

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

Blue Sheet No. 20060077

**1. ACTION REQUESTED/PURPOSE:** Approval of an ordinance creating the Gasparilla Island Municipal Service Taxing Unit and repealing Lee County Ordinance Nos. 81-63 and 92-28.

**2. WHAT ACTION ACCOMPLISHES:** Provides legal authority to expand the current scope of services of the municipal service taxing unit to include invasive exotic animal species control.

**3. MANAGEMENT RECOMMENDATION:** Approve.

**4. Departmental Category:** 06 **S:00PM PH I** **5. Meeting Date:** **03-14-2006**

<b>6. Agenda:</b> <input type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input checked="" type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b>		<b>8. Request Initiated:</b>
	<input checked="" type="checkbox"/> Statute	125.01	Commissioner
	<input type="checkbox"/> Ordinance		Department <u>Independent</u>
	<input checked="" type="checkbox"/> Admin. Code	3-15	Division <u>Public Resources/MSTBU</u>
	<input type="checkbox"/> Other		By: <u>Gail Orio</u>

**9. 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.

In September, 2005, the Lee County Animal Services entered into a service provider agreement with Florida Gulf Coast University to conduct a study of the iguana population on Gasparilla Island. The study revealed that at least 10,000 iguanas now inhabit the island, significantly impacting homeowners as well as the environment. The Gasparilla Island property owners, through the Gasparilla Island Community Involvement Association (GICIA), and the Boca Grande Isles Property Owners Association have requested that the Board amend the ordinance scope of services to include invasive exotic animal species control.

**Exhibit:** "A": Legal Description

- Attachments:**
1. Notice of Intent
  2. Letter to Property Owners dated February 21, 2006
  3. Letter from GICIA dated January 23, 2006
  4. Letter from Boca Grande Isles Property Owners Association dated January 3, 2006
  5. Ordinance Nos. 81-63 and 92-28
  6. Excerpts from February 6, 2006 Management & Planning Meeting, Item No. 1 presentation.

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	Analyst <i>[Signature]</i> 2/13/06	Risk <i>[Signature]</i> 2/13/06	Grants <i>[Signature]</i> 2/13/06	Mgr. <i>[Signature]</i> 2/14/06	

**11. Commission Action:**

- Approved  
 Deferred  
 Denied  
 Other

RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
2-10-06
1:45
COUNTY ADMIN FORWARDED TO:

Rec. by CoAtty
Date: 2/10/06
Time: 8:45 AM
Forwarded To: Co. Admin.

2/10/06 10:55 AM

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.**

The existing fund will now 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.



## **NOTICE OF INTENT TO CREATE A MUNICIPAL SERVICE TAXING UNIT**

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 14<sup>th</sup> day of March, 2006, at 5:00 P.M. in the County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment and repeal of a County Ordinance pursuant to Article VIII, Section 1, of the State Constitution, Chapter 125, Florida Statutes. The title of the proposed County Ordinance is as follows:

**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.**

Copies of the ordinance are on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Department and the Office of Public Resources both located in the Courthouse Office Building, 2115 Second Street, Fort Myers, Florida.

The nature of the operation and maintenance Municipal Service Taxing Unit (MSTU) consists of street lighting and invasive exotic animal species control.

Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed ordinance. All objections to the ordinance amending the unit shall be in writing and filed with the County MSTBU Services on or before the time or the adjourned time of the hearing. Upon consideration of the objection and the ordinance, the Board shall consider the ordinance as it deems appropriate or necessary. The adoption of the ordinance shall be the final adjudication of the issues presented thereby unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Board action on the ordinance.

In accordance with the Americans with Disabilities Act, persons needing a special

6  
accommodation or an interpreter to participate in this proceeding should contact the County Commission at (239) 335-2259 at least seven days prior to the date of the hearing.

If anyone decides to appeal a decision made by the Board, with respect to any matter considered at this meeting, a record of the proceeding will be needed for the appeal. Whoever appeals may need a verbatim record of the proceeding, including the testimony and evidence upon which the appeal is to be based.

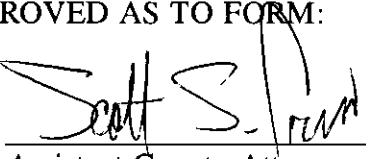
The ordinance shall take effect immediately upon its adoption by the Board of County Commissioners.

The text of this Notice is pursuant to and in conformance with Section 125.66 Florida Statutes 2005.

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:  \_\_\_\_\_  
Assistant County Attorney

PUBLISHING DATE: 02/21/06

Bob Janes  
District One

February 21, 2006

Douglas R. St. Cerny  
District Two

Dear Property Owner:

Ray Judah  
District Three

Notice is hereby given that a Public Hearing will be held by the Board of County Commissioners at the Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, on Tuesday, March 14, 2006 at 5 P.M., to consider the enactment and repeal of a County Ordinance for Gasparilla Island. The title of the Ordinance is as follows:

Tammy Hall  
District Four

John E. Albion  
District Five

**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.**

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

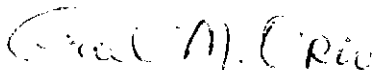
Diana M. Parker  
County Hearing Examiner

A copy of the proposed ordinance is on file with the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Department on 2115 Second Street and the Office of Public Resources located in the Lee County Administration Building, 2115 Second Street, Fort Myers, Florida.

This Public Hearing is an opportunity for you to express your opinion or you may wish to write a letter to the sender at P. O. Box 398, Fort Myers, Florida 33902. All correspondence received within twenty (20) days prior to the Public Hearing will become a part of the Public Record. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed County Ordinance. If anyone decides to appeal a decision made by the Board, with respect to any matter considered at this meeting, a record of the proceeding would be needed for the appeal. Whoever appeals may need to insure that a verbatim record of the proceeding is made, which, the record must include the testimony and evidence upon which any such appeal is to be based.

The purpose of the GASPARILLA ISLAND MUNICIPAL SERVICE TAXING UNIT is to provide street lighting and invasive exotic animal species control. The Board of County Commissioners will appoint a five member Advisory Committee to work with County staff to determine your budget each year. The meetings will be held in public and your input will assist the Committee in establishing the level of service you wish to present to the Board of County Commissioners during the annual budget process. An MSTBU designee will determine the budget in the event that a committee is not formed.

Sincerely,



Gail M. Orio  
MSTBU Coordinator



**G·I·C·I·A**

Gasparilla Island  
Conservation and Improvement  
Association, Inc.

P.O. Box 446  
131 First Street  
Boca Grande, FL 33921  
Phone: (941) 964-2667  
Fax: (941) 964-0259  
gicia@ewol.com

**BOARD OF DIRECTORS**

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William Heisel

Kimpton Honey

Roger Howe

Nancy Martin

Wendy Melvin

Andy Nagle

Je-Je Pierce

Staff

Misty Nabers  
Executive Director

Sarah Watkins  
Development Director

Arthur Butler  
Path Maintenance

January 23, 2006

The Honorable Bob Janes  
Board of County Commissioners  
P.O. Box 398  
Fort Myers, Florida 33921

Dear Commissioner Janes:

On behalf of the Board of Directors of the Gasparilla Island Conservation and Improvement Association (GICIA), I am writing in support of the proposed expansion of the existing "streetlighting" MSTU to include invasive exotic animal species control.

As you know, the iguana population on Gasparilla Island has been increasing since the early 1990's and the current population is estimated exceed 10,000. Residents complain about iguanas in their attics shredding insulation, scratching and chewing holes in screens and siding, nesting in crawl spaces, and occasionally dying inside homes. On the other hand, botanists are concerned because iguanas often eat newly forming flower buds and have been documented as a threat to the survival of a very rare cactus found on Gasparilla Island.

As this problem continues to increase, we urge you and your fellow commissioners to expand the existing "streetlighting" MSTU so that the difficult task of eradicating Boca Grande's iguanas can begin. If you have any questions, or if we can assist you in anyway, please contact me.

Thank you for your continued interest in Boca Grande issues.

Respectfully,

Misty Nabers  
Executive Director

Cc: Pete Winton, Assistant County Manager



CC: Dots 2, 3, 4, 5  
Scott Trebatoski  
Doto Winter

**Boca Grande Isles Property Owners  
Association, Inc.**

P.O. Box 906  
Boca Grande, FL 33921  
941-964-0863  
Fax: 941-697-0742

January 23, 2006

Mr. Cappy Warner  
President, GICIA  
Boca Grande Community Center  
POB 446  
Boca Grande, FL 33921

Dear Cappy,

Thanks to you and the GICIA for hosting an educational and action-oriented forum dealing with our Boca Grande iguana problem.

I chair the Boca Grande Isles Property Owner's Association. At our January 12<sup>th</sup> Board Meeting, we unanimously supported a motion for support to local and county-wide efforts to control and/or eradicate this invasive species. Because of "The Isles" geographic uniqueness (surrounded by water and access by bridge only), we are available to help "pilot a project." "The Isles" represents 123 tax paying parcels and 94 completed homes located in Lee County.

We are currently investigating sources to pilot an "Isles" project for Iguana Control. I will keep you aware of our progress.

Sincerely,

Richard Terrell  
President, Boca Grande Isles Property Owners Association

Cc: Lee County Commissioner, Bob Janes  
Charlotte County Commissioner, Tom Moore  
Florida Gulf Cost University, Dr. Jerome Jackson  
Ex. Director National Invasive Species Council, Lori Williams  
Lee County Director of Animal Services, Scott Trebatoski  
Boca Grande Club C.E.O., Yvonne Anderson

*Bob -  
Nice seeing you again... thx for your  
creative support*  
*Richard*

CC: Dist 2, 3, 4, 5  
Kate Wulfsberg  
Scott Subatanski  
Public Resources

COUNTY ADMINISTRATION  
06 FEB -6 AM 10:19

January 27, 2006

To: Commissioner Bob Janes, Lee County

From: Dr. William Heisel, Vice-Chairman Boca Grande Community Planning Panel

The meeting at the Boca Grande Community Center concerning the iguana problem was a huge success and has stimulated a lot of interest. And I must say, that your support was roundly appreciated. I understand, as a member of the GICIA Board, that we are working with you to move the project forward.

As you mentioned the need for community support, I enclose a copy of our survey result, question #35, which shows strong support for the control of the iguana population. This island-wide survey had spectacular response and clearly reflects the attitude of the residents. I have also included Policy 3.1.14 of our approved Community Plan which also deals with the proliferation of the iguanas.

In closing, I would like to commend you for providing the services of Dr. Jackson, whose report can serve as a basis for this much needed project. If I can be of any assistance to you, please advise.

Regards,



Dr. William Heisel

*P.S. There is lots of positive response to your attendance and remarks - This can be a great program -*

**Policy 3.1.13:** Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island.

✓ **Policy 3.1.14:** Lee County will work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island by January, 2006.

**Policy 3.1.15:** Lee County will provide financial and political support for research into the causes and control of red tide and other similar extraordinary tidal events.

**Objective 3.2:** Lee County will manage public resources and direct public efforts to preserve, protect, and enhance the natural environments on Gasparilla Island through measures to control the risk of harm attributable to human impact.

**Policy 3.2.3:** Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico.

**Objective 4.1 - Community Facilities and Services:** Lee County will seek to ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of Boca Grande.

Through the administration of county services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, Lee County will continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner.

**Policy 4.1.1:** Lee County will seek to maintain and enhance the public/private partnership for the operation and enhancement of the Boca Grande Community Center and other County operated facilities open to the public in the community of Boca Grande.

**Policy 4.1.2:** Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water.

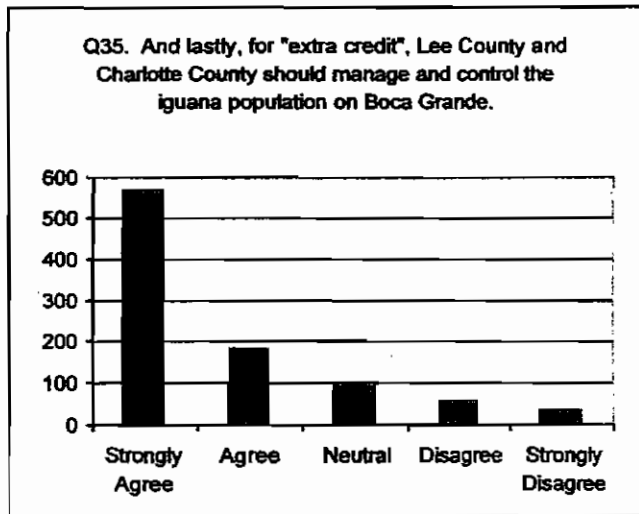
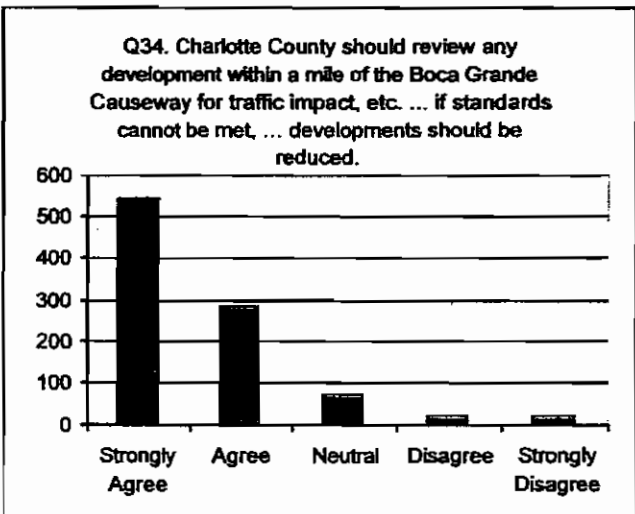
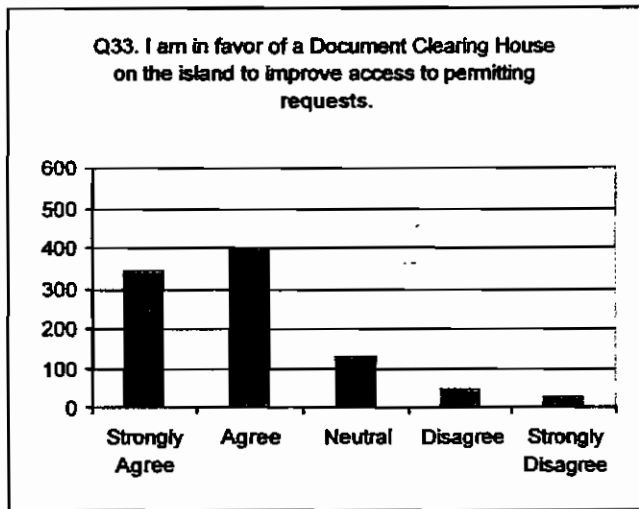
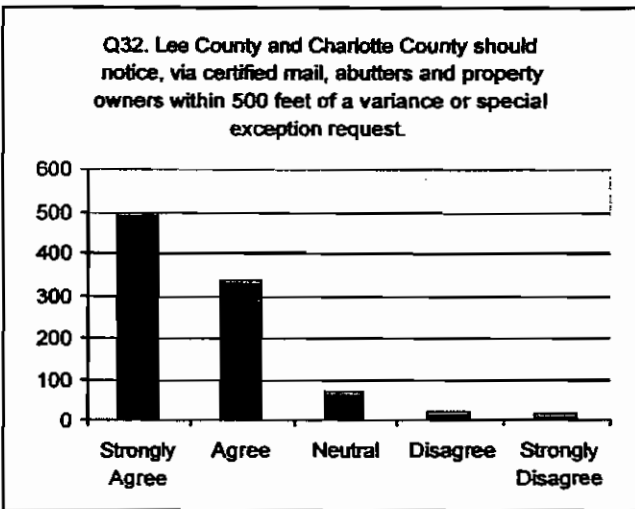
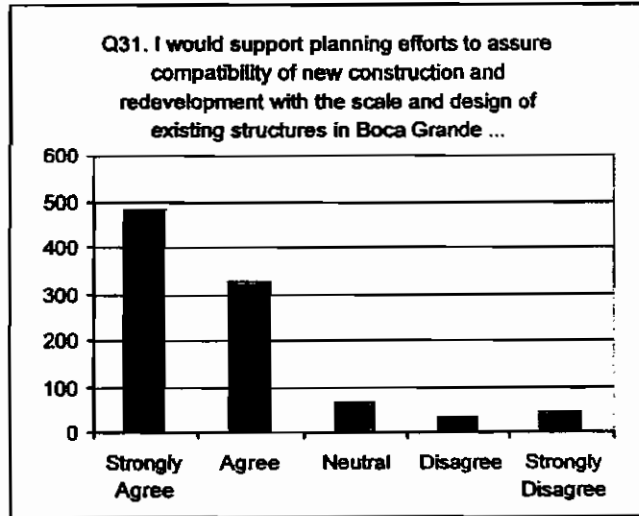
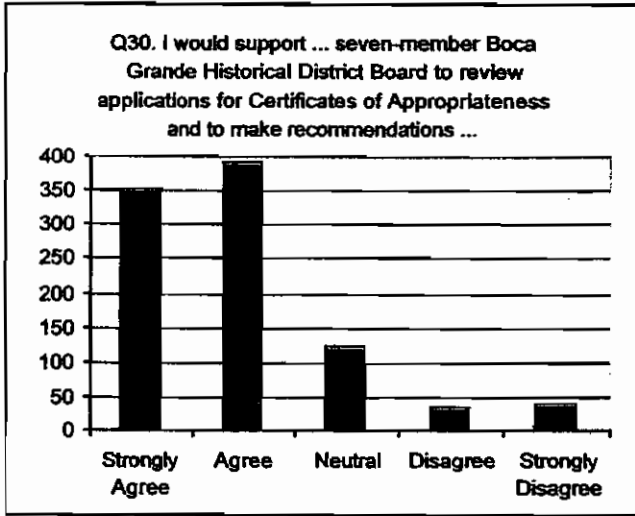
**Policy 4.1.3:** Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an inter-governmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in

Boca Grande Community Planning Panel

Survey Results

Charts per Question

Based on May 19, 2004 Data





2:00 pm  
12-23-81

AN ORDINANCE CREATING THE GASPARILLA ISLAND SOLID WASTE DISPOSAL M.S.T.U.; DEFINING THE TERRITORY TO BE INCLUDED; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE M.S.T.U.; PROVIDING FOR THE TYPE OF SERVICES WHICH MAY BE RENDERED; PROVIDING FOR THE POWER TO LEVY SERVICE CHARGES, SPECIAL ASSESSMENTS OR TAXES WITHIN THE M.S.T.U.; PROVIDING FOR A FUND; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County held a public hearing on the proposed ordinance to establish this municipal service taxing or benefit unit; and,

WHEREAS, all persons having an interest in the municipal service taxing or benefit unit and the public at large were given an opportunity to be heard.

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

SECTION 1.

CREATION OF THE M.S.T.U., PURPOSE AND BOUNDARIES.

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, Fla. Stat., the Board hereby creates a municipal service taxing or benefit unit to be known as the Gasparilla Island Solid Waste Disposal 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 non-compliance with the procedure shall have no effect upon the validity of this ordinance, constitutional or otherwise.

The purpose of the Gasparilla Island Solid Waste Disposal M.S.T.U. is to provide the following municipal services within the boundaries of the M.S.T.U.: Operation and maintenance of one (1) convenience station.

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 2.

THE GOVERNING BODY

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

SECTION 3.

THE 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 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.
5. Borrow and expend money and issue bonds, 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 4.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 5.GASPARILLA ISLAND SOLID WASTE DISPOSAL M.S.T.U.

There is hereby created a fund to be known as the Gasparilla Island Solid Waste Disposal 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 6.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 7.ALTERNATIVE OR SUPPLEMENTAL AUTHORITY

This ordinance shall not be construed as repealing or superceding any other ordinance or law and is to be construed as alternative or supplemental authority for the exercise of powers provided for herein.

SECTION 8.EFFECTIVE DATE

This ordinance shall become effective upon action from the Secretary of State that the ordinance has been duly filed.

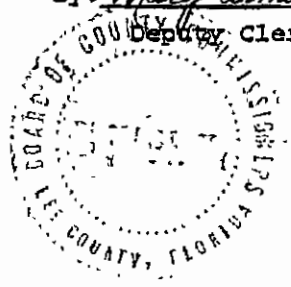
DONE AND ADOPTED this 23rd day of December,  
1981

ATTEST:  
SAL GERACI, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: Mary Amentrout  
Deputy Clerk

By: [Signature]  
Chairman



Approved as to Form:

[Signature]  
County Attorney's Office

GASPARILLA ISLAND SOLID WASTE DISPOSAL M.S.T.U.

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

LEE COUNTY ORDINANCE NO. 92-28

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 81-63 WHICH CREATED THE GASPARILLA ISLAND SOLID WASTE DISPOSAL MUNICIPAL SERVICE TAXING UNIT, TO INCLUDE THE MAINTENANCE OF A STREETLIGHTING SYSTEM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida, adopted Ordinance No. 81-63, which created the Gasparilla Island Solid Waste Disposal Municipal Service Taxing Unit; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, finds it necessary to amend Ordinance No. 81-63 to provide for the inclusion of the maintenance of a streetlighting system.

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

TITLE: THE ORDINANCE TITLE IS HEREBY AMENDED TO READ:

AN ORDINANCE CREATING THE GASPARILLA ISLAND SOLID WASTE DISPOSAL AND STREETLIGHTING M.S.T.U.; DEFINING THE TERRITORY TO BE INCLUDED; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE M.S.T.U.; PROVIDING FOR THE TYPE OF SERVICES WHICH MAY BE RENDERED; PROVIDING FOR THE POWER TO LEVY SERVICE CHARGES, SPECIAL ~~ASSESSMENTS OR TAXES WITHIN THE M.S.T.U.~~; PROVIDING FOR A FUND; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1.CREATION OF THE UNIT, PURPOSE AND BOUNDARIES OF  
ORDINANCE NO. 81-63, IS HEREBY AMENDED AS FOLLOWS:

The purpose of the Gasparilla Island Solid Waste Disposal and Streetlighting M.S.T.U. is to provide the following municipal services within the boundaries of the M.S.T.U.: Operation and maintenance of one (1) convenience station and maintaining a streetlighting system within the boundaries of the M.S.T.U.

SECTION 2.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 or 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 3.EFFECTIVE DATE

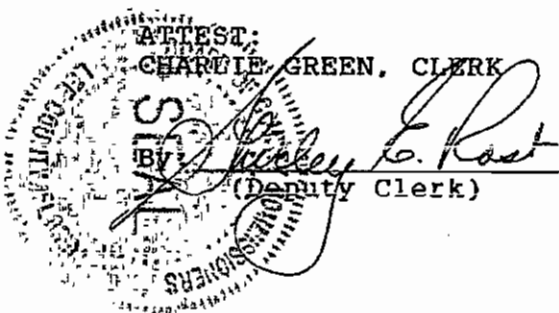
This Ordinance shall take effect upon receipt of acknowledgement of its filing by the Office of the Secretary of State, State of Florida.

(1101M/2)

THE FOREGOING ORDINANCE was offered by Commissioner Manning who moved it to adoption. The motion was seconded by Commissioner Judah and, upon being put to a vote, the vote was as follows:

DOUGLAS R. ST. CERNY	<u>AYE</u>
VICKI LOPEZ-WOLFE	<u>AYE</u>
DONALD SLISHER	<u>ABSENT</u>
JOHN E. MANNING	<u>AYE</u>
RAY JUDAH	<u>AYE</u>

DONE AND ADOPTED THIS 15th day of April, 1992.



BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

By: [Signature] Chairman

APPROVED AS TO FORM:

By: [Signature] Office of the County Attorney

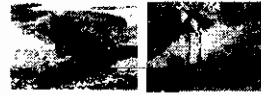


## The Problem of Invasive Exotic Animals: Gasparilla Island Black Iguana



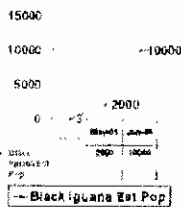
Overview of Issues  
M&P: Feb. 6, 2006

## Timeline:



- Mid-1970s resident of Boca Grande intentionally releases 2-3 black spiny tailed iguanas
- 1990s County looks at black iguana issue at request of Gasparilla Island residents who wish to have them protected for "adding charm to the island's history"
- 2001 University of Florida Study shows a growing population of 2000 black iguanas and states something should be done to eliminate the problem
- Late-2004 GICIA asks County to review black iguana issue on island & Animal Services asked to assist in project
- Early-2005 FGCU & Dr. Jackson hired to study black iguana issue
- Late-2005 Preliminary results of study show ecological damage and a population now estimated at over 10,000 black iguanas
- Early-2006 GICIA & Residents meet with County and a proposal of MSTU to address invasive exotic animal species raised & supported broadly by residents

## Population Growth



### Major Concerns:

- Omnivorous - threaten native plants/animal species & spread exotic seeds
- Threaten stability of the Dune System - deep burrows
- Proven reservoir for Salmonella Bacterium & Possibility it could be reservoir for West Nile Virus
- Invasive. Out competes native populations

## Addressing the Problem: Must be COMMUNITY BASED Solution

- Exotic animal populations are localized issues varying in species & problem (Black Iguana, Gasparilla Island, Monitor Lizard, Cane Coral, Peacocks, Pine Island, etc.)
- Unique circumstances of different communities makes each incident separate from others even if the same species is involved
- As exotic invasive species, no particular Federal, State or Local agency takes jurisdiction (except FWC notes release or relocation is illegal & they would enforce that law)
- Animal Services' core level of service is to address stray/homeless domestic pets (primarily cats & dogs)
- SOLUTION: Special taxing districts established to deal with the localized concerns of specific invasive exotic species. Local input into solutions/contracting specialists.

## Implementation

Current MSTU Rates for Street Lighting District

Expenditure	\$50,000	\$100,000	\$150,000	\$200,000
Millage Rates	0.0367	0.0734	0.1101	0.1468
on \$1 Million Tax Value	\$36.70	\$73.40	\$110.10	\$146.80

- Existing Street Lighting MSTU funds are charged to Street Lighting & Public Exits
- Animal Species Control Revenue
- Election - residents' input - established by County Court
- Contracted to private industry - generally P&I
- Economic costs if various options
- Develop multi-year management plan - MSTU levels to improve street management

## **SAMPLE IGUANA CONTROL PROGRAM**

- 1) Education & Community Involvement
  - a) Potential environmental damage by iguana population
    - i) Consumption of Endangered and Threatened plants and animals
    - ii) Competition with Gopher Tortoises for burrows and food
    - iii) Vector for salmonella and potentially other diseases to native animals, domestic pets and human beings
    - iv) Weakening of dune systems, thus reducing their value for storm protection
    - v) Dispersal of seeds of exotic and invasive plants
  - b) What to do if you have iguana in your yard
    - i) Block, fill-in or otherwise obstruct burrow entrances
    - ii) Make certain attic vents have screening to prevent access by iguanas
    - iii) Seal gaps and spaces in tile roofs where iguanas may take shelter
    - iv) Remove piled debris
    - v) Remove Brazilian pepper and other exotic plants that may serve as a food source for iguanas
    - vi) Rake and remove sea grapes in fall as they drop from trees
  - c) Prevention education
    - i) Identification of burrows and procedures to block or destroy them
    - ii) Reduction in plants, structures and other landscape features that attract iguanas
    - iii) Protection of landscape plants, buildings and other personal landscape features from damage by iguanas
- 2) Population Control
  - a) Resident Involvement
    - i) Identification of iguana populations and burrow entrances
    - ii) Providing access for population control
    - iii) Removal of exotic plants
    - iv) Removal of brush piles
    - v) Removal of fallen fruit and other materials that might serve as iguana food
    - vi) Following guidelines for population control
  - b) Municipal Special Taxing Unit (MSTU)
    - i) Establish special tax for population control problem
      - (1) Lee County
      - (2) Charlotte County
    - ii) Fund programs for education, control, removal
- 3) Alternatives
  - a) Vasectomies for alpha male population & return to wild
    - i) Difficult to find service providers
    - ii) Expensive, non-traditional veterinary procedure in community
    - iii) Practice may require state permits
  - b) Trap, net and other humane live capture
    - i) Cannot be relocated
    - ii) Do not want to spread problem to other areas
    - iii) Captured animals must be euthanized or housed/feed/cared for in a sanctuary/zoo
  - c) Aggressive live population extermination
- 4) Challenges
  - a) Involvement of both counties
  - b) Possible issues with State of Florida, permits, etc
  - c) Local rules/laws may need to be amended
  - d) Funding: Cost vs. Benefits & Long-term Costs

## **SAMPLE IGUANA CONTROL PROGRAM**

- 5) Funding/Ongoing Management
  - a) Existing street lighting MSTU could be turned into "Street lighting and Invasive Exotic Animal Species Control" MSTU
  - b) Receive support of local community groups and request approval to change MSTU from Board of County Commissioners
  - c) Commission appointments of interested parties to MSTU board
  - d) Determine contribution/participation from Charlotte County
  - e) Contract with project manager, potentially FGCU
  - f) Cost out recommendations
  - g) Develop multi-year management plan; MSTU board would approve funding based on project manager recommendations

## Trebatoski, Scott E.

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**From:** Dist1, Janes  
**Sent:** Tuesday, January 31, 2006 8:32 AM  
**To:** gicia@ewol.com; Dist4, Hall; Dist5, Albion; Dist3, Judah; Dist2, St. Cerny; Winton, Peter ;  
Trebatoski, Scott E.; Walker, Elizabeth K.; Owen, David M.  
**Subject:** FW:  
**Attachments:** Dist1, Janes.vcf



Dist1, Janes.vcf (4  
KB)

Dr. Jerome Jackson gave some excellent information about the iguana issue on Boca Grande in a response to a constituent below. This information gives you a true picture of the concerns. Please take time to read his response.

Commissioner Bob Janes, District #1  
Lee County Board of County Commissioners Post Office Box 398 Fort Myers, FL 33902-0398  
239.335.2224 (Office Number)  
239.335.2355 (Fax Number)  
Dist1@leegov.com

-----Original Message-----

From: Dr. Jerome Jackson [mailto:jjackson@fgcu.edu]  
Sent: Monday, January 30, 2006 11:03 PM  
To: Wayne Harris; Dist1, Janes  
Cc: thomas@dr-schlotmann.de; ardiebucher@yahoo.com  
Subject:

Dear Mr. Harris:

Commissioner Janes has asked that I also respond to your recent queries to him relative to the black spiny-tailed iguanas on Gasparilla Island. Perhaps I can add a little insight relative to the nature of the ecological problems we face. I cannot, of course comment on the politics of the situation or the role that the County might play. They are far outside of my areas of expertise and authority.

I am a zoologist at Florida Gulf Coast University with a strong interest in the problems of invasive exotics. I serve on the National Invasive Species Advisory Committee, a 28-member committee appointed by the U.S. Secretary of the Interior to advise the Cabinet Secretaries on invasive species issues. My role in the Gasparilla Island iguana issue is that I have been working with Lee County Animal Services for the past year in an effort to (1) understand the nature and magnitude of the threats posed by the iguanas, (2) to evaluate whether or not any control or eradication effort might be needed and, if so, (3) how such control or eradication efforts might be most effectively carried out.

I am first, and foremost, an animal lover and did not take on this task to kill iguanas or anything else. Through the course of my work during the past year, I have come to know many of the employees of Lee County Animal Services and I can assure you that they too are interested first and foremost in animal welfare. It is precisely because of my involvement with conservation efforts and the living world that I am concerned about the presence and growing populations of black spiny-tailed iguanas on Gasparilla Island.

This iguana, while a truly beautiful animal, differs substantially from the common green iguana which is frequently kept as a pet. Green iguanas are primarily herbivores. Black spiny-tailed iguanas have a much more diverse diet and feed on virtually any animal that it can capture -- as well as on both native and exotic plants. In their native Mexico, for example, black spiny-tailed iguanas prey on the chicks of Brown Pelicans. They can readily take the eggs and chicks of Florida seabirds such as Snowy Plovers and Least Terns -- two species whose populations are in serious trouble. They can also take hatching sea

turtles and gopher tortoises and readily take over the burrows of gopher tortoises on Gasparilla. Last summer I found a Red-bellied Woodpecker nest with hatchlings one week and the next week found the woodpecker nest occupied by a black spiny-tailed iguana that had likely consumed the nest occupants.

You mentioned a "study" done by W.H. Kern, Jr. of the University of Florida and cited many different predators on iguanas and the idea that most young iguanas are killed by these predators. This was not a study done on Gasparilla Island, nor was it merely referring to black spiny-tailed iguanas. Mr. Kern's article ("Dealing with iguanas in the south Florida landscape"), which was very well written, is a useful summary of information about iguanas in general. But it includes information relative to several species and several areas, and was merely a compilation of information gleaned from various literature references. There have been no detailed studies of the natural predators of black spiny-tailed iguanas on Gasparilla. We know (1) that some of these predators do not exist on Gasparilla, (2) that predator populations there are smaller than in mainland areas, and that (3) the burrows of black spiny-tailed iguanas (unlike those of some iguana species) are not easily excavated by potential predators. These iguanas seek out rocky areas and concrete slabs and foundations under which they excavate branching burrows that extend many feet, such that digging one out to obtain eggs is very difficult. Predators are exercising little control over the black-spiny-tailed iguana population on the island and it is growing. Indeed, it has already spread from the island. We have records of these iguanas now from both north and south of Gasparilla. Some of the iguanas, for example, were taken from Gasparilla to Keewaydin Island in Collier County and the population there is growing rapidly. If these iguanas reach some of the more sensitive areas of the mainland, such as the Lake Wales Ridge area, they could wipe out some endangered species.

While these animals did not ask to be brought to Florida, their presence here is a serious threat to Florida ecosystems and they must be controlled or, if possible, eliminated. I agree completely with you that exotic plants are also serious threats. Indeed, one of the problems that the black spiny-tailed iguana poses is that it subsists to a great extent on the berries of Brazilian pepper during winter months. The seeds of Brazilian pepper pass through its digestive tract unharmed and are deposited wherever it goes -- along with a bit of fertilizer. Thus, one invasive exotic is helping to spread another. Other threats posed by this iguana include such things as: (1) It is a major reservoir for a Salmonella bacterium that causes serious illness in humans and other animals. Nearly every iguana we have tested from Gasparilla has tested positive for the bacterium. (2) We have reason to suspect that this iguana is serving as a reservoir for West Nile virus which can be spread from the iguanas by mosquitos to other animals, including humans. We are currently conducting studies to evaluate this possibility. (3) These iguanas climb readily and have already cause power outages on Gasparilla as a result of short-circuiting electrical systems and thus destroying electrical equipment. (4) These iguanas are making extensive burrows into the dunes on Gasparilla and with a storm surge, these burrows could facilitate destruction of the dunes, causing extensive damage to human property and to natural ecosystems.

I agree completely with you that there are many things that the residents of Gasparilla can do to minimize iguana populations and the problems they are causing. One important thing would be to substantially reduce or eliminate Brazilian pepper and other exotic plants on the island. Another would be to put a stop to deliberate feeding of iguanas and the use of landscape plants that are not favored iguana foods. Many iguanas are starving or barely surviving the winter as it is on Gasparilla, and removing midwinter food resources will greatly increase such losses. A home owner can minimize damage to property by iguanas by closing iguana burrows, cleaning up debris that provides hiding places for iguanas, sealing ceramic tile roofs to eliminate hiding places, and screening off attic vent accesses. Any effort to control or eliminate the iguanas on the island must be a concerted and multi-pronged effort.

Because these iguanas are not native, they do not have their natural predators, parasites, and diseases. Thus their populations can grow rapidly. In addition, this species is very prolific. A large female may lay 80 eggs in a season and multiple females may lay in the burrow of a single male. Removal and humane euthanizing of these animals is also an important tool in their control, and in truth may be more humane than starving them to death by removing winter food supplies. Euthanizing of the animals has been done by Lee County Animal Services under the direct control of a veterinarian, and the animals killed have then been turned over to us for detailed study. My students and I, and professional colleagues have learned a great deal from them, but we would all much rather see these animals alive -- in their native environment.

I have touched on only a few things in this email, but enough, I hope, that you will understand that we do care about the animals, that the situation is very complex, and that these exotic animals pose some very serious threats to Florida ecosystems. We are searching for alternative and diverse solutions, but I feel that it is very important that we deal with this problem as quickly, efficiently, and humanely as possible.

Thanks for your concern.

Jerry

Jerome A. Jackson  
Professor of Biology  
Florida Gulf Coast University  
10501 FGCU Blvd. South  
Ft. Myers, FL 33965

Phone: 239-590-7193  
FAX: 239-590-7200