

ORDINANCE NO. 2013 - 19

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2002-27, AS AMENDED, WHICH CREATED THE PELICAN BAY MUNICIPAL SERVICE TAXING AND BENEFIT UNIT, BY AMENDING SECTION FOUR, PURPOSE; POWERS; SECTION SEVEN, CREATION OF THE PELICAN BAY MUNICIPAL SERVICE TAXING AND BENEFIT UNIT ADVISORY COMMITTEE KNOWN AS THE PELICAN BAY SERVICES DIVISION BOARD; SECTION EIGHT, COMPOSITION, NOMINATION AND APPOINTMENT; AND SECTION ELEVEN, OFFICERS; QUORUM; RULES OF PROCEDURE; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 28, 2002, the Board of County Commissioners (Board), adopted Ordinance No. 2002-27, which superseded, repealed, and consolidated prior ordinances relating to the Pelican Bay Municipal Service Taxing and Benefit Unit ("Unit"); and

WHEREAS, the Board subsequently amended Ordinance No. 2002-27 by adopting Ordinance No. 2006-05 and Ordinance No. 2009-05; and

WHEREAS, the Board desires to further amend Ordinance No. 2002-27, as amended, in order to clarify that the Unit will be solely responsible for advising the County on dredging and maintaining Clam Pass for the purpose of enhancing the health of the affected mangrove forest and will manage such activities for the County; to add a non-voting member recommended by the Pelican Bay Foundation; and to create a system of rotating officers for the Unit.

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

SECTION ONE: AMENDMENT TO SECTION FOUR OF ORDINANCE NO. 2002-27, AS AMENDED.

Section Four is hereby amended as follows:

SECTION FOUR: Purpose; powers.

The Unit is formed for the purpose of providing street lighting, water management, ambient noise management, extraordinary law enforcement service and beautification, including but not limited to beautification of recreation facilities, sidewalk, street and median areas, identification markers, the maintenance of conservation or preserve areas including the restoration of the mangrove forest preserve and to finance the landscaping beautification of only

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that portion of U.S. 41 from Pine Ridge Road to Vanderbilt Beach Road in the above-described taxing and benefit unit and to that end shall possess all the powers to do all things reasonably necessary to provide such services. The Unit will be solely responsible for advising the County on dredging and maintaining Clam Pass for the purpose of enhancing the health of the affected mangrove forest, and will manage such activities for the County.

SECTION TWO: AMENDMENT TO SECTION SEVEN OF ORDINANCE NO. 2002-27, AS AMENDED.

Section Seven is hereby amended as follows:

SECTION SEVEN: Creation of the Pelican Bay Municipal Service Taxing and Benefit Unit Advisory Committee Known as the Pelican Bay Services Division Board.

Concurrent with the passage of the Ordinance, an 11 member advisory committee to be known as the Pelican Bay Services Division Board (PBSD Board) is hereby created. Those individuals who are members of the PBSD Board pursuant to Collier County Ordinance No. 90-111, as amended, as of the moment prior to the effective date of this Ordinance, shall continue on as members of the PBSD Board until March 31st of the year in which their term would have expired as set forth in the prior ordinances, and shall continue to hold over and serve in that capacity until their position is filled as provided for in this Ordinance. In addition, there shall be 1 non-voting member nominated by the Pelican Bay Foundation in the manner set forth below. This non-voting member shall not be subject to the voting requirements set forth below.

SECTION THREE: AMENDMENT TO SECTION EIGHT OF ORDINANCE NO. 2002-27, AS AMENDED.

Section Eight is hereby amended as follows:

SECTION EIGHT: Composition, nomination and appointment.

A) The PBSD Board shall be representative of the residential, business and commercial interests and landowners in Pelican Bay. To that end, nine of the PBSD Board members shall be representative of the residential interests within the Unit and two of the PBSD Board members shall be representative of the commercial and business interests within the Unit. The non-voting member shall be recommended for appointment by the Pelican Bay Foundation. The non-voting member should be an individual who is not related to and who is independent of the other Board members and County employees, with no apparent conflict of interest or appearance of impropriety.

Members of the PBSD Board shall be appointed by and serve at the pleasure of the Board of County Commissioners pursuant to the procedure outlined herein. The nine (9) PBSD Board members representative of the residential interests within the Unit, and the non-voting member recommended for appointment by the Pelican Bay Foundation, shall be residents of and qualified

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electors within the Unit. The two PBSB Board members representative of the commercial/business/other interests shall be residents of and qualified electors in Collier County.

SECTION FOUR: AMENDMENT TO SECTION ELEVEN OF ORDINANCE NO. 2002-27, AS AMENDED.

Section Eleven is hereby amended as follows:

SECTION ELEVEN: Officers; quorum; rules of procedure.

A) At its earliest opportunity, the membership of the PBSB Board shall elect a chairman and vice chairs from among ~~the~~ those members willing to serve. Officers' terms shall be for one year, with no eligibility for re-election. Officers' terms are to be on a rotating basis. Immediately following the election of a new Board, a new chair and vice-chair shall be elected.

SECTION FIVE: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION SIX: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION SEVEN: EFFECTIVE DATE.

This Ordinance shall be effective upon filing with the Department of State.

Words Underlined are added; Words ~~Struck Through~~ are deleted.

PASSED AND DULY ADOPTED by a vote of a majority plus one of the Board of County Commissioners of Collier County, Florida, this 22nd day of January, 2013.

ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: *Debra Cannon*
Deputy Clerk
Attest as to the
signature of:

By: *[Signature]*
GEORGIA A. HILLER, ESQ.
CHAIRWOMAN

Approved as to form and
legal sufficiency:

[Signature]
Jeffrey A. Klatzkow
County Attorney

This ordinance filed with the
Secretary of State's Office the
24th day of JAN., 2013
and acknowledgement of that
filing received this 6th day
of Feb 2013
By *Debra Cannon*
Deputy Clerk

Words Underlined are added; Words ~~Struck Through~~ are deleted.

STATE OF FLORIDA)

COUNTY OF COLLIER)


I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2013-19

which was adopted by the Board of County Commissioners on the 22nd day of January, 2013, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 28th day of January, 2013.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners


By: Teresa Cannon,
Deputy Clerk

