

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20050852

1. ACTION REQUESTED/PURPOSE: Adopt resolution amending the Lee County Administrative Code 13-3 pertaining to the administrative procedures governing community planning efforts receiving financial support from the Board of County Commissioners.

2. WHAT ACTION ACCOMPLISHES: Follows Board direction at the April Management and Planning Committee Meeting by raising the cap on Community Planning Grants and expanding grant scope to include the preparation of land development regulations necessary to implement the community plan, as well as five-year updates to adopted community plans.

3. MANAGEMENT RECOMMENDATION: Approve proposed amendment to Code.

4. Departmental Category: AIA **5. Meeting Date:** 06-28-2005

6. Agenda:		7. Requirement/Purpose: (specify)		8. Request Initiated:	
<input type="checkbox"/> Consent		<input type="checkbox"/> Statute		Commissioner	
<input checked="" type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance		Department	<u>Smart Growth</u>
<input type="checkbox"/> Appeals		<input checked="" type="checkbox"/> Admin. Code	<u>13-3</u>	Division	
<input type="checkbox"/> Public		<input type="checkbox"/> Other		By:	<u>Wayne Daltry</u>
<input type="checkbox"/> Walk-On					Wayne Daltry, Smart Growth Coordinator

9. Background:
The Board of County Commissioners encourages community-based planning efforts by providing financial support in the form of a grant/subsidy up to \$25,000 to community planning panels. The grant is intended to defray the cost associated with the preparation of a community plan, corresponding amendments to the Lee Plan, as well as land development regulations necessary to implement the community plan. Lee County Administrative Code 13-3 sets forth the procedures and criteria for a community planning effort and establishes minimum criteria for community plans eligible for public financial support.

At the Board's request, the community planning process was discussed at the April 4, 2005 Board Management and Planning Committee Meeting. The Board suggested staff explore a number of operational reforms, some of which necessitate the subject request to amend Administrative Code 13-3.

Continued on Page 2

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>[Signature]</i>				<i>[Signature]</i>	Analyst	Risk	Grants	Mgr.	<i>[Signature]</i>
					<u>6/15/05</u>	<u>6/15/05</u>	<u>6/15/05</u>	<u>6/15/05</u>	<u>6/15/05</u>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY: TO
 COUNTY ADMIN: 6-15-05
11:15
 COUNTY ADMIN
 FORWARDED TO: [Signature]
6/16/05
10 AM

Bluesheet #20050852

Subject: Community Planning Panel

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The substance of the proposed amendments are as follows:

1. Increase the maximum subsidy available to community planning panels for the development of a community plan from \$25,000 to \$50,000;
2. Allow for a grant/subsidy of an additional \$50,000 to defray the cost of preparing the land development regulations necessary to implement the community plan; and
3. Provide an opportunity for a grant/subsidy to defray the cost of updating the community plan five years after the initial adoption date up to \$50,000.

Attachment: Draft Resolution
Draft Amendment to Lee County AC 13-3

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AN AMENDMENT TO THE LEE COUNTY ADMINISTRATIVE CODE AS ADOPTED BY LEE COUNTY ORDINANCE NO. 97-23; PROVIDING FOR APPROVAL OF CERTAIN AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 96-01, creating a charter form of government for Lee County pursuant to Section 125.80, Florida Statutes, and which was approved and ratified by the Electorate of Lee County on November 5, 1996; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 97-23, which adopted the Lee County Administrative Code pursuant to Section 2.2.E. of Ordinance No. 96-01, the Lee County Charter; and,

WHEREAS, Lee County Ordinance No. 97-23 at Section III allows and provides for amendments to the Lee County Administrative Code to be made by Resolution of the Board of County Commissioners at regularly scheduled Board of County Commissioners' meetings; and,

WHEREAS, an amendment to the Lee County Administrative Code is hereby proposed so as to amend AC 13-3, which provides for administrative procedures to govern

the community planning effort where the community planning panel will receive financial support from the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners finds that this proposed amendment to the Lee County Administrative Code constitutes an acceptable amendment to the Code serves a public purpose, and is consistent with the terms and conditions of Lee County Ordinance No. 96-01, the Lee County Charter.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

1. The above preamble is accepted and approved as true and accurate, and is adopted and incorporated herein as if set out at length.
2. The proposed amendment to the Lee County Administrative Code, attached hereto as Exhibit "A" (Administrative Code 13-3), is approved, and is directed to be incorporated into the Lee County Administrative Code.
3. The provisions of this Resolution are severable, and it is the intention to confer to the whole or any part of this Resolution, the powers herein provided for. If any of the provisions of this Resolution are held unconstitutional by any court of competent jurisdiction, the decision of the court will not affect or impair any of the other remaining provisions of this Resolution. It is the Board's legislative intent that this Resolution would have been adopted had such an unconstitutional provision not been included herein.
4. This Resolution will become effective immediately upon its adoption by the Board of County Commissioners.

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

ROBERT P. JANES
DOUGLAS R. ST. CERNY
RAY JUDAH
TAMMY HALL
JOHN E. ALBION

DULY PASSED AND ADOPTED this 28th day of June 2005.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Douglas St. Cerny
Chairman

APPROVED AS TO FORM:

By: _____
Donna Marie Collins
Office of the County Attorney

Attachment: Administrative Code 13-3

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY: Development/Planning/Zoning	CODE NUMBER: 13-3
TITLE: Administrative Procedures Governing Community Planning Efforts Receiving Financial Support from the BOCC	ADOPTED: 6/26/01
	AMENDED:
	ORIGINATING DEPARTMENT: Department of Community Development

Purpose/Scope: To provide procedures and criteria for community planning effort and to establish the minimum acceptable criteria for community plans in order to be eligible for public financial support.

Policy/Procedure: The Board of County Commissioners recognizes that unincorporated Lee County consists of many diverse communities with various visions of how their community should develop. The intent of a community plan is to propose goals, objectives, and policies applicable to a specific area of the County that may ultimately be incorporated into the Lee Plan. Upon completion of a community planning effort the information gathered and the common concerns identified will be considered for a formal amendment to the Lee Plan.

The following procedures are established by the Board of County Commissioners to assure public confidence in the grass root planning effort when public funds are provided to encourage the development of community plans by the residents of a community:

Section 1. Definitions:

- 1.1. "Community Panel" means the collection of community residents who volunteer to act as the group responsible for coordinating and overseeing the community planning effort. The Community Panel is encouraged to represent a wide variety of the community, including citizens, local business people, landowners, developers, and civic leaders. The Community Panel initiating a community planning effort must be a legal entity, either already existing or established expressly for the purpose of conducting the planning effort. The Community Panel may also be a committee or subset of a legal entity. If the Community Panel receives public funds from the Board of County Commissioners, they will be responsible for the financial accountability of the public funds granted for use in the community planning effort. The Community Panel is not an advisory body to the Board of County Commissioners. Their planning product is a compilation of the common concerns of the community containing suggested amendments to the Lee Plan and/or the Land Development Code to address those concerns.
- 1.2. "Planning Funds" means a grant, ~~not to exceed \$25,000;~~ that will be used for certain expenditures incurred by the Community Panel in the preparation of and the submission of: the (a) a community plan, (b) land development regulations to implement a community plan, or (c) update a previously adopted community plan.
- 1.3. "Seed Money" means an initial grant of public money, authorized by the Board of County Commissioners, to be used to: (a) initiate a community plan, (b) pursue the development of land development regulations to implement a community plan, or (c) update a community plan. Seed money will be disbursed only after the Community Panel has entered into a written grant

agreement with the County describing the scope of the community plan and the limitations on the use of the grant.

Section 2. Initiation of a Community Planning Effort:

- 2.1. Residents wishing to serve as a Community Panel that is eligible to receive financial support from the County, must have at least one preliminary meeting with Planning Division staff to discuss the proposed community planning effort.
- 2.2. Following initial discussion with the Planning Division, the Community Panel must develop a written Community Planning Proposal that must contain, at a minimum:
 - a. The proposed name of the Community Panel including a list of the people who will act as the initial Community Panel, and information regarding its organization and composition, including, if applicable, a copy of its current budget and a list of its board of directors. (The membership of the Community Panel may be increased thereafter);
 - b. Copies of completed Form 1 "Statement of Financial Interests" for the previous year and, when applicable: Form 2 "Quarterly Client Disclosure" for the previous four quarters from those people wishing to act as the Community Panel and from any consultants that have been retained by the Community Panel to assist in the community planning effort;
 - c. A preliminary boundary description or a map of the area of the unincorporated County that the plan intends to cover;
 - d. An overview of the main issues that the planning effort intends to address and the expected resources needed to address the issues;
 - e. A preliminary timetable for the planning effort including target dates for project milestones such as completion of a visioning effort, completion of the data and analysis, workshops and public meetings, compilation of a draft study, and study completion date;
 - f. A description of the methods and procedures to be used to foster the maximum amount of public participation in the planning process;
 - g. A good faith estimate of the expected full cost of the planning effort;
 - h. A statement indicating the percentage of the projected costs that will be provided through the County funds; and,
 - i. A tangible demonstration that the planning effort will operated in a financially sound manner.
- 2.3. Planning staff will review and comment on the Community Planning Proposal to determine if it is sufficient for presentation to the Board of County Commissioners. Planning staff may require additional information, clarifications, or revisions to assure that the minimum requirements of this code have been met. Planning Staff will make a recommendation as to whether a Community Planning Proposal is sufficient to proceed before the Board of County Commissioners.

Section 3. Obtaining Seed Money and Planning Funding:

- 3.1 Once a Community Planning Proposal is determined by Planning staff to be sufficient, staff will initiate a blue sheet to bring the proposal, which includes a proposed grant agreement requesting the use of public funds, to a Public Hearing at a regularly scheduled Board of County Commissioner meeting. The grant agreement will set forth the terms and conditions that must be fulfilled prior to obtaining the Planning Funds and the seed money, if included in the request.
- 3.2 At the Public Hearing the Board of County Commissioners will solicit input from members of the community and the public in general.
- 3.3 Following public comment, the Board of County Commissioners will consider by motion whether to enter into the contract with the Community Panel.

Section 4. Seed Money, Planning Funds and Additional Grant Funding Assistance:

- 4.1. The Board of County Commissioners may initially authorize a grant of up to \$5,000 ("seed money"), to facilitate a community planning effort. No money will be disbursed by the Board until the required grant agreement is approved. The "seed money" will be disbursed pursuant to the written grant agreement between the County and the Community Panel. All disbursements of "seed money" will be deducted from the maximum amount of funds for which the Community Panel may be eligible.
- 4.2. ~~A s~~Subsequent disbursements of public money for Planning Funds will be available in accordance with the terms and conditions of the grant agreement. The County grant will be based on the size and scope of the planning effort and the Community Panel's ability to complete the effort. ~~In no event may the total amount of funds disbursed exceed \$25,000.~~
- 4.3. Each Community Panel may be eligible to receive a grant of up to \$50,000 for the development of a community plan and up to an additional \$50,000 for the preparation of land development regulations necessary to implement the community plan. The maximum amount of funds disbursed for each phase of the planning effort may not exceed \$50,000.
- 4.4. Community Panels may update community plans and the land development regulations necessary to implement the plan after five years. The County may authorize a grant of up to \$50,000 to defray the cost of the update.
- 4.35. All grants of public funds must be used solely for the creation of , or update to, the community plan and the preparation of land development regulations necessary to implement the plan. Acceptable uses of these public funds will include: payment of professional consulting services; advertising of public meetings/workshops; and copying of draft and final documents. Public funds may not be used for the rental of office space, purchase of supplies such as computers and software, or phone service. Before receiving any funds, the Community Panel must document how the funds will be utilized to the Lee County Department of Community Development, Planning Division.
- 4.46. The County will have unrestricted access to all records of the Community Panel pertaining to the community planning effort . The County may conduct audits of the financial records of the Community Panel. Before disbursing a grant of Planning Funds, the County must independently ensure that the proposed expenditure is in accordance with the regulatory requirements set forth in this Code and may enlist the Clerk of the Courts to perform an audit of the Community Panel. The head of the Community Panel must attest that the entity has complied with the provisions of the grant agreement and this Code.

- 4.57. County Planning Staff will assist the Community Panel in identifying additional funding sources to support the community planning efforts such as state or philanthropic grants.

Section 5. Public Participation:

- 5.1. The Community Planning effort is subject to the Florida laws on Open Government. Therefore, there must be an adequate opportunity for public participation in the community planning effort, the Community Panel must encourage and allow the participation of residents, property owners, the school district, and other interested parties. In order to effectuate this purpose, reasonable notice of all meetings pertaining to the community planning effort must be provided to the public. All meetings of the Community Panel must be open to the public.
- 5.2. Proper notification of meetings of the full Community Panel will include the posting of the meeting date and time in several public places including, but not limited to local libraries, post offices, banks, supermarkets, chambers of commerce, civic associations, and community recreation areas. In addition, these public meetings must be noticed in a local paper that is published daily or weekly. All posted and published notices must provide the date, time, and location of the public meeting. In lieu of a display advertisement, the notice could take the form of an article in a similar publication that provides the date, time, and location of the public meeting.
- 5.3. The Community Panel must maintain both recorded and written minutes of all of its full meetings. All records of the Community Panel pertaining to the community planning effort will be deemed public records and open for personal inspection by any person.
- 5.4. The Community Panel may establish sub-committees consisting of members of the Community Panel and/or other community members for the purpose of information gathering, information sharing, and the exploration of common concerns. The sub-committee meetings are required to be publicly noticed and recorded. The common concerns explored by the sub-committees must be presented to the full Community Panel at an informational sharing session during a properly noticed public meeting as outlined in section 5.2 above.

Section 6. Minimum Community Plan Requirements.

- 6.1. The Community Panel's suggested additions or revisions to the Lee Plan must be based on sufficient data and analysis to support the proposed amendments. Original data collection by the Community Panel to support the vision and unique character of a community is encouraged but not required.
- 6.2. Where data augmentation, updates, or special studies or surveys are deemed necessary by the Community Panel, appropriate methodologies must be clearly described or referenced and must meet professionally accepted standards for those methodologies.
- 6.3. The Community Panel's suggested additions or revisions to the Lee Plan must be based on resident and seasonal population estimates and projections. Resident and seasonal population estimates and projections must be those provided by the Planning Division, or can be generated by the Community Panel. If the local Community Panel chooses to base its community plan on its own projections, a detailed description of the rationale for this choice must be included in the Plan.
- 6.4. If a community plan includes suggested new Capital Expenditures or mandates County actions that will require additional or new public expenditure, the community plan must identify the funding source to achieve these expenditures.

6.5. County staff may make suggestions to the Community Panel regarding issues, upcoming projects, and other needs relevant to the community. The Community Panel is not obligated to incorporate those suggestions into the plan, but will recognize the suggestions as public input into the planning process.

Section 7. Submittal Requirements:

- 7.1. A completed Lee Plan Amendment Application form. (applicable comprehensive plan amendment fees will not be required.)
- 7.2. All text and maps submitted with a community plan must be in a format and size that is easily reproduced.
- 7.3. All maps included in the community plan must include major natural and man-made geographic features, and city and county lines, when applicable, and must contain a legend indicating a north arrow, map scale, and date.
- 7.4. As part of any proposed Comprehensive Plan Amendment, the Community Panel must provide a written summary on the extent of citizen participation in the planning effort. At a minimum, the citizen participation report must include the following information:
 - a. Details of methods the Community Panel used to notify and involve the public. The dates, location, and attendance of all meetings and workshops where citizens were invited to discuss the planning effort;
 - b. Copies of all published and posted notices for meetings. A copy of the letters used for mailings, as well as the dates the letters were mailed and numbers of intended recipients. Copies of newspaper articles and newsletters discussing the community planning efforts.
 - c. Copies of all Agency Minutes for all meetings and workshops;
 - d. Copies of notices, newsletters, or other written materials distributed during the community planning effort;
 - e. A tally of the number of people who participated in the process, and if possible, the names of those who attended meetings and workshops;
 - f. A summary of the issues and concerns expressed by the participants in the planning effort;
 - g. The substance of the issues and concerns;
 - h. A description of how the agency has addressed or intends to address the issues and concerns expressed during the planning effort;
 - i. A description of the issues and concerns the Community Panel does not intend to address and why;
 - j. Copies of correspondence, including e-mail and facsimile transmittals; and
 - k. The names and addresses of the members of the Community Panel and all consultants retained to assist the Community Panel, and their additional Form 1 and Form 2 disclosures

for the time periods through the date of submittal of the Community Panel's suggested additions or revisions to the Lee Plan.

Section 8. Community Plan Amendment Review Process:

- 8.1 Following submittal of suggested amendments to the Lee Plan, Planning Division staff will conduct a complete evaluation and analysis of the proposal.
- 8.2 Lee County will consider comprehensive plan amendments suggested in community plans as part of the regular yearly amendment process. Those amendments will be reviewed, evaluated and considered in the same manner as any other proposed Lee Plan amendment. This review will follow the procedures and public notification required by Florida Statutes section 163.3187 and Lee County Administrative Code 13-6: Annual Plan Amendment Procedure to the Lee Plan.
- 8.3 The Board of County Commissioners reserves the right to adopt, not adopt or modify any and all of the community plan's suggestions.