

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 2002092

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to consider and adopt an amendment to Lee County Ordinance 98-08, relating to the Heron's Glen Recreation District.

WHY ACTION IS NECESSARY: A Public Hearing is required to amend 98-08.

WHAT ACTION ACCOMPLISHES: Amend Section 4 of 98-08 (amended by 98-18), providing for members of the Board of Supervisors to begin serving their term of office on April 1st of the year in which they are elected.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

5:00 #1

3. MEETING DATE:

08-27-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE 98-08
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION
- BY: David Owen / Kristie Kroslack

7. BACKGROUND: On June 26, 2002, the Heron's Glen Recreation District signed a petition requesting that the Board of County Commissioners direct to public hearing a proposed Amendment to Lee County Ordinance 98-08 for the Heron's Glen Recreation District. The proposed amendment to Section 4 will adjust the date on which elected supervisors take office from May to April 1st.

The public hearing will be conducted by the Board of County Commissioners at its regular meeting on August 27, 2002 at 5p.m.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	RISK	GC	
N/A	N/A	N/A	N/A	8/7/02	8/7/02	8/7/02	8/7/02	8/7/02	8-8-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN. CA
8-7-02
9:20
COUNTY ADMIN.
FORWARDED TO: DS

LEE COUNTY
NOTICE OF INTENT TO ENACT A LEE COUNTY ORDINANCE

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on the 27th day of August, 2002, at 5:00 o'clock p.m., in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider amendments to Lee County Ordinance 98-08, as amended, Herons Glen

Recreation District, pursuant to Article VIII, Section 1, of the Florida Constitution and Chapter 125, Florida Statutes. The title of the proposed County Ordinance is as follows:

**AN ORDINANCE AMENDING LEE COUNTY ORDINANCE
NO. 98-08, AS AMENDED, RELATING TO THE HERONS
GLEN RECREATION DISTRICT, AMENDING SECTION 4
RELATING TO THE BOARD OF SUPERVISORS AUTHORITY
TO ADJUST TERMS OF OFFICE FOR SUPERVISORS;
PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN
EFFECTIVE DATE.**

1. Copies of this Notice and the proposed Ordinance are on file in the Minutes Office of the Clerk of Courts of Lee County. The public may inspect or copy the proposed Ordinance during regular business hours at the Office of Public Resources. The Minutes Office is located on the second floor and Public Resources is located on the first floor in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida.
2. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed Ordinance.
3. Anyone wishing to appeal the decision(s) made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.
4. The Ordinance will take effect upon its filing with the Office of the Secretary of

the Florida Department of State, or as may be otherwise prescribed in the Ordinance.

5. If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public Resources at 335-2269 for information.

The text of this Notice is pursuant to and in conformance with Section 125.66, Florida Statutes (2001)

PLEASE GOVERN YOURSELF ACCORDINGLY.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Charlie Green, Ex-Officio Clerk
to the Board of County Commissioners
of Lee County, Florida

APPROVED AS TO FORM:

By:  _____
Office of the County Attorney

Ad Size: 2 x 4

Publishing Dates: 07/16/02

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 98-08 AS AMENDED, RELATING TO THE HERONS GLEN RECREATION DISTRICT, AMENDING SECTION 4 RELATING TO THE BOARD OF SUPERVISORS AUTHORITY TO ADJUST TERMS OF OFFICE FOR SUPERVISORS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a majority of the electors in the Herons Glen Recreation District area have signed a petition requesting the establishment of a Recreation District pursuant to Chapter 418, Part II, Florida Statutes, and

WHEREAS, the Herons Glen Recreation District is comprised of a portion of the Del Vera Development of Regional Impact, and

WHEREAS, the Del Vera Development of Regional Impact was approved by Lee County as County Case No 88-3-18-DRI, as amended (the "DRI"), and

WHEREAS, the Del Vera DRI is comprised of two development areas currently known as Herons Glen and Nantucket Village; and

WHEREAS, Herons Glen contains an 18 hole golf course, club house, practice facilities, restaurant, pro shop, tennis courts, shuffleboard courts, pool, and associated facilities (the "Herons Glen Golf and Country Club") which are the major recreational facilities serving the residents of Herons Glen; and

WHEREAS, the residents of Herons Glen wish to purchase the recreational facilities located within Herons Glen,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA THAT:

SECTION 1.

This Ordinance amends Lee County Ordinance 98-08 as amended, as set forth herein. The amendments and revisions set forth in the following sections are hereby adopted. Additions are illustrated by underlined words.

SECTION 2.

Section 4 of Lee County Ordinance 98-08 is hereby amended as follows:

SECTION 4. The District shall be governed by a five-member Board of Supervisors elected from the residents of the District. Supervisors shall serve for staggered three-year terms. The initial election of supervisors for the District shall occur on or after May 11, 1998. Two members of the initial Board shall serve three-year terms, two shall serve two-year terms, and one shall serve a one-year term. Thereafter, each Supervisor shall serve a full three-year term, beginning April 1 of the year in which he or she is elected, except that the Board of Supervisors shall have the authority and power to adjust the term of office for Supervisors from time to time, as necessary to accommodate revisions to election schedules. Members of the Board of Supervisors shall serve without compensation. Each property owner or resident in the District shall have the right to vote in the election. The costs of District elections shall be borne by the District. Any vacancy on the Board of Supervisors shall be filled for the unexpired term by the appointment of the remaining Supervisors of a successor from among the qualified residents of the District.

SECTION 3. SEVERABILITY

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part, the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court will not effect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent

that this ordinance would have been adopted had such an unconstitutional provision not been included herein.

SECTION 4. CONSTRUCTION OF TERMS

The revisions as adopted by this ordinance shall control in the event there is a conflict with respect to the terms of the ordinance and preceding provisions. Only the revisions as adopted herein shall modify Lee County Ordinance 98-08, as amended. All other terms and conditions of Lee County Ordinance No. 98-08, as amended shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE

This Ordinance will take effect immediately upon receipt of official notice of its filing with the office of Secretary of the Florida Department of State.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, being put to a vote, the vote was as follows:

BOB JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
ANDREW W. COY	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED this _____ day of _____, 2002.

CHARLIE GREEN, CLERK
LEE COUNTY, FLORIDA


BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

LEE COUNTY ATTORNEY'S OFFICE

By:  _____

Assistant County Attorney