

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

**Blue Sheet No. 20060384**

**1. ACTION REQUESTED/PURPOSE:** Adopt resolution amending Administrative Code 3-15 pertaining to the administrative procedure governing the creation of an MSBU project.

**2. WHAT ACTION ACCOMPLISHES:** Increases need of community support from 50% +1 to 60%.

**3. MANAGEMENT RECOMMENDATION:** Approve

**4. Departmental Category:** 06

**CLH**

**5. Meeting Date:**

**04-04-2006**

**6. Agenda:**  
 Consent  
 Administrative  
 Appeals  
 Public  
 Walk-On

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

Statute  
 Ordinance 97-23  
 Admin. Code  
 Other

**8. Request Initiated:**

Commissioner \_\_\_\_\_  
 Department \_\_\_\_\_  
 Division Public Resources  
 By: Libby Walker

**9. Background:** Administrative Code 3-15 establishes the procedure for creating or changing a Municipal Service Benefit Unit. Current standards require 50% +1 property owner to support a project. Although this provides a "Majority" it may not clearly reflect the best interests of the community. The proposed change to the Administrative Code would require 60% of the community support. This would demonstrate significant support, as well as maintain a majority of property owner support should a change in conditions/ownership occur during the process.

Exhibit A – Administrative Code 3-15

**10. Review for Scheduling**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
	N/A	N/A	N/A		CP 3/23/06	3/23/06	3/23/06	3/23/06	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: *[Signature]*  
 3-23-06  
 9:40  
 COUNTY ADMIN FORWARDED TO: *[Signature]*  
 3/23/06

Rec. by CoAtty  
 Date: 3/23/06  
 Time: 8:30 AM  
 Forwarded To: *[Signature]*  
 3/23 9:15 AM

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AMENDMENTS 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 and ff., 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 a regularly scheduled Board of County Commissioners' meeting; and,

**WHEREAS**, certain amendments to the Lee County Administrative Code are now being proposed, and the Board of County Commissioners finds that such proposed amendments are acceptable, serve a public purpose and are 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 hereby accepted and approved as being true and accurate, and is adopted and incorporated herein as if set out further at length.
2. The proposed amendment(s) to the Lee County Administrative Code \_\_\_\_\_ (attached hereto as Exhibit A), is (are) approved, and are hereby directed to be incorporated into the Lee County Administrative Code as indicated in the amendment(s).
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 shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other remaining provisions of this Resolution. It is hereby declared to be the Board's legislative intent that this Resolution would have been adopted had such an unconstitutional provision not been included herein.
4. This Resolution shall 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,

being put to a vote, the vote was as follows:

ROBERT P. JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
TAMMARA HALL	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**ATTEST:**  
**CHARLIE GREEN, CLERK**

**BOARD OF COUNTY COMMISSIONERS**  
**OF LEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
**Deputy Clerk**

By: \_\_\_\_\_  
**Chairwoman**

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
**Office of the County Attorney**

**Exhibit A**  
**ADMINISTRATIVE CODE**  
**BOARD OF COUNTY COMMISSIONERS**

<b>CATEGORY:</b> Financial/Fiscal/Budget	<b>CODE NUMBER:</b> AC-3-15
<b>TITLE:</b> Procedure to Establish or Change a Municipal Service Taxing or Benefit Unit Which May or May Not be Empowered to Issue Debt	<b>ADOPTED:</b> 7/24/85
	<b>AMENDED:</b> 11/27/85; 04/11/90; 09/21/94; 08/09/05
	<b>ORIGINATING DEPARTMENT:</b> PUBLIC RESOURCES

**PURPOSE/SCOPE:**

When special services or projects which benefit a limited and specifically defined area of the County are desired by the property owners, they may petition the Board of County Commissioners to create a dependent unit of government to carry out the services or projects desired and annually impose ad valorem taxes, assessments or charges on the properties which are benefited by the service or project. If ad valorem taxes are authorized as a method of payment, then the department unit of government shall be called a Municipal Services Taxing Unit (MSTU). If special assessments or charges are authorized as a method of payment, then the dependent unit of government shall be called a Municipal Services Benefit Unit (MSBU). Property owners may also petition the Board of County Commissioners to expand the Boundaries or make other changes to an already existing MSTU or MSBU. The Board of County Commissioners has established the petition process outlined herein which shall be followed unless the Board of County Commissioners waives the use of the petition process. The Board has designated an office to assist in the administration of this process.

**POLICY/PROCEDURE:**

Property owners interested in pursuing a Municipal Service Taxing or Benefit Unit shall contact the Office designated by the Board of County Commissioners to obtain the steps necessary for the petitioners to take in order for the County to prepare the formal petition form.

I. Requirements of the formal petition:

- A. The petition shall clearly describe the service or project being requested or the changes being requested to an existing unit. Examples of services are streetlighting, landscape maintenance and security services. Examples of projects are roads, drainage, water and sewer.
- B. The petition shall set forth the method of funding the service or project either by ad valorem tax, special assessment or other charges along with the estimated cost of the services/project.

II. Petition signatures:

- A. All signatures must be notarized to be valid.
- B. In order for a signature to be valid, it must be a record titleholder to a parcel or property in the unit.
- C. Each record titleholder shall be allowed one signature for each parcel owned.
- D. In the event of multiple owners, the signature of any one owner shall give full credit for that parcel.

E. The submittal package must contain signatures, as determined by the County designee, representing at least ~~50 percent~~ + 60% of the owners of record or homesteaded properties for residential areas; or ~~50 percent~~ + 60% of the property owners by land area for principally undeveloped areas.

III. When the signed petition submittal package is received by the County and found to be in compliance with the above, staff will proceed to public hearing before the Board of County Commissioners.

IV. At the public hearing, property owners within the proposed unit are invited to participate and make their wishes known to the Board of County Commissioners.

If it is determined that the proposed unit is necessary and desirable, the Board may adopt an ordinance/resolution to either:

A. Create the requested Municipal Service Unit WITHOUT a referendum being held, OR

B. Establish a date for a referendum election to be held on the question of creating the requested Municipal Service Unit.

V. For any unit, which required the levy of ad valorem tax to be operational within any given year, it must have been legally created prior to December 31 of the previous year.

VI. Unless otherwise stated in the creating document, the district commissioner of any operating and maintenance unit may approve a five member advisory committee consisting of property owners within the unit. The committee members will be appointed for two year terms.

**ADMINISTRATIVE CODE  
BOARD OF COUNTY COMMISSIONERS**

**CATEGORY:**  
Financial/Fiscal/Budget

**CODE NUMBER:**  
AC-3-15

**TITLE:**  
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**ADOPTED:**  
7/24/85

**AMENDED:**  
11/27/85; 04/11/90; 09/21/94; 08/09/05

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