovations at Cambier Park.
"Naples has always taken pride in its nicely landscaped streets and medians," says Holley. "This year, in addition to the park renovation, we will be dressing up the North Trail with trees and native shrubbery. The first and often lasting impression many of our visitors have of Naples is driving down the North Trail. We plan to beautify the median to improve that first impression."
"Of course, all these improvements require money," says Frank Jones, City Manager. We will be asking the City Council to finance this $\$ 800,000$ two-year program with a 0.21 -mill increase in our ad valorem taxes for two years, or 41 cents per week for the owner of a $\$ 125,000$ home, really a small payment for all these improvements that will add so much pleasure for our people and our visitors."

APPROVED BY

FRANKLIN C. JONES, CITY MANAGER

FROM:

SUBJECT:
DATE:

CITY MANAGER FRANKLIN C. JONES
CANAL AND SEAWALL MAINTENANCE DISTRICT PLAN

JULY 29, 1986

The proposition has been advanced that the City of Naples establish districts to provide for the maintenance of seawalls and canals. The staff has researched pertinent city code requirements, states statutes and similar district legislation used by other cities. In general, we have found that such a district could be established through three methods.

1. First, an assessment district could be established as provided for in Section 11.3 (5) of the Naples City Charter.
2. A second method would be to follow the procedure provided by the City of Punta Gorda and have the State Legislature authorize the establishment of the district through a special act.
3. The third would be to follow the provisions of Section 165.041 (2) of the Florida State Statutes that authorizes cities to establish dependent special districts.

We have spent some time evaluating the pros and cons of each of the methods and are prepared to recommend to City Council that if they wish to pursue these maintenance projects that we should establish the dependent special districts. The dependent special districts could be established by city ordinance which gives that method an advantage over both assessment districts and a special act of the Legislature in the amount of time required.

Each of the three methods could provide for the types of maintenance we are describing; however, the assessment method might require changes in our Charter to specifically identify these improvements as one of the purposes.

The special district would be more flexible than the Special Act District in that changes in the future would not require returning to the Leglislature. Taxes that might be levied by the special districts would need to be approved by referendum by residents within the district; however, that has been a normal requirement of our Legislative Delegation in establishins $\Omega_{\mathrm{F}} \mathrm{Z}^{*}$. Z Act Districts.

We anticipate that the taxes levied by the district would be billed and collected by the Collier County Tax Collector along with the regular ad valorem tax of the City. They would be tax deductible for income tax purposes as long as the current provisions for the income tax code are in effect.

The district would operate to provide for the maintenance of seawalls and the dredging of canals. We have reviewed the operations in Punta Gorda and have found that they are performing both reconstruction and maintenance of seawalls and minor dredging through the use of personnel and equipment employed or owned by their district.

The primary reason they have an in-house capability was that there were no businesses in the area that provided those services when their district was established. Here in Naples, we may not find that to be true since there have been businesses both involved in seawall maintenance and dredging in the past. We also might find that our local district would create an added demand for this type of service that might attract other businesses into the area to compete. As far as the timing of establishing, the district, ordinances could be passed by the council within the next few months. Since it would require a referendum to establish the maximum ad valorem tax millage, it would not be possible to collect the taxes until November, 1987. There are other sources of revenue that might be available to the district including borrowing against that 1987 tax levy in order to begin operations this year. We could hold an election for setting the tax levy sometime during the next year and the expense of the election would be borne by the district. The referendum would only need to be conducted within the area included in the district.

I would anticipate that we would create several districts; one for each neighborhood having canals and seawalls. We might establish a separate district for Royal Harbor, a separate district for Port Royal, a separate district for Aqualane Shores and one district which would cover the Moorings and Park Shore and Coquina Sands.

The issue of a taxing district with a maintenance at Doctors Pass has also been raised. To accommodate this project. I would suggest that we would request Collier County to establish a special dependent district for the purpose of dredging and maintaining Doctors Pass. The same procedures that I outlined above would apply to that district except that it would encompass those properties both inside and outside the City that would surround the Bay in Aqualane Shores, Moorings and Park Shore.

The first step in implementing this program would be for the Council to reach a consensus that they would like to pursue the maintenance and dredging in this manner and authorize the staff to put together a plan and the appropriate ordinances. The plan would include a timetable of activities and outline the financing that would be necessary.


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| 3700206 D WINDWARD HAY (LEEWARD/END) | 81600 | O | 0 | 0 | $\bigcirc$ | 81600 45900 |
| 3700306 D NORTH LAKE DRIVE (QULFSHORE/3RD STREET) | 43900 36700 | O | - ${ }_{0}^{0}$ | 0 | - ${ }_{0}^{0}$ | 45900 36700 |
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| 3700306 D RUM ROW (KINOSTOWN DR/ADMIRALTY PARADE) 37007 O6 D PUTTER POINT DRIVE (CRAYTON/HINDHARD) | 122400 61200 | 122400 |  | 0 | - 0 | 61200 |
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CHAPTER 170<br>SUPPLEMENTAL AND ALTERNATIVE METHOD OF MAKING LOCAL MUNICIPAL IMPROVEMENTS

170.01 Authority for providing improvements and levying and collecting special assessments against property benefited.
170.02 Method of prorating special assessments.
170.03 Resolution required to deciare special assessments.
170.04 Plans and specifications, with estimated cost of proposed improvement required beiore adoption of resolution.
170.05 Publication of resolution.
170.06 Assessment roll.
170.07 Pubiication of assessment roll.
170.08 Equaiizing board to hear complaints and adjust assessments; rebate of difference in cost and assessment.
170.09 Priority of lien; interest: and method of payment.
170.10 Legal proceedings instituted upon failure of property owner to pay spectial assessment or interest when due; forectosure: service of process.
170.11 Bonds may be issued to "añ" amount not exceeding the amount of liens assessed for the cost of improvements to be paid by special assessment.
170.14 Governing authority of municrpality required to make new assessments until vaiid assessment is made if special assessment is omitted or held invalid.
170.15 Expenditures for improvements.
170.16. Assessment roll sufficient evidence of assessment and other proceedings of this chapter: variance not material uniess party objecting materially infured thereby.
170.17 Denomination of bonds; interest: place of payment: form; signatures; coupons: and deiivery.
170.18 Notice required where no newspaper is published in county in whien municipaiity is situated.
170.19 Construction and authority of chapter.
170.20 Bonds negotiable.
170.21 Provisions of chapter supplemental. additional, and alternative procedure.
\$70.04 Authority for providing improvements and levying and collecting special assessments against property benefited. -
(1) Any municipality of this state may, by its governing authority:
(a) Provide for the construction, reconstruction, repart, paving, repaving, hard surfacing. renard surfacing. wicening. guttering, and draining of streets. boulevards. anc alleys and for grading, regrading, leveling, laying, relaying, Daving. repaving, hard surtacing. ano rehard surtasing of sidewalks.
(D: Order the construction, reconstruction, repart. renovation, excavation. grading, stadilzation, and up-
grading of greendelts, swales, cuiverts, sanitary sewe storm sewers, outfalls, canals, primary, secondary, a tertiary drains, water bodies, marshiands, and natural: eas, all or part of a comprehensive stormwater manaç ment system, including the necessary appurtenanc and structures thereto and including, but not limited dams, wers, and pumps:
(c) Order the construction or reconstruction of wat mains, water laterais, and other water distribution fac thes, including the necessary appurtenances thereto:
(d) Provide for the drainage and rectamation of we low, or overtlowed lands:
(e) Provide for offistreet parking facilities, parking g rages, or similar facilities:
(f) Provide for mass transportation systems; and
(g) Provide for the payment of all or any part of tr costs of any such improvements by levying and collec ing special assessments on the abutting, adjoining, co: tiguous, or other specially benefited property.
However. offstreet parking facilities. parking garages, 1 other similar faciities and mass transportation syster shall have prior approva! of affected property owner: Any muncipality which is legaliy obligated for providin capital improvements for water or sewer facilities withi an unincorporated area of the county may recover th costs of the capital improvements by levying and lecting special assessments for the purposes aut... ized in this section on the specially benefited propert, however, collectıons of the special assessment shall nc take place until the specialiy benefited property cor nects to the capital improvement.
(2) Special assessments may be levied only for th purposes enumerated in this section and shall be levie oniy on benefited real property at a rate of assessmer. based on the special benefit accruing to such propert from such improvements when the improvements func ed by the special assessment provide a benefit wt:al is different in type or degree from benefits provided ti the community as a whole.


170.02 Method of prorating special assessments -Special assessments against property deemed to bt benefited by local improvements, as provided for in s 170.01, shall be assessed upon the property speciall? benefited by the improvement in proportion to the bene fits to be derived therefrom, said special benefits to $D t$ determined and prorated according to the foot frontagt of the respective properties specially benefited by saic improvement. or by such other method as the governins body of the municipality may prescribe

170.03 Resolution required to deciare specisl assessments. -When the governing authority of any m'. nicipality may determine 10 make any pubile impri ment autnorized by s 170.01 and detray the whole .

# Section 11. The Authority shall be endowed with and authorized to 

 exereise all the powers in connection with the authorization, issuance and sale of revenue bonds to finance the cost of capleal projects conferted on-counties, municipalities, special districts and other local governmental bodies by the Florida Industrial Developent Financing act and all of the privileges, benefits, powers and terme including definitions of such act shall be fully applicable to the authority. In addition, the Authority may act in anymanner and to any purpose, that an industrial development authority created pursuant to s. 259.45 , Florida Statutes, may act. In addition, the Authority shall be endowed with and authorized to exercise, either singulariy or in conjunction with any other powers hereby granted, all powers that are conferred upon industrial development authorities ereated pursuant to Part III of Chapter 159, Florida Statutes, as the same moy be amended from time to time, and the authority may exercise or avail itself of any or all such privileges, benefits, and powers of part III.Section 4. This act shal: take effect July $1,1979$.
Became a law without the Governor's approval.
Filed in office Secretary of State July 3, 1979.

CEAPTER 79-558
House Bill No. 466
An act relating to the city of punta Gorda; authorizing the City Council to creaze special taxing districes for the maintenance of canals, waterways and navigable channels, including she maintenance and reconstruction of bulkheads, retaining walls and other appurtenances; providing a proceciae therefor; providing for a referendum prior to the creation of any such districe; providing for the exjenses of ereation; providing the powers of the distri=t.

Be It Enacted by the Legislazure of the State of Florida:
Section 2. The City $C$ uncil of the City of Punta Gorda may, by ordinance, establish one $c$ : more districts for the purpose of maintenance and reconstruezion of bulkheads, retaining wills and other appurtenances as it shail, in its discretion, determine to be necessary in the pubiic interest. Any such district shall consist of oniy. incorporated, contiguo-s areas of said City, comprising part but not all of the areas of sue: City.

Section 2. Priot to the consideration of any such ofdinance, the City Council of the City of punta Gorat shall first a ause a preiiminary report to be mast by the City Engineer or other qualified engineer, which report, sogezner with any other relevant or pertinent matter, shall include at leest the following:
(1) A general descrifiton of the territory proposed to be included within such distric:.
(2) A general descifiption of the canals, waterweys or channele within such district, together with the bulkheads, retaining walls and other appurtenances thereof.
(3) The present condition of such canals, waterways or channels and any recuring maintemance problems existing therein.
(4) A general estimate of the annual cost of maintenance or reconstruction.
(5) Findings with respect to the necessity or reasonablenese of the inclusion of lands proposed to be included within the distriet with reference to the benefits to be derived or able to be derived by such included lands from such proposed maintenance or reconstruction and the necessity of reasonableness of the exclusion of lands adjacent to or within such proposed district with reference to such benefits.
(6) A general description of the proposed maintenance and reconstruction program of at least five years' duration to be earried out in such district.

Section 3. The City council of the City of Punta Gorda shall be the governing body of any district created hereunder.

Section 4. Upon submission of such report, the City Council may propose the adoption of an ordinance creating such district, subject to the requirement of a referendum as hereinafter specified. Such ordinance shall be adopted according to the procedures for the regular adoption of munieipal ordinances as prescribed by law.

Section 5. No such ordinance shall be made effective unles be City Council has called an election for the purpose of submittir dod the qualified electors residing in such froposed district, the question of the creation and establishment of said distri=t. Notice of such election shall be published once a week for four successive weeks, the Eirst publication being not less then thirty days priot to the date of the election, in a newspaper putiished in the City and circulating in the area of the proposed districz.
(I) Such notice shall include a descziption of the proposed boundaries of such distriet and shall further specifically state that said district, if created, shall be authorized:
(a) To acquire equipment, material and personne: necessary to perform canal, waterway and channel maintenance anc rezonstruetion work within the district or to contract therefc:.
(b) To Einance the cost of such acquisizion or son: actact by the issue of general obligation bonds.
(2) Said notice shall further expressly staze that suth district, if ereated and established, shall constiture a spezial taxing distriet with the authority to levy and colleczan annuz: fixed jevy not to exceed fifty dollars ( $\$ 50.00$ ) on each stidivicieg : =t zoned fot a single family residence, pro-rated in the case of ownership of partial lots according to the proportion of the origina: subdivided lot area held, and for all properties zoned ztherwise, to levy and collect an annual tax not to exceed one-hale cet.t (s.ens: for each square foot of land lying less than 120 ineai feet from any dedicated canal or waterway, or from seawalis e: buikheas abuting

Section 5．．No such ordimance shall be made effective unleas th． City Council has called an election for the purpose of submitting to the qualified electors residing in such proposed district，the question of the creation and establishment of said district．Notice of such election shall be published once a week for four succeasive weeks，the first publication being not less than thirty days prior to the date of the election，in a newspaper published in the City and circulating in the area of the proposed district．
（I）Such notice shall include a description of the proposed boundaries of such district and shall further specifically state that said district，if created，shall be authorized：
（a）To acquire equipment，material and personnel necessary to perform canal，waterway and channel maintenance and reconstruction work within the district or to contract therefor．
（b）To finance the cost of such acquisition or contract by the issue of general obligation bonds．
（2）Said notice shall further expressly state that such district． if created and established，shall corstitute a special taxing distrift with the authority to levy and collect an annual fixed levy not to exceed one hundred dollars（SIOO．OO）Eifey deま＝ats fe50－8et on each subdivided lot zoned for a single Eamily residence，pro－rated in the case of ownership of partial lots acecrding to the proportion of the original subdivided lot area held，and for all properties zoned otherwise，to levy and collect an annual sax not to exceed one cent
 than 120 inneal feet from any dedicated canal or waterway，or from seawalls or bulkheads abutting Charlotte Harbor，provided however that the tax levy on any property shall not exceed fifty percent （ $50 \%$ ）of the aforesaid limits for the first year of distriet operation and between $\$ 0$ and one hundred dollars（5100）－íney doままers f $\$ 5 \theta-\theta \theta+$ for subsequent years based on experience．
（3）Such election may be held at ary time，inciuding the dates upon which genezal or primary elections aze held in the City of punta Gorda，and shall be condueted in accordamee with the laws governang general elections in the state of Elozida．If a majoṙty of the qualified electors residing within the district who vote in said election vote in favor of creation，the ordinarce creating the district shall become effective．

Section 2．This act shall take effect only upon its approvz：by a majority vote of تhose qualified eiectors in the Cizy of Punta Gorda in Charlotee County，Elorida，voting in a referencin eiection to be called by the city Council of the City of zunta Gorea，in aceezdzace with the provisions of law curzentiy in force in Ehe CiEy of punta Gorda；except that this section shall take effect oppon beceaing law．

Became a law without the Governoz＇s approval．
Eiled in Office Sectetary of State March 18， 1982.
a）VATLRAL IERSCNS Vo tax upon estates or nnertances or ：iDon the income of natural persons who are residents or zitizens of the state shall de levied ov －he state．or under its authoritv．$n$ excess of the aggre－ gate of amounts which may be allowed to de credited －ipon or deducted trom any similar tax levied by the Unit－ ed States or any state．
（b）OTHERS．No tax upon the income of residents and citizens other than natural persons snall be levied by the state．or under its authonty，in excess of $5 \%$ of net income，as defined by law，or at such greater rate as is authorized by a three－fifths $(3 / 5)$ vote of the member－ ship of each house of the legisiature or as will provide for the state the maximum amount which may be at－ lowed to be credited against income taxes levied by the United States and other states．There shall be exempt from taxation not less than five thousand dollars（\＄5．000） of the excess of net income subject to tax over the maxi－ mum amount allowed to be credited against income tax－ es levied by the United States and other states．
（c）EFFECTIVE DATE．This section shall become effective immediately upon approval by the electors of Fiorida．

History．－Am．H．J．R 7．8．1971：acooted 1971

## SECTION 6．Homestead exemptions．－

（a）Every person who has the legal or equitable title to real estate and maintains thereon the permanent resi－ dence of the owner，or another legally or naturally de－ pendent upon the owner，shall be exempt from taxation thereon，except assessments for special benefits，up to the assessed vaiuation of five thousand dollars，upon es－ tablishment of night thereto in the manner prescribed by law．The real estate may be heid by legal or equitable title，by the entireties，jointly，in common，as a condomin－ ium，or indirectly by stock ownership or membership representing the owner＇s or member＇s proprietary inter－ est in a corporation owning a fee or a leasenoid initially in excess of ninety－eight years．
（b）Not more than one exemption shall be allowed any individual or family unit or with respect to any resi－ dential unit．No exemption shall exceed the value of the real estate assessable to the owner or，in case of owner－ ship through stock or membership in a corporation，the value of the proportion which his interest in the corpora－ tion bears to the assessed value of the property．
（c）By general law and subject to conditions speci－ fied therein，the exemption shall be increased to a total of twenty－five thousand dollars of the assessed value of the real estate for each school district levy．By general law and subject to conditions specified therein，the ex－ emption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the as－ sessed value of the real estate if the owner has attained age sixty－five or is totally and permanently disabled and If the owner is not entitied to the exemption provided in subsection（d）．
（d）By generai law and subject to conditions speci－ fied therein，the exemption shall be increased to a total

It the forlowing amounts of assessed value of reat esia＇e for each levv other than those of school districts：fitteeh ：housand zollars with respect to 1980 assessmer：： iweniv housand dollars with respect to 1981 ments．：wenty－live thousand doliars with respec $\qquad$ sessments tor 1982 and each year thereatter．However such increase shall not apply with respect to any as． sessment roll until such roll is first determined to be $n$ compliance with the provisions of section 4 by a state agency designated by general law．This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of home－ stead property at a specified percentage of its just val． ue．
（e）By general law and subject to conditions spec： fied therein，the Legisiature may provide to renters，whe are permanent residents，ad valorem tax relief on all ac valorem tax levies．Such ad valorem tax relief shall be ir the form and amount established by general law．
Histor．－AM．S．J．R．1－8．1979：acooted 19ec：Am．S．J．R． 4 E．19ec：20coter 1980.

SECTION 7．Allocation of pari－mutuel taxes．－ Taxes upon the operation of pari－mutuel poois may bt preempted to the state or allocated in whole or in par to the counties．When allocated to the counties，the cis tribution shall be in equal amounts to the several cour ties．

SECTION 8．Aid to local governments．－Stat funds may be appropriated to the several counties senool distncts，municipalities or special districts upo such conditions as may be provided by genpal $2^{\circ}$ These conditions may include the use of relati lorem assessment leveis determined by a state agenc designated by general law．

SECTION 9．Local taxes－
（a）Counties，school districts，and municipalite shall．and special districts may，be authorized by law levy ad valorem taxes and may be authorized by gener law to levy other taxes，for their respective purposes．e cept ad valorem taxes on intangible personal proper and taxes pronibited by this constitution．
（b）Ad valorem taxes，exclusive of taxes levied f the payment of bonds and taxes levied for periods $n$ longer than two years when authorized by vote of $t$ electors who are the owners of freeholds therein $n$ wholly exempt from taxation，shall not be levied in e cess of the following millages upon the assessed valt of real estate and tangibie personal property：for county purposes，ten mills；for all municipal purpose ten mills：for all school purposes，ten mills；for wat management purposes for the northwest portion of t］ state lying west of the line between ranges two a three east． 0.05 mill；for water management purposes the remaining portions of the state， 1.0 mill；and for other special districts a millage authorized by law a proved by vote of the electors who are owners of its

Charlotte Harbor, provided however that the tax levy on any property shall not exceed fifty percent (503) of the aforesaid limits for the fizst year of district operation and between so and fifty dollars ( $\$ 50.00$ ) for subsequent years based on experience.
(3) Such election may be held at any time. including the dates upon which general or primary elections are held in the City of punta Gorda, and shall be conducted in accordance with the laws governing general elections in the State of Florida. If majority of the qualified electors residing within the district who vote in sald election vote in favor of creation, the ordinance creating the district shall become effective.

Section 6. The preliminary expenses for the ereation and incorporation of any such district, including the cost of the preliminary report and election expenses, shall be payable out of general City funds but shall be a reimbursable expense to be paid from the proceeds of any bonds or tax issued or levied by said dist゙rict.

Section 7. Any district created and ratified hereunder shall have all the powers necessary to the effective maintenance of existing canals, waterways and navigable channels within said district, fogether with the maintenance and reconstruction of bulkheads, retaining walls and other appurtenances, including, without limiting the generality of the foregoing, the following:
(1) To sue and be sued in its own name.
(2) To acquire and own property in its own name.
(3) To make contractual arrangements for the purposes of the distriet.
(4) To adopt and use a seal and alter the same.
(5) To borrow and expend money and issue bonds and revenue certificates and other obligations of indebtedness in such manner and subject to such limitations as may be provided by law.

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(6) To levy and collect a fixed levy on each lot to secure payment of any general obligations and for maintenance of the district.
Became a law without the Governor's approval.
Filed in office Secretary of State May 23, 1979.
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CHAPTER 79-559
House Bill No. 1175
An act relating to the St. Lucie County - Fort pierce Fire District; authorizing the Board of Commissioners of St. Lucie County - Fort Pierce Fire District to borrow money not to exceed Five Hundred Thousand Dollars $(5500,000.00)$ in any one year and to issue its promissory notes therefore upon such terms and at such rates of interest, not exceeding seven and one-half

# Complimerts 

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QAPTER 82-372 LAWS OE ELOAR NI H HAWAKAPGER 82-371
WHEREAS, because of the aforeseid negligence of the City of mpano Beach, Mr. Trauth was severely injured in and about his head, pee and other portions of his body, and

MEREAS, Mr. Trauth sustained a 15 percent disability of the body a whole and incurred medical and other coate in excess of $\$ 7,000$, \%

WHEREAS, Mz. Trauth's automobile wez completely demolished, and
WHEREAS, Mr. Trauth, through his attorney, brought an action wingt the City of Pompano Beach for negligence, and

WHEREAS, jury verdict was rendered on behalf of Mr. Trauth in an mount of $\$ 60,000$, and

WHEREAS the City of Pompano Beach, because of the provisions of the sovereign immunity statute, was requized to pay only $\$ 50,000$ of and verdict of $\$ 60,000$, and

WFEREAS, MI. Trauth has suffered a lose of $\$ 10,000$, NOW, HHREEORE,

3 It Enacted by the Legislature of the State of Florida:
Section 1. The facts stated in the preamble to this act are found and deciared to be true.

Section 2. The City of Pompano Beach is authorized and and :zected to appropriate the sum of $\$ 10,000$ payable to Scott R. Trauth :o compensate him for the losses he sustained in the aforementioned uะD accident.

Section 3. The City of Pompano Beach shall draw a warrant in fevor of Scott R. Trauth in the sum of $\$ 10,000$ upon funds of the city so: othezwise appropyiated.

Section 4. This act shall take effect July 1, 1982.
Became a law without the Governor's approval.
Filed in office Secretary of State April 9, 1982.

CHAPIER B2-372
House Bill No. 433
An act relating to the City of Punta Gorda, Charlozte County; mending section 5 of chapter 79-55B, Laws of Florida, increasing maximim annual tax levies with respect to special taxing distriete for the maintenance of canele, waterways, and navigable channels; providing a referendum.

Be it Enacted by the Legislature of the State of Elorida:
Section 2. Section 5 of chepter 79-558, Laws of Eloride, is arended to read:

# XII 

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- municipalities <br> CHAPTER 165 <br> FORMATION OF LOCAL GOVERNMENTS
}
165.011 Short titie.
165.021 Purpose.
165.022 Preemption; effect on special laws.
165.031 Definitions.
165.041 Formation procedures: incorporation, creation, and merger.
165.051 Dissolution procedures.
165.052 Special dissolution procedures.
165.061 Standards for incorporation, creation, merger, and dissoiution.
165.071 Financial allocations.
165.081 Judicial review.
165.093 All state and local agencies to cooperate in administration of chapter.
--.
165.011 Short titie. - This chapter shall be known and may be cited as the "Formation of Local Governments Act."

Metory.-s. 1. on 74-192
165.021 Purpose. - The purpose of this act is to provide standards, direction, and procedures for the formathon of local governmental unts in this state and the provision of local governmental services so as to:
(1) Allow orderly patterns of urban growth and land use.
(2) Assure adequate quality and quantity of local public services.
(3) Insure financial integrity of units of local government.
(4) Eliminate or reduce avoidable and undesirabie differentiais in fiscal capacity among neighboring local governmental jursdictions.
(5) Promote equity in the financing of local government services
Hustory.-s I. Ch. 74-192
165.022 Preemption; effect on special laws. -
(1) It is further the purpose of this act to provide viadie and usable general law standards and procedures ior forming and dissoiving mumucipalities and special distriets in lieu of any procedure or standards now provided by general or special law. The provisions of this act shall De the exciusive procedure pursuant to general law for forming or dissoiving municipalities and special districts ir. inis state. except in those counties operating under a nome ruie charter which provides for an exciusive metnod as specifically autnorized by s 6(e). Art. VIll ó the State Constitution. Any provisions of a general or special law existing on July 1. 1974. In confluct with the
provisions of this act snall not be effective to the extent of such conflict.
${ }^{\prime}(2)$ Pursuant to s. $11(\mathrm{a})(21)$. Art. Ill of the State Constitution, the Legistature hereby prohibits special laws or general laws of local application pertaining to creation of dependent and independent special districts under conditions, or subject to provisions, which conflict with those provided in this chapter.
Matory.-s. $i$ an 74.192 . s 23 . en 82.154
Mote-Chapter 82.154 was passec by the requeste threwfittis vote in eechouse. See s. 11(e)(2:), Art. If State Constrtution
165.031 Definitions. - The following terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
(1) "Unit of local government" means any local gen-eral-purpose government or special district.
(2) "local general-purpose government" means a county, municipality, or consolidated city-county government.
(3) "County" means a political subdivision of the state established pursuant to s. 1. Art. VIII of the State Constitution.
(4) "Municıpality" means a municıpaiity created pursuant to general or special law authorized or recognized pursuant to s. 2 or s. G. Art. VIII of the State Constitution.
(5) "Special district" means a local unit of special government, except a district school board. created pursuant to general or special law for the purposes of performing prescribed. specialized functions, including municipal service functions, within limited boundaries. This term includes dependent special districts. as defined in s. 200.001 ( 8 )(d), and independent special districts, as defined in s. 200.001 (8)(e). All provisions of s. 200.001 (8) (d) and (e) shall be considered provisions of this chapter.
(6) "Department" means the Department of Community Affairs.
(7) "Formation" means any one of the four following activities
(a) "Incorporation"- The establishment of a municipality.
(b) Creation- The estabiishment of a special distric:
(c) "Dissolutioni - The dissoivirig of the corporate status of a muncipainv. o' special distric:
(d) "Merger" - The merging of two or more municipaities with each other and with any unincorporated ateas authorized pursuant to this act to form a new munic:-
zallty 'he merging of one or more minic:calities or spez:al zisiric:s. :n any sombination thereot with each othor ir the merging of one or more zounties with one or more special districts.
8) 'Service delivery' means any mecnanısm used sy a unit of local government to provide governmental services.
9) "Newspaper of generai Circulation" means a newspaper printed in the language most commoniy spoken in the area within which it circuiates, which is readily avariabie for purchase by all inhabitants in its area of cirzulation, but does not include a newspaper intended primanty for members of a particular professional or occusational group. a newspaper the primary function of wnich is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.
(10) "Parties affected" means any person owning property or residing either in a municipality or special cistrict proposing a formation or in the territory that is prooosed for a formation or any governmental unit with jurisdiction over such area.
(11) "Qualified voter" means any person registered :o vote in accordance with law.
(12) "Sufficiency of petition" means the verification of tre signatures and addresses of all signers of a petition with the voting list maintained by the county supervisor oi elections and certification that the number of valid sigרatures represents the required percentage of the total numper of quaified voters in the area affected by a prososal pursuant to this chapter.
Matrory.-2. 1, en. 74-152; s. 11. en. 81-167, s. 71, an. 31-25s: s. 24. en. 82-154; I :1. F . $33-55$.
165.041 Formation procedures; incorporation, creation, and merger.-
(1) A charter for incorporation of a municipality, excent in case of a merger which is adopted as otherwise provided herein, shall be adopted only by a special act of the Legisiature upon determination that the standards nerein provided have been met.
(2) A charter for creation of a dependent special distnct shall be adopted oniy by special act of the Legisiature or by ordinance of a county or municipal governing body having jurisdiction over the area affected. Authorization for creation of an independent special district sr:all be provided only by general law.
(3)(a) A charter for merger of two or more municipalities and associated unincorporated areas may also be acopted by passage of a concurrent ordinance by the Governing bodies of each municipality affected, approved by a vote of the qualified voters in each area affecied.
(b) The ordinance shall provide for:

1. The charter and its effective date.
2. The financial or other adjustments required.
3. A referendum for separate majorities by each unit or area to be affected.

4 The date of election, which should be the next recuiarly scheduled election or a special election held er-or io such election, if approved by a majority of the mernders of the governing body of each governmental if the affected, but no sooner than 30 days after passage of the ordinance.
c: Votice of the election snall be pudisned at ea once a week tor the \& successive weeks immediatei. = or to the election, in a newspaper of general circua... in the area to de affected. Such notice shall givi and olaces for the election and a description oi - a. to be inctuded in the municipality, with such descnots to be in metes and bounds and to include a map to snc cleariy the area to be covered by the municipatity
(4) The merger of one or more municipatities counties with special districts, or of two or more spec districts, may also be adopted by passage of a conct rent ordinance or, in the case of special districts, resol tion by the governing bodies of each unit to be affecte
(5)(a) Initiation of procedures for an incorporation merger may be done either by adoption of a resolutu by the governing body of an area to be affected or a petition of 10 percent of the qualified voters in $t$ area.
(b) If a petition has been fiied with the clerks of: governing bodies concerned, the governing bodies st: immediately undertake a study of the feasibility of : formation proposal and shall, within 6 months, eitt adopt an ordinance under subsection (3) or subsec:1 (4) or reject the petition, specifically stating the ias upon which the rejection is cased.
(c) The purpose of this subsection is to prov: broad citizen invoivement in both initiating and develt ing their local government; therefore, estabiishment appropriate citizen advisory committees. as well as $=$ er mechanisms for cutizen involvement, by the govern bodies of the units affected is specifically authoriz and encouraged.
Mistory.-s. 1. en. 74-192 ב. 25. ch. 82-154
165.051 Dissolution procedures.-
(1) The charter of any existing municipalily or $s$ cial district may be revoked and the munucipal or spe district corporation dissolved by either:
(a) A special act of the Legisiature: or
(b) An ordinance of the governing Eody of the nicipality or special district, approved by a vote of qualified voters.
(2) If a vote of the qualified voters is required. governing body of the municipality or special distre if the municipal or special district governing body $\approx$ not act within 30 days, the governing body of the cou or counties in which the municipality or special dis is located shall set the date of the election, which : be the next reguiarty scheduled election or a spt election held prior to such election, if approved by a jority of the members of the governing body of each ernmental unit affected, but no sooner than 30 day ter passage of the ordinance. Notice of the election : be published at least once a week for the 4 succes weeks prior to the election in a newspaper of genera culation in the municipaity or special district.

History.-s. 1. en. 74192.
165.052 Special dissolution procedures. -
(1) The Secretary of State by proclamation shal clare inactuve any municipality or special district in state upon a report being filed by the department $x$ shall show that such munıcipality or special distric: longer active, based upon a finding:

