

RESOLUTION 06-11218

A RESOLUTION RE-ESTABLISHING AND RENAMING THE MOORINGS BAY CITIZENS ADVISORY COMMITTEE FOR THE MOORINGS BAY SYSTEM SPECIAL TAXING DISTRICT, REPLACING THE CURRENT CITIZENS ADVISORY COMMITTEE, PROVIDING FOR THE APPOINTMENT OF MEMBERS, COMPOSITION, TERMS OF OFFICE, OFFICERS, MEETINGS, QUORUM, MINUTES, RULES OF PROCEDURE, DUTIES, POLICY CONSIDERATIONS, LEVELS OF SERVICE; REPEALING RESOLUTION 88-5504; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Resolution 87-5328 created the Moorings Bay System Special Taxing District; Resolution 89-5967 created the Park Shore Unit 2 and Unit 5 Special Taxing District; and Resolution 93-7057 merged the Park Shore Special Taxing District into the Moorings Bay Special Taxing District; and

WHEREAS, the said districts and taxing authority were approved by the qualified voters within the boundaries of the districts by referendum; and

WHEREAS, The Moorings Bay Special Taxing District referendum listed the following purposes for up to 0.5 mil ad valorem tax levy:

- A. Maintenance dredging in the canals and waterways including Doctors Pass and the approaches to Doctors Pass.
- B. Maintenance of necessary aids to navigation.
- C. Inspection of seawalls.
- D. Surveillance of surface water pollution; and

WHEREAS, Resolution 88-5504 created The Moorings Bay System Special Taxing District Advisory Committee consisting of 5 members to be appointed by the Mayor and City Council, members to be residents of the taxing district, with duties and responsibilities of reviewing development of budgets for the work and scope of work in any contracts for professional or construction related services and make recommendations to City Council; and

WHEREAS, Resolution 92-6653 adopted policies relating to the responsibilities of the Moorings Bay System Special Taxing District Advisory Committee, relating to the allocation of the cost of maintenance of the Moorings Bay waterways system and establishing levels of service for the depth of Doctors Pass and the Moorings Bay Waterways; and

WHEREAS, as conceived in Resolution 88-5504 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

WHEREAS, the work of the committee has increased over the years with periodic dredging of an expanded Doctors Pass and increased maintenance of the bay system, resulting in a permanent need for continuing advice to City Council concerning the Moorings Bay Special Taxing District; and

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 make recommendations to the City Council as to the maintenance of the Moorings Bay Waterways System, including the following:
- (1) Maintenance dredging in the canals and waterways including Doctors Pass and the approaches to Doctors Pass.
 - (2) Maintenance of necessary aids to navigation.
 - (3) Monitoring of the condition of seawalls and advising property owners of maintenance concerns.
 - (4) Surveillance of surface water pollution and other evidence of degradation of the bay's ecosystem.
 - (5) Reviewing the development of budgets for the work and scope of work in any contracts for professional or construction related services and make recommendations to City Council.
 - (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) Reviewing all expenses chargeable to the taxing district and transmitting recommendations to the City Manager before such payment from special taxing district funds is approved.
 - (8) Ensuring that quarterly financial reports indicate all income and all expenses for the taxing district and reviewing same for consistency with approved plans.
 - (9) Making recommendations concerning exceptions requested to the requirements of the Code of Ordinances, Section 114-137 Naples City Code. Moorings Bay system access channel, regarding obstructions.
 - (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 assigned by the organic regulations

report it to the Seventh Coast Guard District headquarters for inclusion in Notice to Mariners.

- (2) 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 created by the 1991 dredging project and seven feet in the inner approaches. The channels generally are 20 feet wide and are located 20 feet from seawalls or 15 feet from piers or piles.

Section 5. This resolution shall take effect immediately upon adoption. Resolution 88-5504 which established the predecessor advisory committee is hereby repealed.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, THIS 3RD DAY OF MAY, 2006.

Bill Barnett, Mayor

Attest:

Approved as to form and legality:

Tara A. Norman, City Clerk

Robert D. Pritt, City Attorney

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Date filed with City Clerk: _____