



AN EMERGENCY ORDINANCE CREATING THE PELICAN BAY MUNICIPAL SERVICE TAXING AND BENEFIT UNIT; SETTING FORTH THE BOUNDARIES OF THE UNIT; DESIGNATING THE GOVERNING BODY OF THE UNIT; PROVIDING FOR PURPOSE AND POWERS; PROVIDING FOR ANNUAL ESTIMATES OF EXPENSES AND TAXATION RATE; PROVIDING FOR TAX ASSESSMENT AND COLLECTION; PROVIDING FOR THE CREATION OF THE PELICAN BAY MUNICIPAL SERVICE TAXING AND BENEFIT UNIT ADVISORY COMMITTEE; PROVIDING FOR APPOINTMENT AND COMPOSITION; PROVIDING FOR TERMS OF OFFICE; PROVIDING FOR REMOVAL FROM OFFICE, FAILURE TO ATTEND MEETINGS; PROVIDING FOR OFFICERS, QUORUM, RULES OF PROCEDURE; PROVIDING FOR REIMBURSEMENT OF EXPENSES; PROVIDING FOR FUNCTIONS, POWERS AND DUTIES OF THE COMMITTEE; PROVIDING FOR THE DUTIES OF THE COUNTY MANAGER; PROVIDING FOR A REVIEW PROCESS; PROVIDING FOR OPPORTUNITY TO COMMENT PRIOR TO INITIAL IMPLEMENTATION OF USE OF TAXING OR ASSESSING AUTHORITY; PROVIDING FOR SUPERCESSION, REPEAL AND CONSOLIDATION OF PRIOR ORDINANCES RELATING TO STREET LIGHTING; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CONSTRUCTION; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY

COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: Creation of the Pelican Bay Municipal Service Taxing and Benefit Unit.

Pursuant to Chapter 125, Florida Statutes, and Collier County Ordinance No. 88-23, the Pelican Bay Municipal Service Taxing and Benefit Unit is hereby created for the purpose of providing street lighting, water management, extraordinary law enforcement service and beautification, including but not limited to beautification of recreation facilities, sidewalk, street and median areas and the maintenance of conservation or preserve areas.

SECTION TWO: Boundaries of the Unit.

The Pelican Bay Municipal Service Taxing and Benefit Unit is comprised of and includes those lands described as follows:

A tract of land being in portions of Sections 32 and 33, Township 48 South, Range 25 East; together with portions of Sections 4, 5, 8 and 9, Township 49 South, Range 25 East, Collier County, Florida, being one and the same as the lands encompassed by the Pelican Bay Improvement District, the perimeter boundary of same more particularly described as follows:

Commencing at the Southeast corner of said Section 33; thence South 89 degrees 59 minutes 50 seconds West along the South line of Section 33 a distance of 150.02 feet to a point on the West right-of-way line of U.S. 41 (State Road 45), said point also being the Point of Beginning; thence Southerly along the West right-of-way line of said U. S. 41 (State Road 45) the following courses: South 00 degrees 58 minutes 36 seconds East a distance of 2.49 feet; thence South 00 degrees 55 minutes 41 seconds East a distance of 3218.29 feet; thence South 01 degrees 00 minutes 29 seconds East a distance of

3218.56 feet; thence South 00 degrees 59 minutes 03 seconds East a distance of 2626.21 feet; thence South 01 degrees 00 minutes 18 seconds East a distance of 2555.75 feet to a point on the North right-of-way line of Pine Road as recorded in D.B. 50, Page 490, among the Public Records of said Collier County; thence departing said U.S. 41 (State Road 45) South 89 degrees 09 minutes 45 seconds West along said North right-of-way line a distance of 2662.61 feet; thence South 00 degrees 51 minutes 44 seconds East a distance of 70.00 feet to a point on the North line of Seagate Unit 1 as recorded in Plat Book 3, Page 85 among said Public Records; thence South 89 degrees 09 minutes 45 seconds West along said North line of Seagate Unit 1 and the South line of said Section 9 a distance of 2496.67 feet to the Southwest corner of said Section 9; thence continue South 89 degrees 09 minutes 45 seconds West a distance of 225 feet more or less to a point on the mean high water line established May 15, 1968; thence a Northwesterly direction along said mean high water line a distance 15716 feet more or less; thence departing said mean high water line South 80 degrees 29 minutes 30 seconds East and along the Southerly line of Vanderbilt Beach Road (State Road 862) as recorded in D.B. 15, Page 121 among said Public Records a distance of 7385 feet more or less to a point on said West right-of-way line of U. S. 41 (State Road 45); thence South 00 degrees 58 minutes 36 seconds East along said West right-of-way line a distance of 2574.36 feet to the Point of Beginning.

SECTION THREE. Governing Body.

The governing body of the Unit shall be ex-officio the Board of County Commissioners of Collier County, Florida.

SECTION FOUR. Purpose; Powers.

The Unit is formed for the purpose of providing street lighting, water management, extraordinary law enforcement service and beautification, including but not limited to beautification of recreation facilities, sidewalk, street and median areas and the maintenance of conservation or preserve areas 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.

SECTION FIVE. Annual Estimates of Expenses; Taxation Rate.

For the purpose of carrying into effect and the administration of this Ordinance, the Board of County Commissioners shall annually, at the time required by general budgetary law, make an itemized estimate of the amount of money required to carry out the business of the Unit for the next fiscal year, which shall be from October 1 to and including September 30 following. The estimate shall describe the purpose or purposes for which the moneys are required and the amount necessary to be

raised by taxation within the Unit. At the time and place for establishing the annual rate of taxation for County purposes, the Board shall fix and cause to be levied on all property within the Unit subject to taxation a millage sufficient to meet the requirements of the estimate; provided, however, the total millage shall not exceed the millage authorized by law for municipal service taxing and benefit units.

SECTION SIX. Tax Assessment and Collection.

Taxes herein provided for shall be assessed and collected in the same manner and form as provided for the assessment and collection of general County taxes subject to the same fees for assessing and collecting as general County taxes in accordance with general law.

SECTION SEVEN. Creation of the Pelican Bay Municipal Service Taxing and Benefit Unit Advisory Committee.

Concurrent with the passage of the Ordinance, a nine (9) member advisory committee to be know as the Pelican Bay Municipal Service Taxing and Benefit Unit Advisory Committee (hereinafter "Committee") is hereby created.

SECTION EIGHT. Appointment and Composition.

The Committee shall be representative of both residential and business interests and landowners in Pelican Bay.

Members of the Committee shall be appointed and serve at the pleasure of the Board of County Commissioners. Said members shall be permanent residents and electors of Collier County.

Appointment of members to the Committee shall be by resolution of the Board of County Commissioners, which resolution shall set forth the date of appointment and the term of office.

SECTION NINE. Terms of Office.

The initial terms of office of the Committee shall be as follows:

- A) Three (3) members shall be appointed for a term of two (2) years.
- B) Three (3) members shall be appointed for a term of three (3) years.
- C) Three (3) members shall be appointed for a term of four

(4) years.

Thereafter, each appointment or reappointment shall be for a term of four (4) years.

A member of the Committee may be reappointed by the Board of County Commissioners for one (1) successive term, if there are no other qualified applicants for the member's position.

Appointments to fill any vacancies on the Committee shall be for the remainder of the unexpired term of office.

SECTION TEN. Removal From Office; Failure to Attend Meetings.

A) Any member of the Committee may be removed from office by a majority vote of the Board of County Commissioners.

B) If any member of the Committee fails to attend two (2) consecutive Committee meetings without a satisfactory excuse or if a member is absent from more than one-half of the Committee's meetings in a given fiscal year, the Committee shall declare the member's seat to be vacant and the vacancy shall be filled by the Board of County Commissioners.

SECTION ELEVEN. Officers; Quorum; Rules of Procedure.

A) At its earliest opportunity, the membership of the Committee shall elect a chairman and vice chairman from among the members. Officers' terms shall be for one (1) year, with eligibility for re-election.

B) The presence of five (5) or more members shall constitute a quorum of the Committee necessary to take action and transact business. In addition, an affirmative vote of five (5) or more members shall be necessary in order to take action, regardless of whether five (5) or more members of the Committee are present at a meeting.

C) The Committee shall, by majority vote of the entire membership, adopt rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations.

SECTION TWELVE. Reimbursement of Expenses.

Members of the Committee shall serve without compensation, but shall be entitled to receive reimbursement for expenses

reasonably incurred in the performance of their duties upon prior approval of the Board of County Commissioners.

SECTION THIRTEEN. Functions, Powers and Duties of the Committee.

The functions, powers and duties of the Committee shall be as follows:

- A) To aid, assist and provide input to the County Manager and the Board of County Commissioners in carrying out the purposes of the Pelican Bay Municipal Service Taxing and Benefit Unit as set forth in this Ordinance.
- B) Upon any decision by the Board of County Commissioners to dissolve, merge or otherwise change or discontinue the functions or services provided by the Pelican Bay Improvement District, the Committee shall be prepared to and shall aid, assist and provide input to the County Manager and the Board of County Commissioners, within the time frame requested, in effectuating a smooth and expeditious transfer of street lighting, water management and beautification services, responsibilities and obligations to the Unit.
- C) If requested by the County Manager or Board of County Commissioners, to prepare and recommend to the Board of County Commissioners an itemized budget of the amount of money required to carry out the business of the Unit for the next fiscal year.
- D) The Committee shall recommend work programs and priorities to the County Manager in accordance with the adopted budget or budget amendments which may be adopted by the Board of County commissioners in accordance with law. The execution of work programs shall be under the direct supervision and responsibility of the County Manager or his designee. Said work may be performed under contract (in accordance with law) or by County forces.

SECTION FOURTEEN. Duties of the County Manager.

The duties of the County Manager or his Designee shall be:

- A) To administer the activities of the Unit in accordance with established policies of the Board of County Commissioners.
- B) To, as soon as practicable and annually thereafter, prepare the annual budget.
- C) Provide periodic written reports to the Committee and the Board of County Commissioners on the activities of the Unit and its finances.

SECTION FIFTEEN. Review Process.

This Committee shall be reviewed once every four (4) years commencing in 1995, in accordance with the procedures contained in Collier County Ordinance No. 86-41.

SECTION SIXTEEN. Opportunity to Comment Prior to Initial Implementation or Use of the Unit's Taxing and Assessment Authority.

Prior to implementing any initial taxing or assessment authority under this unit, the Board of County Commissioners shall hold a public hearing in Pelican Bay upon reasonable notice in a local newspaper of general circulation. Such public hearing will consider and afford the Advisory Committee and the public in general the opportunity to comment on the implementation or use of the unit's taxing and assessment authority.

SECTION SEVENTEEN. Supercession, Repeal and Consolidation of Prior Ordinances Relating to Street Lighting.

Collier County Ordinances No. 78-67, 80-53, 82-122, 85-9, 86-29, and 88-35 are hereby superceded, repealed to the extent same are either inconsistent or not harmonious with this Ordinance and consolidated with the Unit for the purposes of providing street lighting.

SECTION EIGHTEEN. 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 this 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 NINETEEN. Construction.

This Ordinance shall be liberally construed to effectuate its public purpose.

SECTION TWENTY. Declaration of Emergency.

This Board does hereby declare that an emergency exists and that immediate enactment of this Ordinance is necessary, and by no less than four-fifths (4/5ths) vote of the membership of the Board does hereby waive notice of intent to consider this Ordinance.

SECTION TWENTY-ONE. Effective Date.

A certified copy of this Ordinance, as enacted, shall be filed by the Clerk of the Board with the Department of State of the State of Florida, as soon after enactment as is practicable by depositing the same with the postal authorities of the government of the United States for special delivery by registered mail, postage prepaid, to the Florida Department of State.

This Ordinance shall become effective as provided in Section 125.66(3), Florida Statutes.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 18th day of December, 1990.

ATTEST: JAMES C. GILES, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

[Signature]

BY: *[Signature]*
MAX A. HASSE, JR., CHAIRMAN

Approved as to form and legal sufficiency:

[Signature] 12/20/90
Mark G. Lawson
Assistant County Attorney

#2695

This ordinance filed with the Secretary of State's Office the 20th day of Dec. 1990 and acknowledgement of that filing received this 20th day of Dec. 1990

By *[Signature]*
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, JAMES C. GILES, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

Ordinance No. 90-111

which was adopted by the Board of County Commissioners on the 18th day of December, 1990, during Regular Session via Emergency Procedures.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 21st day of December, 1990.

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

Maureen Kenyon
By: /s/Maureen Kenyon
Deputy Clerk