

RESOLUTION 08-12067

A RESOLUTION ESTABLISHING THE EAST NAPLES BAY CITIZENS ADVISORY COMMITTEE; PROVIDING FOR APPOINTMENT OF MEMBERS; PROVIDING FOR TERMS; PROVIDING FOR DUTIES AND RESPONSIBILITIES; ESTABLISHING LEVELS OF SERVICE FOR THE DEPTH OF EAST NAPLES BAY WATERWAYS; REPEALING RESOLUTION 88-5503; REPEALING RESOLUTION 92-6652; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the voters by referendum on February 2, 1988, approved the ad valorem tax levy not to exceed one-half mill in the East Naples Bay Special Taxing District (the District) for the purpose of providing maintenance dredging in the channels and waterways and seawall inspection and surveillance of surface water pollution problems for necessary cleanup; and

WHEREAS, Resolution 88-5503 established a citizens advisory committee for the East Naples Bay Special Taxing District consisting of 5 members to be appointed by the Mayor and City Council, members to be residents of the East Naples Bay Special Taxing District, with duties and responsibilities of reviewing the development of budgets for the work and the scope of work in any contracts for professional or construction related services and make recommendations to the City Council; and

WHEREAS, as set forth in Resolution 88-5503, the advisory committee was considered to be of limited life with a "sunset" provision related to completion of dredging work and final payment of associated debt; and the committee disbanded in late 2007; and

WHEREAS, Resolution 92-6652 adopted policies relating to the responsibilities of the East Naples Bay Special Taxing District Advisory Committee, and established levels of service; and

WHEREAS, the canals in the East Naples Bay Special Taxing District have accumulated silt and sediment, and silt and sediment have accumulated in Naples Bay outside of the District boundaries, resulting in a need for continuing advice to City Council; and

WHEREAS, the City Council, as Council and as the Board of the District, is considering one or more dredging projects both inside and outside of the District boundaries; and

WHEREAS, it is the determination of the City Council that the former East Naples Bay Special Taxing District Advisory Committee be combined with representatives of owners of those properties within the boundaries of potential related dredging projects in the area and be established as an advisory committee to the Council/District Board;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. Established; composition; terms of office; no compensation.

- (a) There is hereby established the East Naples Bay Citizen's Advisory Committee (the "Committee") for the properties within the East Naples Bay Special Taxing District (the "District") and for the properties located in the East Naples Bay area (the Area) as set out in the map and description attached

hereto as Exhibit A and incorporated herein, for the purposes of providing advice and recommendations to the City Council, sitting as the Council and as the District Board, concerning the needs of the District and the described area, and as more fully set out in this Resolution.

- (b) The Committee shall consist of 5 members to be appointed by a majority vote of the Mayor and City Council. All members shall be qualified electors of the City and residents within the District or boundaries, and shall serve without compensation.
- (c) The initial appointments to the committee shall be as follows:
 - (1) One (1) member shall be appointed for a term of one (1) year.
 - (2) Two (2) members shall be appointed for a term of two (2) years.
 - (3) Two (2) members shall be appointed for a term of three (3) years.
 - (4) Appointments to fill any vacancy on the committee shall be for the remainder of the unexpired term.

Thereafter, each term shall be for a period of 3 years and each member shall be limited to 2 consecutive terms. After serving 2 such consecutive terms, a member may reapply for appointment after 1 year after expiration of the member's last term.

- (d) At the first meeting of the Committee and then at the first meeting of each calendar year, the membership of the Committee shall elect a chair and vice chair from among the members. Officers' term shall be 1 year with eligibility for re-election.

Section 2. Staff support; meetings; minutes; quorum; rules of procedure.

- (a) The City Manager will provide staff support to the Committee.
- (b) The Committee shall keep minutes of its proceedings and preserve a permanent record thereof. The City Clerk will provide for the taking and recording of minutes.
- (c) The Committee shall hold regular meetings once a month on a date and time to be set by the Committee, except 1 or 2 months may be omitted in the summer or when canceled by the chair or by committee action. The Committee Chair, on her or his own or upon request of the Council or the city manager may call special meetings as may be necessary. The presence of 3 or more members shall constitute a quorum of the Committee necessary to take action and transact business. All meetings will be public and the Committee and its members shall at all times be governed by the requirements of the Florida Sunshine law. Meetings will be conducted in accordance with Robert's Rules of Order, most recent edition, to the extent applicable, and subject to city or state requirements.

Section 3. Duties.

- (a) The Committee shall review and make recommendations to the City Council as to the maintenance of the East Naples Bay

Waterways System as it relates to property within the District or Area boundaries, including the following:

- (1) Maintenance dredging in the canals and surrounding waterways.
 - (2) Maintenance of necessary aids to navigation.
 - (3) Monitoring of the condition of seawalls and advising the city manager or Council of maintenance concerns.
 - (4) Surveillance of surface water pollution and other evidence of degradation of the ecosystem.
 - (5) Development of budgets for the work and scope of work in any contracts for professional or construction related services.
 - (6) Within the budgeting process, projecting work to be done and estimating costs to be incurred for the following budget year, considering projected income and recommending to City Council the millage rate to be adopted.
 - (7) Identifying and considering alternative funding mechanisms for work within the District, or Area, including but not limited to levying of ad valorem tax on real and tangible personal property within the District, or creation of a Special Assessment District allowing for the issuance of bonds payable through the special assessment, and recommending to City Council an appropriate funding source.
 - (8) Expenses chargeable to the District and the Area and transmitting recommendations to the City Manager before such payment from District or Area funds is approved.
 - (9) Ensuring that quarterly financial reports indicate all income and all expenses for the District and reviewing same for consistency with approved plans and that expenditures are properly allocated in accordance with appropriate legislation.
 - (9) The scope of any dredging project or projects.
 - (10) Discharging such other responsibilities and duties as may be assigned by City Council from time to time.
- (b) The duties and powers of the Committee are limited to those enumerated above and to any other powers as may have been or shall be assigned by the organic regulations concerning the District, or assigned to the Area by appropriate legislation

Section 4. Established policy considerations; levels of service.

The Committee shall be guided by the legislation concerning the District and Area and the powers set forth in the legislation creating the District or pertaining to the Area, or both; the referenda approving the components of the District, and now governing the District, and any referenda that may be held in the future. Following are guiding principles of the District and Area, which are not intended to be regulatory in and of themselves but examples of District and Area provisions.

- (a) The only expenses to be charged to the District will be those identified in the referenda. Continuing or normal operating and administration costs will not be charged to the District.
- (b) The City will continue to provide the engineering and technical services required to obtain the necessary permits,

bids and contracts for dredging the waterways of the East Naples Bay System and related Area. If additional or extraordinary services are required and the City is unable to provide them, then such professional services contracts as are required shall be presented to the Committee for its review and recommendation.

- (c) The costs incurred for the maintenance of aids to navigation and monitoring the condition of seawalls may be charged to the District or Area, and properly allocated between them.
- (d) The City will, with due diligence, inform the appropriate federal or state agencies when the City receives notice that an aid to navigation is damaged, off station, or not operating, and the City shall take prompt action to restore the aid to service.
- (e) The costs for removal of surface trash in the East Naples Bay Waterways System may be charged to the District or Area and properly allocated between them.
- (f) Levels of service are hereby recommended to assist the Committee and City Council in determining when maintenance dredging should be undertaken:

The recommended level of service for the internal waterways is to maintain depth of at least 5 feet below mean low water in the channels or as determined by permitting agencies.

Section 5. Repeal.

Resolution 88-5503 which established the predecessor advisory committee and Resolution 92-6652 adopting policies relating to the predecessor advisory committee are hereby repealed.

Section 6. This resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 21ST DAY OF MAY, 2008.

Bill Barnett, Mayor

Attest:

Approved as to form and legality:

Tara A. Norman, City Clerk

Robert D. Pritt, City Attorney

M:\REF\COUNCIL\RES\2008\08-12067

Date filed with City Clerk:_____

EXHIBIT "A"**EAST NAPLES BAY SPECIAL TAXING DISTRICT****LEGAL DESCRIPTION FOR EAST SIDE OF MAPLES BAY
AND ROYAL HARBOR**

Golden Shores, Lots 1-105 (all except Lots 106-109)
 Oyster Bay, Unit 1, all lots
 Oyster Bay, Unit 2, all lots
 Oyster Bay, Unit 4, all lots
 Oyster Bay, Unit 5, all lots
 Oyster Bay, Unit 3, Lots 10-44 and Lots 2A-9A
 (all except Lots 1-9)
 Royal Harbor, Unit 1, Block 1, Lots 1-7
 Royal Harbor, Unit 1, Block 2, Lots 1-13
 Royal Harbor, Unit 1, Block 3, Lots 1-13
 Royal Harbor, Unit 1, Block 4, Lots 1-8, 19-28
 Royal Harbor, Unit 1, Block 5, Lots 1-10
 Royal Harbor, Unit 1, Block 6, Lots 1-10
 Royal Harbor, Unit 1, Block 7, Lots 1-7
 Royal Harbor, Unit 1, Block 8, Lots 1-17, 21-31
 Royal Harbor, Unit 1, Block 9, Lots 1-9
 Royal Harbor, Unit 1, Block 10, Lots 1-9
 Royal Harbor, Unit 1, Block 11, Lots 1-4
 Royal Harbor, Unit 1, Block 12, Lots 1-12
 Royal Harbor, Unit 1, Block 13, Lots 1-9
 Royal Harbor, Unit 1, Block 14, Lots 1-5
 Royal Harbor, Unit 1, Block 15, Lots 1-5
 Royal Harbor, Unit 1, Block 16, Lots 1-4
 Royal Harbor, Unit 2, Block 9, Lots 10-39
 Royal Harbor, Unit 2, Block 10, Lots 10-33, 41-62
 Royal Harbor, Unit 2, Block 11, Lots 5-8
 Royal Harbor, Unit 2, Block 12, Lots 13-30
 Royal Harbor, Unit 2, Block 13, Lots 6-23
 Royal Harbor, Unit 2, Block 16, Lots 5-9
 Royal Harbor, Unit 2, Block 17, Lots 1-9
 Royal Harbor, Unit 2, Block 18, Lots 1-7
 Royal Harbor, Unit 2, Block 19, Lots 1-10
 Royal Harbor, Unit 3, Block 10, Lots 34-40
 Royal Harbor, Unit 3, Block 12, Lots 31-37, 58-77
 Royal Harbor, Unit 3, Block 13, Lots 40-44
 Royal Harbor, Unit 3, Block 20, Lots 1-7

EAST NAPLES BAY AREA**PROPERTY DESCRIPTIONS FOR LOTS EXCLUDED
FROM EAST NAPLES BAY SPECIAL TAXING DISTRICT****Golden Shores**

- Lots 106 - 109

Oyster Bay

- Unit 3, Lots 1 - 9

Royal Harbor

- Unit 1, Block 4, Lots 9 - 18
- Unit 1, Block 8, Lots 18 - 20
- Unit 1, Block 13, Lots 10 - 16
- Unit 2, Block 13, Lots 17 - 30
- Unit 3, Block 13, Lots 31 - 39
- Unit 3, Block 12, Lots 38 - 57