

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

Blue Sheet No. 20070280

1. ACTION REQUESTED/PURPOSE: Support the Florida Association of Counties legislative platform item (see attached) that would allow the Local Government infrastructure surtax to be imposed by vote of the Board of County Commissioners; and add this item to the Lee County's legislative tracking program.

2. FUNDING SOURCE: N/A

3. WHAT ACTION ACCOMPLISHES: Gives counties the ability to impose an up-to 1% sales surtax to pay for infrastructure by either a referendum or majority vote of the County Commission.

4. MANAGEMENT RECOMMENDATION: This is a Board policy decision.

5. Departmental Category:

A3A

6. Meeting Date: February 27, 2007

7. Agenda:

Consent

Administrative

Appeals

Public

Walk-On

8. Requirement/Purpose: (specify)

Statute

Ordinance

Admin. Code

Other

9. Request Initiated:

Commissioner Janes, Dist #1

Department

Division

By:

10. Background:

The City of Cape Coral has requested that Lee County support legislative changes that would allow the infrastructure sales surtax to be imposed by a majority vote of the County Commission in addition to the current method of voter referendum.

- Attachments 1. Florida Association of Counties Policy Statement
2. 2007 Lee County Legislative Priority List

11. 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	n/a	n/a	n/a	n/a	n/a	n/a	HS 2/13/07

12. Commission Action:

- Approved
 Deferred
 Denied
 Other

Developments of Regional Impact: **OPPOSE** any changes to s. 380.06, F.S., that create additional exemptions to the DRI review process when such changes are not supported by data and analysis indicating there will be no substantial effect upon the health, safety, or welfare of citizens of more than one county. **SUPPORT** the original purpose and intent of the state's DRI legislation ("The Florida Environmental Land and Water Management Act of 1972"), which calls for the state's land and water management policies to be implemented by local governments through existing processes for guiding growth and development. To that end, **SUPPORT** legislation that streamlines the current DRI review process and reduces duplication between reviewing agencies. However, **OPPOSE** any changes that reduce the overall intergovernmental coordination and review processes listed in Section 380.06, Florida Statutes.

Fiscal Impact Analysis: **SUPPORT** use of a Fiscal Impact Analysis Model as an optional tool to provide local governments additional information for land use decisions and where meaningful results are produced regarding the costs of capital and operations associated with development and the revenues that development generates that can meet those operational and capital costs. **SUPPORT** state technical assistance in use of the Fiscal Impact Analysis Model.

Growth Management: **OPPOSE** legislation that erodes county authority to regulate development pursuant to the Growth Management Act of 1985.

Growth Management and Infrastructure Funding: To ensure counties are able to meet the state's concurrency mandate outlined in Section 163.3177(10)(h), Florida Statutes, **SUPPORT** legislation providing for additional local revenue sources to specifically address public infrastructure needs. To that end, **SUPPORT** legislation that provides for greater flexibility to county governments by removing impediments to implementing local revenue sources, minimizing use restrictions, eliminating state mandates, and enhancing county authority to pledge revenues for bonding. **SUPPORT** restoring funding for the Rural Infrastructure Trust Fund to \$4 million dollars. **OPPOSE** legislation that would adversely impact the capacity of counties to fund local infrastructure needs or services, particularly countywide facilities and programs, through local option taxes or state-shared revenues. **SUPPORT** allowing the Local Government infrastructure surtax to be imposed by vote of the Board of County Commissioners.



Intergovernmental Coordination: **SUPPORT** legislation that requires intergovernmental coordination when growth decisions of one jurisdiction impact another jurisdiction.

Mobile Home Parks: **OPPOSE** legislation that mandates counties make payments to mobile home owners that are displaced as a result of a property owner requesting and receiving approval to rezone his/her property to a different use.

2007 Lee County Legislative Priorities

- Lee County Behavioral Triage Center - \$ 3.6 million, Joint Appropriations request between the Lee County Board of County Commissioners, Lee Mental Health Center, Salvation Army, and Southwest Florida Addiction Services.
- Powell Creek/Del Prado Extension - The Gator Slough and Powell Creek watersheds have been altered by urbanization, construction of roadway grades, and diking for agricultural activities. This has resulted in unnatural diversion and decreased base flows. The proposed construction would be helpful in redistributing base flows proportionately within the Gator Slough and Powell Creek watersheds. Additionally, the project will help enhance water quality in Powell Creek which is considered impaired by FDEP for nutrients, dissolved oxygen and fecal coliform.
- Mulloch Creek - Mulloch Creek is an Outstanding Florida Water discharging into Estero Bay, Florida's first Aquatic Preserve. Mulloch Creek has been identified by FDEP as an impaired water body for bacteria and dissolved oxygen. The proposed project is to provide necessary infrastructure for reducing pollutant loading to Estero Bay.
- Popash Creek - Popash Creek receives most of its water from Charlotte County. Residential developments, urbanization and diking for agricultural activities have altered flow patterns and caused chronic flooding in the North Fort Myers area. The proposed hydrological restoration and enhancement of County owned Conservation 2020 land located at the headwaters of Popash Creek would provide water quality treatment and flood protection within the watershed.
- Caloosahatchee Creeks Preserve - Caloosahatchee Creeks Preserve is a 1,290 acre preserve in Lee County which is adjacent to the northern shores of the Caloosahatchee River. The portion of the preserve adjacent to the Caloosahatchee River is largely spoil dredge from past dredging of the river. The areas north of the spoil consist of natural vegetation communities that have been ditched and drained. Over time the spoil piles have become infested by Brazilian pepper, Australian pines and other exotic plant species. Restoration of the site, including exotic species removal, wetland enhancement and ditch plugging will improve the water quality flowing into the Caloosahatchee River by slowing the water and allowing nutrients to settle in natural and created marshes. This request continues restoration of the site including exotic plant control and restoration of the natural hydroperiods in the natural communities.
- Support Water Quality/Quantity Initiatives - Create a "Caloosahatchee/St. Lucie River/Estuary Protection Act" that includes programs, projects and funding addressing the environmental health of the Caloosahatchee River, St. Lucie Rivers and Estuaries.
- Increase funding for state and local TRANSPORTATION projects:
 - Protect the existing transportation funding sources (State Transportation Trust Fund, new monies from SB 360)
 - Providing MORE state money for badly-needed transportation improvements
 - Reducing project costs through more flexible bidding and award processes
 - Expanding local government funding options - indexing Local Option Gas Taxes to CPI like State gas taxes are, removing referendum requirement for additional penny of Local Option Sales Tax, authorize Local Option Rental Car Surcharge
- Property Tax Reforms/Alternatives:
 - Potential Alternatives: Real Estate Transfer Tax Gas Tax Indexing by CPI
- Support amending Florida Statutes 119.07(3)(i)(1-3), adding "certified Emergency Medical Technicians and Paramedics" for the purpose of public records exemptions.
- Support the Horizon Council/Economic Development 2007 Legislative Priorities (Information Attached).
- Support the withdrawal of Lee County from the Okeechobee Basin and create a Caloosahatchee Basin within the South Florida Water Management District.