

**WALK ON #3**

Lee County Board Of County Commissioners  
 Agenda Item Summary

Blue Sheet No. 20060142

**1. ACTION REQUESTED/PURPOSE:** Request permission to advertise for and conduct a Public Hearing on Tuesday, March 14, 2006 at 5:00 p.m., in Chambers to consider the adoption and execution of the proposed Ordinance creating the Gasparilla Island Municipal Service Taxing Unit and repealing Lee County Ordinance Nos. 81-63 and 92-28.

**2. WHAT ACTION ACCOMPLISHES:** Allows the proposed expansion of the current scope of services of the municipal service taxing unit to include invasive exotic animal species control and the repeal of existing ordinances to go forward to Public Hearing.

**3. MANAGEMENT RECOMMENDATION:** Approve

**4. Departmental Category:** 06

**WO #3**

**5. Meeting Date:** 02-07-2006

**6. Agenda:**

- Consent
- Administrative Appeals
- Public
- Walk-On

**7. Requirement/Purpose: (specify)**

- Statute
- Ordinance 81-63
- Admin. Code 3-15
- Other

**8. Request Initiated:**

Commissioner \_\_\_\_\_  
 Department Independent  
 Division Public Resources/MSTBU

By: Gail Orio, MSTBU  
 Coordinator

**Background:**

The Gasparilla Island Solid Waste Disposal MSTU was originally established by Ordinance 81-63 which was adopted by the Board of County Commissioners on December 23, 1981. This ordinance was then amended by the Board on April 15, 1992 to include the maintenance of a streetlighting system.

The proposed new Ordinance will allow invasive exotic animal species control and the repeal of Ordinances 81-63 and 92-28.

**Attachment:** Proposed Ordinance

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
	N/A	N/A	N/A	S. [Signature] 2/6/06	Analyst	Risk	Grants	Grants	HS [Signature]
					2/6/06	2/6/06	2/4/06	2/6/06	2/6/06

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

REC'D 2/6/06  
 by CO. ATT.  
 CO. ATTY. [Signature]  
 FORWARDED TO:  
 [Signature]

**DeSalvo, Richard A.**

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**From:** Orio, Gail M.  
**Sent:** Monday, February 06, 2006 2:37 PM  
**To:** DeSalvo, Richard A.  
**Subject:** Walk On Bluesheet 20060142  
**Attachments:** PHBluesheetWalkOn2-07-06.doc

Dick, please process the above bluesheet as a Walk On for Tuesday, February 7, 2006 as directed by the Board at the Management & Planning Meeting held today, February 6, 2006. Thank you!

Gail M. Orio  
MSTBU Coordinator  
Lee County Public Resources  
Phone 239-335-2288  
Fax 239-335-2449

**LEE COUNTY ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CREATING THE GASPARILLA ISLAND MUNICIPAL SERVICE TAXING UNIT; REPEALING LEE COUNTY ORDINANCE NOS. 81-63 AND 92-28; PROVIDING FOR CREATION OF THE UNIT, PURPOSE AND BOUNDARIES; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE UNIT; PROVIDING FOR THE GENERAL POWERS OF THE GOVERNING BODY AND LEVYING OF AD VALOREM TAXES; PROVIDING FOR A FUND, SEVERABILITY AND EFFECTIVE DATE.**

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

WHEREAS, the Board of County Commissioners of Lee County, Florida, is authorized pursuant to Chapter 125, Florida Statutes, to enact Ordinances necessary in the exercise of its powers; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, had previously adopted Ordinance No. 81-63 relating to the creation of the Gasparilla Island Solid Waste Municipal Service Taxing Unit; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, amended Ordinance No. 81-63 by adopting Ordinance No. 92-28 providing for the inclusion of the maintenance of a street lighting system; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, desires to expand the scope of services for the municipal service taxing unit to provide for invasive exotic animal species control; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, further desires to consolidate and update the scope of services provided by the municipal service

taxing unit and establish one Ordinance addressing the current municipal services provided to Gasparilla Island.

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

**SECTION ONE: REPEALER, CREATION OF THE M.S.T.U., PURPOSE AND BOUNDARIES**

Lee County Ordinances 81-63 and 92-28 are hereby repealed and replaced with the provisions of this Ordinance. The purpose of repealing these Ordinances is to update the scope of services provided by the Municipal Service Taxing Unit and establish one ordinance addressing the current municipal services provided to Gasparilla Island.

Pursuant to the powers granted to the Board of County Commissioners of Lee County, Florida, hereinafter referred to as the "Board," by the Constitution of the State of Florida and the Florida Statutes, in particular, Section 125.01, Florida Statutes, the Board hereby creates a municipal service taxing or benefit unit to be known as the "Gasparilla Island M.S.T.U." Unless expressly mandated by state statute, any and all procedures, administrative or otherwise, which were required to be followed prior to the enactment of this ordinance shall be waived or considered directory in nature and noncompliance with the procedure shall have no effect upon the validity of this ordinance, constitutional or otherwise.

The purpose of the Gasparilla Island M.S.T.U. is to provide the following municipal services within the boundaries of the M.S.T.U.:

- (1) Maintenance of a street lighting system within the boundaries of the M.S.T.U.; and

- (2) Invasive exotic animal species control within the boundaries of the M.S.T.U.

The boundaries of the M.S.T.U. shall be as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND  
MADE A PART HEREOF. (EXHIBIT A)

**SECTION TWO: GOVERNING BODY**

The Board shall be the governing body of the Gasparilla Island M.S.T.U.

**SECTION THREE: GENERAL POWERS**

The governing body shall have all the powers necessary or convenient to carry out the purpose of this Ordinance and such additional rights and powers as are provided by the Constitution of the State of Florida and the laws of the State of Florida as granted to counties. The governing body shall also have all the powers not otherwise prohibited by law and these powers shall include, but are not limited to, the power to:

1. Sue or be sued, complain or defend in the name of the County, in any and all courts or administrative agencies;
2. Acquire by grant, purchase, gift, devise, exchange or in any other lawful manner, any property, real or personal, or any estate or interest therein upon such terms and conditions as the governing body shall determine;
3. Enter into contracts with any public, private or municipal firm, person or corporation for the furnishing of the improvements within the boundaries of the M.S.T.U.;
4. Levy and collect special charges, special assessments, or taxes within the Unit;

5. Borrow and expend money and issue bond, revenue certificates and other obligations of indebtedness in such manner and subject to such limitations as may be provided by law;
6. Levy and collect without referendum ad valorem taxes for the providing of municipal services within the M.S.T.U.; and
7. Adopt rules and regulations governing the M.S.T.U.

**SECTION FOUR: LEVYING AD VALOREM TAXES**

Ad valorem taxes levied pursuant to this Ordinance shall be levied and a budget prepared and adopted by this Board after public hearings in the same manner as the Board prepares and adopts its annual County budget and levies taxes as provided by law.

**SECTION FIVE: GASPARILLA ISLAND M.S.T.U.**

There is hereby created a fund to be known as the Gasparilla Island Fund from which the costs of any municipal service may be paid, either in whole or in part. This fund shall contain all special charges, special assessments, taxes, interest, and other monies collected or otherwise obtained pursuant to this Ordinance or any subsequent resolution thereto.

**SECTION SIX: SEVERABILITY**

The provisions of this Ordinance are severable and it is the intention to confer the whole or any part of 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 shall not affect 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 unconstitutional provision not been included herein.

**SECTION SEVEN: EFFECTIVE DATE**

This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Secretary of State, State of Florida, that it has been duly filed with that office.

(Balance of Page Left Intentionally Blank)

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

BOB JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
TAMMY HALL	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Tammara Hall, Chairwoman

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney



**EXHIBIT A**

**GASPARILLA ISLAND M.S.T.U.**

Gasparilla Island, including Boca Grand Isles, Gasparilla Golf Course Island, Three Sisters Island, Hoagan's Key and Loomis Island, falling within Lee County.