

Agenda Item 6-h(1)  
Meeting of 8/19/09

RESOLUTION 09-12480

A RESOLUTION AMENDING SECTION 2(c) OF RESOLUTION 06-11218 RELATING TO THE MOORINGS BAY CITIZENS ADVISORY COMMITTEE TO ELIMINATE THE REQUIREMENT FOR REGULAR MONTHLY MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2(c) of Resolution 06-11218 established a regular meeting schedule of once a month for the Moorings Bay Citizens Advisory Committee, except that 1 or 2 months may be omitted in the summer; and

WHEREAS, on certain months and at certain times, the Moorings Bay Citizens Advisory Committee may have no outstanding issues or work to consider and no need to exercise its duties and powers; and

WHEREAS, the Moorings Bay Citizens Advisory Committee desires more flexibility in setting its meeting schedule and recommends amending Section 2(c) as set forth below (with ~~strikethrough~~ indicating deletions);

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

Section 1. Established; composition; terms of office; compensation.

- (a) There is hereby re-established and reconstituted, the Moorings Bay Citizen's Advisory Committee (the "Committee") for the Moorings Bay System Special Taxing District (the "District") for the purposes of providing advice and recommendations to the City Council concerning the needs of the District, 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 of the District boundaries, and shall serve without compensation.
- (c) Members of the Committee serving on the prior advisory committee on the effective date of this resolution shall continue as Committee members until their terms expire, they resign or they are removed from office.
- (d) 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.
- (e) At the first meeting of the Committee 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.~~ 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 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 concerning the District, to the extent that they are currently in effect.

**Section 4. Established policy considerations; levels of service.**

The Committee shall be guided by the legislation concerning the District and the powers set forth in the resolutions creating the District, and the referenda approving the components of the District, and now governing the District. Following are guiding principles of the District, which are not intended to be regulatory in and of themselves but examples of District provisions.

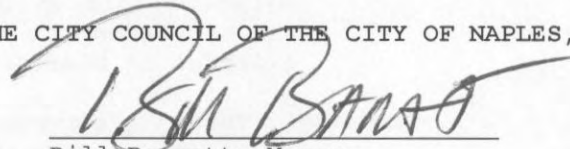
- (a) The only expenses to be charged to the taxing district will be those identified in the referenda. Continuing or normal operating and administration costs will not be charged to the District.
- (b) The City will continue to provide the engineering and technical services required to obtain the necessary permits, bids and contracts for dredging the waterways of the Moorings Bay System and Doctors Pass and its approaches. 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 special taxing district.
- (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 Moorings Bay Waterways System may be charged to the District.
- (f) Levels of service are hereby recommended to assist the Committee and City Council in determining when maintenance dredging should be undertaken:
- (1) The recommended level of service for Doctors Pass and its inner and outer approaches is to maintain sufficient depth for safe passage of vessels drawing up to six feet throughout normal stages of tide and in wind speeds up to 27 knots (31 miles per hour). Normal stages of tide are considered to range from Mean Lower Low Water (MLLW) to Mean Higher High Water

(MHHW). If the City receives notice of shoaling that would restrict navigation the city will report it to the Seventh Coast Guard District headquarters for inclusion in Notice to Mariners.

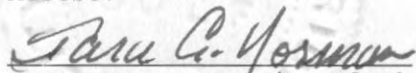
- (2) The recommended level of service for the internal waterways is to maintain depth of at least 5 feet below mean low water in the channels created by the 1991 dredging project and seven feet in the inner approaches. The channels generally are 20 feet wide and are located 20 feet from seawalls or 15 feet from piers or piles.

Section 5. This resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 19TH DAY OF AUGUST, 2009.

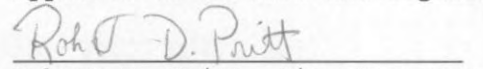
  
 Bill Barnett, Mayor

Attest:

  
 Tara A. Norman, City Clerk

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Approved as to form and legality:

  
 Robert D. Pritt, City Attorney

Date filed with City Clerk: 9-3-09