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RESOLUTION NO. 92-6652

A RESOLUTION ADOPTING POLICIES RELATING TO THE RESPONSIBILITIES OF THE EAST NAPLES BAY SPECIAL TAXING DISTRICT ADVISORY COMMITTEE, RELATING TO THE ALLOCATION OF THE COST OF MAINTENANCE OF THE EAST NAPLES BAY WATERWAYS SYSTEM, ESTABLISHING LEVELS OF SERVICE FOR THE DEPTH OF EAST NAPLES BAY WATERWAYS, AND ESTABLISHING AN EFFECTIVE DATE.

Whereas, The East Naples Bay Waterways, the canals of Golden Shores, Oyster Bay, and Royal Harbor is an important and vital asset of the City of Naples, and

Whereas, The quality of the waters of the East Naples Bay Waterways System must be maintained for reasons of environmental quality and public health and safety through adequate daily interchange with the waters of Naples Bay, and

Whereas, It is in the public interest that adequate navigation depth be maintained in the waterways, and

Whereas, The City and its Mayor in 1988 advised the residents that the City would do its fair share by providing engineering, permits and administration services for the maintenance of the waterways, if the residents approved a special taxing district by referendum, and

Whereas, Resolution 87-5330 created the East Naples Bay Special Taxing District the taxing district was approved by the voters by referendum, and

Whereas, The East Naples Bay Special Taxing District referendum listed the following purposes for the up to .5 mil ad valorem tax levy:

- A. Maintenance dredging in the canals and waterways.
- B. Inspection of seawalls.
- C. Surveillance of surface water pollution, and

Whereas, The resolution creating the special taxing district named the City Council of the City of Naples the governing body of the special

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taxing district and the Council on March 2, 1988 created the East Naples Bay Special Taxing District Advisory Committee as permitted by law. The duties and responsibilities of the committee were to review the development of budgets for the work and the scope of work in any contracts for professional or construction related services and to make recommendations to the City Council. The committee may be assigned such further duties by the City Council as the Council may deem are necessary, and

Whereas,

The City Council of Naples seeks to maintain the strong spirit of cooperation which exists with the residents whose properties abut the East Naples Bay Waterways. Its objective being to ensure that waterways of East Naples Bay remain clean and vibrant, well flushed, navigable, and a significant asset to the City.

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

- SECTION 1. The East Naples Bay Special Taxing District Advisory Committee shall make recommendations to the City Council as to the maintenance of the East Naples Bay Waterways.
- SECTION 2. All expenses chargeable to the special taxing district shall be reviewed by the East Naples Bay Special Taxing District Advisory Committee and its recommendations transmitted to the City Council before the City Council approves such payment from special taxing district funds.
- SECTION 3. Quarterly financial reports shall indicate all income and all expenses separately for each special taxing district.
- SECTION 4. The only expenses to be charged to the taxing district shall be those identified in the referendum. Continuing or normal operating and administration costs shall not be charged to the taxing district.

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SECTION 5.

The City of Naples will provide the engineering and technical services required to obtain the necessary permits, bids, and contracts for dredging the waterways of East Naples Bay. 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 their review and recommendation.

SECTION 6.

The costs incurred for the inspection of seawalls shall be charged to the special taxing district.

SECTION 7.

The costs for the removal of surface trash in the East Naples Bay Waterway shall be charged to the special taxing district.

SECTION 8.

A level of service is hereby recommended to assist the Advisory Committee and City Council in determining when maintenance dredging should be undertaken.

The recommended level of service for the waterways shall be the design depth (-6 feet MLW) shown in the 1989 maintenance dredging contract specifications. The presence of rock at depths shallower than the design depth may prevent attaining the level of service, but it is the desire of the Advisory Committee to pursue that goal where feasible.

SECTION 9.

This resolution shall take effect immediately upon adoption.

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PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 20th DAY OF May, 1992.

Paul W. Muenzer
Paul Muenzer, Mayor

ATTEST: Marilyn McCord

Marilyn McCord, Deputy City Clerk

Janet Cason
City Clerk

APPROVED AS TO FORM AND LEGALITY BY Maria J. Chiaro
Maria J. Chiaro
City Attorney

Prepared by:
Jon C. Staiger
Jon C. Staiger, Ph.D.
Natural Resources Manager

Reviewed by:

Missy McKim, AICP
Community Development Director

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COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson			X		
Herms			X		
Korest	X		X		
Pennington		X	X		
Sullivan			X		
VanArsdale			X		
Muenzer			X		
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