

BOARD MANAGEMENT AND PLANNING COMMITTEE AGENDA

MONDAY, APRIL 7, 2008

1:00 PM - 4:00 PM

COUNTY COMMISSION CHAMBERS

1. **CORKSCREW ROAD – CRSA**
PRESENTER: Don DeBerry, Transportation
TIME REQUIRED: 15 Minutes

2. **SOUTHWEST FLORIDA EXPRESSWAY AUTHORITY STATUS**
PRESENTER: David Loveland, Transportation
TIME REQUIRED: 15 Minutes

3. **COMMUNITY LAND TRUST BOARD OF DIRECTORS**
PRESENTER: Gloria Sajgo, Community Development
TIME REQUIRED: 10 Minutes

4. **SCHOOL IMPACT FEE UPDATE SCHEDULE**
PRESENTER: Mary Gibbs, Community Development
TIME REQUIRED: 5 Minutes

5. **IMPACT FEE RELIEF FOR EXPIRED COMMERCIAL BUILDING PERMITS**
PRESENTER: Bob Stewart, Community Development
TIME REQUIRED: 10 Minutes

6. **REQUIRED CONSULTATION WITH THE BOARD OF COUNTY COMMISSIONERS FOR ANNEXATIONS**
PRESENTER: Wayne Daltry, Smart Growth
TIME REQUIRED: 15 Minutes

BOARD COMMENTS/DISCUSSION

ADJOURN

The Management & Planning Meeting is carried live on the following cable channel:

Comcast Cable Channel 11

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT - ALL**

PRESENTED BY: Don DeBerry / Department of Transportation

REQUESTED BY: BOCC

TITLE OF ITEM FOR THE AGENDA: Corkscrew Rd. - CRSA

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE : At the BoCC issues session held March 13th 2008 the BoCC requested we bring back to M&P options for bidding this project.

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

Discuss bid options and assessment prices if directed to rebid Corkscrew Road widening, obtain board direction.

3. OPTIONS (List advantages/Disadvantages of Each Option Listed)

- 1) Rebid the project with a cap amount, i.e. an amount which the Board guarantees award of the project if bids come in lower than the cap. This amount would be paid for through a final (second) assessment, depending upon the bid. If the bid were \$6 million there would be no need for a second assessment. If the bid is \$13.9 million the second assessment would be approximately \$1475.00 per single family home.
- 2) Another method for financing the project would be to levy a new assessment against all new residential unit purchasers within the CRSA to pay for the balance of the project funding. This would yield an assessment on the order of \$15,000.00 - \$20,000.00 per new unit.
- 3) The original assessment was \$669.00 per single family home, the current assessment is \$969.00 per single family home. If no additional assessment adjustments are made, and collections continue, the CRSA account should contain approximately \$6,000,000.00 at buildout. The board could choose to make up any portion of the amount the bids come in over this \$6 million amount, in order to award the project.
- 4) Extend the resolution deadline date for construction of the road to January 2011.

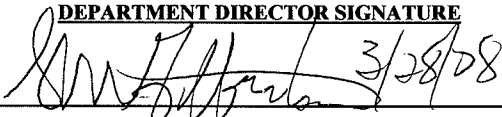
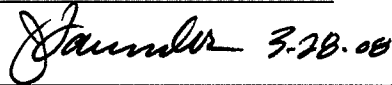
4. FINANCIAL IMPACTS/FUNDING SOURCE

- 1) The build out mix used for the December 2006 bid of \$14,900,000.00 yielded an additional assessment of \$1625.00 per single family home to cover the increase in the project over budgeted collections. The projected additional assessment assuming a bid or \$13,900,000.00 would be approximately \$1475.00 per single family home.
- 2) \$15,000.00 per unit for each of the planned 700 unconstructed units.
- 3) Varies depending upon the bid
- 4) None.

5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS

Board select from the four options and direct staff accordingly.

6. Mandated: Y N X BY WHAT AUTHORITY?

<u>DEPARTMENT DIRECTOR SIGNATURE</u>	<u>COUNTY MANAGER SIGNATURE</u>	<u>MEETING DATE</u>	<u>TIME REQUIRED</u>
 3/28/08	 3.28.08	April 7, 2008	15 Min.

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT # ALL**

PRESENTED BY: David Loveland, Planning Manager
Lee County DOT

REQUESTED BY: Commissioner Tammara Hall
Lee Commission Representative, SWFEA

TITLE OF ITEM FOR THE AGENDA: SOUTHWEST FLORIDA EXPRESSWAY AUTHORITY STATUS

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

The Lee County BOCC last August adopted a resolution indicating conceptual support for the Southwest Florida Expressway Authority's proposed 6 tolled/4 non-tolled lane configuration for an initial 16-mile section of Interstate 75 from Immokalee Road to north of Alico Road, and for tolling lanes 5 and 6 currently under construction by FDOT as a possible means to make the project financially feasible. There were still some questions about how the project would move forward, so in December the Board adopted another resolution that approved the project, expanded the northern limit to Daniels Parkway, but added the caveat "*This approval shall be subject to and conditioned upon an additional approval by Lee County following the results of the investment-grade traffic and revenue study.*" That investment-grade study is currently on-going by the Florida Turnpike Enterprise (in accordance with their particular financing rules), and is expected to be completed this August.

Since December, the Southwest Florida Expressway Authority has discussed the additional work that might be necessary to move the traffic and revenue study forward if the Turnpike Enterprise ultimately determines the project is not feasible under its rules. The Authority has also discussed the possibility of some alternative evaluations, in recognition of the Collier County BOCC's opposition to tolling lanes 5 and 6 and in consideration of the on-going economic downturn. At their March 12, 2008 meeting the Authority Board authorized their general engineering consultant (Wilbur Smith Associates) to examine the growth forecasts (particularly short-term), and to look at an alternative that might satisfy travel needs for some time if the growth forecasts are down, a reversible 7th lane in the median of I-75. The evaluation was to look at whether the reversible lane project would be financially feasible without tolling lanes 5 and 6, as well as the impacts of shifting the multi-modal corridor reserved in the I-75 median to the edge of the right-of-way, which FDOT is now indicating it would consider. The Authority authorized its chairman to negotiate a change order with Wilbur Smith for the approved work, and to apply for a State loan to cover the work, to take place over the next two months since the Authority cancelled its April meeting. The work would be completed by August, in conjunction with the Turnpike Enterprise's traffic and revenue study.

If the Board will remember, when the Authority first got underway in 2006, it requested loans of \$775,000 each from Lee and Collier Counties to cover administrative support costs. Both Counties instead provided initial loans of \$150,000 each, and the Authority has also borrowed funds from the State's Toll Facilities Revolving Trust Fund for its engineering and public involvement work (which would also be the source of the additional funds needed for the work approved at the March 12th meeting). Lee County has since provided the balance of \$625,000, but it has not been matched by Collier County. At its March meeting, the Authority received an offer from the Collier County Commission to provide an additional \$300,000, not for administrative costs but instead for looking at alternatives to 10-laning and tolling I-75, most notably the CR 951 Extension (which the Authority is actually precluded from pursuing in their enabling legislation). There was a recognition by the Authority Board that such alternatives analyses were really the purview of the MPO's as part of the long range plan development, and at the meeting Collier staff suggested an alternative to the funding, possibly providing some administrative support as a way to continue Collier's participation.

The Collier staffing suggestion was presented to the Collier BOCC at its March 25, 2008 meeting, along with the idea that alternatives evaluations should be up to the MPOs. The Collier BOCC fully supported the latter idea, but in terms of Authority support, favored the idea of letting the Authority go into "hibernation" for a while. "Hibernation" was explained as de-activating the Authority in a way that would allow it to be easily re-activated if needed, as opposed to disbanding it. There was some recognition that the Collier BOCC only had influence over what took place within its boundaries, so **the unanimously-approved motion was to recommend that the Authority not undertake any additional studies or projects within Collier County, to not provide any more funding to the Authority, to work more vigorously with the Lee and Collier MPOs and FDOT to plan alternative routes, and to work with the MPOs, FDOT and the Federal delegation to get more State and Federal funding for future I-75 improvements.** (See attached NPD article)

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

In light of the Collier BOCC's action, which seems to change the nature of the original two-County Authority envisioned by the enabling legislation, the Board needs to discuss whether it wants to continue to support the Southwest Florida Expressway Authority in pursuit of a Lee County-only project; or whether it wants to withdraw support, allow the Authority to go into "hibernation", and work directly with FDOT and the Florida Turnpike Enterprise to define a feasible interstate widening project within Lee County.

3. OPTIONS (List advantages/Disadvantages of Each Option Listed)

A. Continue support for the on-going operation of the Southwest Florida Expressway Authority as it pursues an initial tolled express lane project on I-75 from the Lee/Collier line to Daniels Parkway, and continues to evaluate alternatives.

Advantages:

- Allows Authority's efforts toward initial phase of project to continue, which hopefully will result in some additional laneage beyond 6 lanes on I-75 by 2015 (assuming FDOT is willing to continue to lend the Authority money).
- Keeps funding options for project open, allowing the Authority to either finance the project itself, turn it over to the Florida Turnpike Enterprise, bring in a private concessionaire, or some combination of those options.
- Maintains local control of improvements, which should allow opportunity for future surplus revenues to be kept and spent in area.
- Maintains regional tolling entity for addressing added lanes on the interstate, and other projects as may be determined to be appropriate by Lee and Collier Counties in the future (and possibly Charlotte County).

Disadvantages:

- Although promoted as a regional entity, lack of support by the Collier BOCC means Lee County is the only supporter of the Authority. The Authority may seek additional financial support from Lee County in the future to cover administrative costs until it has a revenue-generating project in place.
- Requires Lee County to rely on the Authority, an independent third party, to work out acceptable financing, design, and operational details for a toll project on the interstate.

B. Request that the Southwest Florida Expressway Authority be temporarily de-activated, suspending all meetings, studies and activities except as needed to meet legal requirements, and that the unspent local funds be returned to Lee County.

Advantages:

- Lee County could work directly with FDOT and Florida's Turnpike Enterprise to define a feasible Lee County-only project, eliminating a layer of bureaucracy.
- The Turnpike Enterprise would also be able to address future expansions of the project to the north and south if deemed appropriate and feasible.
- Unspent portion of start-up loan funds would be returned (identified as \$308,996.29 contracted but not yet spent and \$330,511.00 uncommitted as of March 10, 2008 by Wilbur Smith Associates. A portion of the contracted funds will have been spent since March 10th, and some funds will need to be retained to allow for closing out contracts, for legally-required activities such as quarterly reports to FDOT and an end-of-the year audit, and for Authority Board meetings to address those final issues.)

Disadvantages:

- Although the Turnpike Enterprise is looking for local support before coming in, leaving room for some negotiation, there will be much more limited opportunity for local control of improvements if they are done by the Turnpike Enterprise, and reduces opportunity for future surplus toll revenues to be spent locally.
- If the Turnpike Enterprise determines the initial project is not feasible under its financing rules, additional lanes will not be forthcoming, unless a private concessionaire steps forward with an unsolicited proposal that is by FDOT. If the decision was made to reactivate the Authority to then pursue the project, significant time would be lost in bringing a project forward.

4. FINANCIAL IMPACTS/FUNDING SOURCE


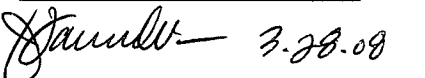
Option A: None to Lee County, unless the Authority asks for an additional loan to cover administrative costs until it has a revenue-generating project, at which point Lee County's funds would be reimbursed.

Option B: None to Lee County (unless the County takes on any remaining administrative and financial responsibilities as needed to wrap up the Authority's activities). Lee County would get the unspent portion of previously-committed funds back.

5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS

Option B.

6. Mandated: Y N (x) **BY WHAT AUTHORITY?**

DEPARTMENT DIRECTOR SIGNATURE	COUNTY MANAGER SIGNATURE	MEETING DATE	TIME REQUIRED
 3/28/08	 3.28.08	April 7, 2008	15 Min.

naplesnews.com

Collier commission pulls support for expressway authority

By I.M. STACKEL

Tuesday, March 25, 2008

There will be no tolls on Interstate 75 in Collier County. Not for lanes five and six, or for a reversible seventh lane.

On Tuesday, Collier County commissioners withdrew their participation in the Southwest Florida Expressway Authority, firmly stating that they will not allocate money — or staff support — to study tolls on I-75, Collier Boulevard, or anywhere else within county boundaries.

It is not clear whether the state-created expressway authority may override the commission's withdrawal, or may create tolls without Collier approval.

"I don't think we have any control over it," said Commissioner Fred Coyle. "If the Legislature decides it wants to do something different with I-75, they can change legislation and do whatever they want to. That's just how it is, and we have to get used to it."

Expressway authority officials have asked for financial contributions to study tolling several I-75 lanes. The tolls would increase during peak traffic hours. Collier commissioners protested that those tolls would most affect those who can least afford it.

Commissioners voted to turn back some \$300,000 allocated for the expressway authority studies and redirect it for use within the county's transportation division, and the Metropolitan Planning Organization.

North Naples resident Gary Eidson, who is chairman of the Collier Citizens Transportation Coalition — a group that has long opposed tolling I-75 — said Collier Transportation Director Norm Feder built an entire road network without tolls.

It is time for federal authorities to start re-prioritizing money in Southwest Florida's road construction and maintenance program, Eidson said.

During the session, expressway authority Chairman Bill Barton acknowledged Southwest Florida's economic slowdown, and general slowing of regional population growth.

Though Barton's preference was a seventh lane with additional money from the Florida Department of Transportation, he said this: "If a six-lane configuration will maintain acceptable levels of service into the next decade, then I would support placing the Southwest Florida Expressway Authority in hibernation."

The commission's withdrawal from SWFEA is actually an extension of Barton's "hibernation" idea.

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**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT CW**

INITIATED BY: Gloria Sajgo/Community Development **REQUESTED BY:** Board of County Commissioners
Name/Department

TITLE OF ITEM FOR THE AGENDA: Community Land Trust Board of Directors

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

Staff requests direction as to whether the BoCC wishes to appoint members to the land trust's Board of Directors.

Background: The BoCC has awarded \$1,000,000 to the two non-profit housing providers, the Lee County Housing Development Corp and the Bonita Springs Housing Development Corp, which proposed to help establish a land trust. Of this award, \$900,000 was for land acquisition and site development to aid in the production of 110 dwelling units for conveyance to the trust, along with \$100,000 for expenses associated with the operation and establishment of a trust.

Staff and the two non-profit housing providers developed articles of incorporation for the trust. These articles propose that the initial Board of Directors be incubated by three organizational members: the county and the two nonprofits. These three members will appoint the initial Board of Directors, whose mission will be start up the trust. The membership of the initial Board of Directors was set at 12 persons with BoCC appointing 4 members, or one third of the Directors. However the total number of Directors can be reduced to 9 or increased to 15.

The terms of office, qualifications and method of election for subsequent Boards will be specified in the by-laws, which will be adopted by the initial Board of Directors. The draft by-laws include a plan to phase out control of the initial Board of Directors. At the first annual meeting after the land trust has constructed the 110 dwelling units and each annual meeting there after, the Board of Directors will be elected by the membership, which will be expanded to include lessees of land or housing from the land trust, and any other persons admitted for membership in accordance with the procedures to be adopted by the initial Board of Directors.

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

Provide direction as to whether the BoCC wishes Lee County to be one of the three initial members of the land trust and if so seek and appoint members to the initial Board of Directors.

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

- A. Include Lee County as one of the three initial land trust members, appoint one third of the membership of the initial Board of Directors and establish the total number of Board members at 9.

Advantages: Lee County would be involved in incubation of the land trust but later it would phase out its involvement. This would provide additional organizational capacity to help start up the land trust. The initial Board was set up as a 12 person board, changing the number to 9 members would avoid tie votes.

Disadvantages: Lee County through its appointments will be involved in the establishment of a new nonprofit.

- B. Do not participate as a member of the land trust.

Advantages: Lee County would not be involved in the establishment of a new nonprofit

Disadvantages: Lee County would not be involved in the incubation phase of the community land trust.

4. FINANCIAL IMPACTS/FUNDING SOURCE

Funding to establish, incubate, and operate the Community Land Trust has already been provided to the two nonprofit housing providers.

5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS

Staff recommends option A.

6. MANDATED? Y N BY WHAT AUTHORITY?

DEPARTMENT DIRECTOR SIGNATURE	COUNTY ADMINISTRATOR SIGNATURE	MEETING DATE	TIME REQUIRED
<i>Mary Gibbs</i>	<i>[Signature]</i>	April 7, 2008	10 minutes

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS

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ARTICLES OF INCORPORATION**OF****COMMUNITY LAND TRUST OF LEE COUNTY, INC.**

In compliance with the requirements of Sections 617.01011 through 617.2103 of the Florida Not For Profit Corporation Act ("Act"), the undersigned, being a natural person, does hereby act as an incorporator in adopting and filing the following Articles of Incorporation for the purpose of organizing a Florida not-for-profit corporation.

ARTICLE IName

The name of the corporation is COMMUNITY LAND TRUST OF LEE COUNTY, INC. (the "Corporation").

ARTICLE IIPurposes

The Corporation is organized and shall be operated exclusively for charitable and educational purposes within the meaning of I.R.C. Section 501(c)(3). Such purposes may include, but are not limited to, promoting the development of decent housing within Lee County, Florida, that is affordable for very low, low and moderate income persons, as defined by HUD, selecting and educating prospective tenants and homeowners, and fostering community development within Lee County, Florida, and to preserve the quality and affordability of housing for successive owners and renters through land leases and covenants. In these Articles, the term "I.R.C." means the Internal Revenue Code of 1986, as amended, and references to provisions thereof are to such provisions as they are from time to time amended and to corresponding provisions of any future United States internal revenue law.

ARTICLE IIIActivities and Restrictions

Section 1. No dividends, liquidating dividends, or distributions shall be declared or paid by the Corporation to any private individual or officer or director of the Corporation.

Section 2. No substantial part of the activities of the Corporation shall consist in carrying on propaganda or otherwise attempting to influence legislation, unless by appropriate election a greater part is permitted without jeopardizing the corporation's exemption under I.R.C. Section

501(c)(3). The Corporation shall neither participate in, nor intervene in, any political campaign on behalf of (or in opposition to) any candidate for public office, including the publishing or distribution of any statements.

Section 3. No part of the net earnings or net income of the Corporation shall inure to the benefit of any private individual or officer or director of the Corporation; provided, however, that such a person may receive reasonable compensation for personal services rendered, or reimbursement for reasonable expenses incurred, which are necessary to carrying out the exempt purposes of the Corporation.

Section 4. Notwithstanding any other provision of these Articles of Incorporation, the Corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income tax under I.R.C. Section 501(c)(3) or by a corporation contributions to which are deductible under I.R.C. Section 170(c)(2).

Section 5. Whenever the Corporation is a private foundation as defined in I.R.C. Section 509(a), the income of the Corporation shall be distributed at such time and in such manner as not to subject it to tax under I.R.C. Section 4942 and the Corporation shall not engage in any act of self-dealing, or retain any excess business holdings, or make any taxable expenditures as defined in I.R.C. Sections 4941(d), 4943(c) and 4945(d), respectively, or make any investments in such manner as to subject it to tax under I.R.C. Section 4944; or make any indemnification which would give rise to a penalty excise tax under I.R.C. Chapter 42.

ARTICLE IV

Members

As of the date of these Articles, the Corporation has three members: Lee County Housing Development Corporation, a Florida not-for-profit corporation, Bonita Springs Area Housing Development Corporation, a Florida not-for-profit corporation, and the local government of Lee County, Florida. Qualifications, rights and responsibilities of members shall be described in the Corporation's Bylaws.

ARTICLE V

Board of Directors

The affairs of the Corporation shall be managed by its Board of Directors, which shall consist of a minimum of six (6) and a maximum of fifteen (15) persons, the exact number of which shall be fixed by the Bylaws from time to time. At the time of execution of these Articles, the number of directors is twelve (12). The terms of office, qualifications and method of election of the directors shall be as specified in the Bylaws. The Board of Directors will provide for a formal process for low-income program beneficiaries to advise the Corporation in its decisions regarding the design, siting, development, and management of affordable housing. Additional

restrictions regarding who may or may not serve on the Board of Directors may be provided in the Corporation's Bylaws, provided that the Corporation's Board of Directors shall meet, at the very minimum, the requirements described in this Article V.

ARTICLE VI

Amendment

Provided that no amendment shall substantially change the original purposes of the Corporation, these Articles of Incorporation may be amended by: (i) vote of two-thirds (2/3) of the number of directors in office at the time that the amendment is adopted, and (ii) ratification by an affirmative vote of a majority of the members voting in person at a properly noticed meeting of the members where the text of the proposed amendment of the Articles of Incorporation was included with the meeting notice and amendment of the Articles of Incorporation was listed as an agenda item.

ARTICLE VII

Dissolution

As reflected in the agreements entered into between the Corporation and Lee County, Florida, in the event that the Corporation dissolves, terminates, ceases to exist, or is otherwise unable to perform its contractual obligations to Lee County, then the land acquired by the Corporation with funds provided by Lee County, and the related ground lease fees, will be conveyed immediately to Lee County, or its designee, for purposes of providing affordable housing. In the event that Lee County succeeds to the interest of the Corporation under the lease by any remedy available to it by law or pursuant to its lien, Lee County will recognize all community land trust ground leases and provisions.

In the event of the dissolution of the Corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the Corporation, distribute all of the assets of the Corporation exclusively for purposes substantially similar to those of the Corporation equally to the Lee County Housing Development Corporation, a Florida not-for-profit corporation, and the Bonita Springs Area Housing Development Corporation, a Florida not-for-profit corporation, if they are described in I.R.C. Sections 170(c)(2), 501(c)(3), 2055(a)(2) and 2522(a)(2) and not private foundations as defined in I.R.C. Section 509(a), or all to either Lee County Housing Development Corporation or Bonita Springs Area Housing Development Corporation, if only one of the corporations meets the criteria set forth in this sentence. If neither the Lee County Housing Development Corporation nor the Bonita Springs Area Housing Development Corporation is so described or in existence, the distribution of assets shall be made to one or more organizations then described in I.R.C. Sections 170(c)(2), 501(c)(3), 2055(a)(2) and 2522(a)(2) having purposes substantially similar to those of the Corporation (except that no private foundation as defined by I.R.C. Section 509(a) shall be a recipient) or to one or more units or agencies of federal, state or local government to be used

exclusively for public purposes, as the Board of Directors shall determine. Any of such assets not so distributed shall be distributed to one or more of such organizations as determined by the Circuit Court of the county in which the principal office of the Corporation is then located.

ARTICLE VIII

Principal Office

The mailing address of the principal office of the Corporation is 26801 Old 41 Road, Unit 2, Bonita Springs, Florida 34135.

ARTICLE IX

Registered Agent and Registered Office

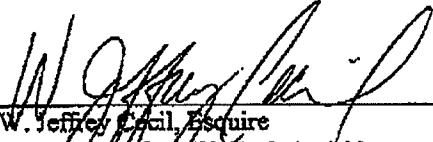
The Registered Agent for the Corporation is W. Jeffrey Cecil, Esquire, at 5801 Pelican Bay Blvd., Suite 300, Naples, Florida 34108.

ARTICLE X

Incorporator

The name and address of the incorporator to these Articles of Incorporation is W. Jeffrey Cecil, Esquire, 5801 Pelican Bay Blvd., Suite 300, Naples, Florida 34108-2709.

IN WITNESS WHEREOF, the undersigned has executed these Articles of Incorporation this first day of September, 2006.



W. Jeffrey Cecil, Esquire
5801 Pelican Bay Blvd., Suite 300
Naples, Florida 34108-2709

CERTIFICATE OF DESIGNATION
REGISTERED AGENT/REGISTERED OFFICE

The undersigned corporation, organized under the laws of the State of Florida, submits the following statement in designating the registered office/registered agent, in the State of Florida.

1. The name of the corporation is COMMUNITY LAND TRUST OF LEE COUNTY, INC..

2. The name and address of the registered agent and office are:

W. Jeffrey Cecil, Esquire
Porter Wright Morris & Arthur
5801 Pelican Bay Blvd., Suite 300
Naples, Florida 34108-2709

HAVING BEEN NAMED in the State of Florida as registered agent and to accept service of process for the above stated corporation at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I am familiar with and accept the obligation of my position as registered agent.

Dated: September 1, 2006



W. Jeffrey Cecil, Esquire

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SECRETARY OF STATE
DIVISION OF CORPORATIONS
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MANAGEMENT & PLANNING COMMITTEE
 AGENDA REQUEST FORM
 COMMISSION DISTRICT # CW

INITIATED BY: Mary Gibbs
 Director, Community Development

REQUESTED BY: Mary Gibbs

TITLE OF ITEM FOR THE AGENDA School Impact Fee Update Schedule

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

The School Impact Fee report was recently received. The fees are proposed to decrease by 14%. Because the fees are being reduced, implementation should occur as soon as possible. A proposed schedule is attached. Note that the only required committee review is the Local Planning Agency. Also, according to Florida Statutes, only one hearing is required at the County Commission to adopt the fees. Direction is needed regarding scheduling one hearing (instead of the customary two), and the time of the hearing (can be after 5 p.m. but not required).

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

Provide direction to staff for proposed schedule for adoption (see attached).

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

- 1) Schedule per proposed expedited schedule
- 2) Hold more than one public hearing (adoption would be May 27, 2008)

4. FINANCIAL IMPACTS/FUNDING SOURCE

Decreasing fees will reduce the future revenue received by the School Board

5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS

Option 1

6. MANDATED? N BY WHAT AUTHORITY?

(Handwritten mark)

DEPARTMENT DIRECTOR SIGNATURE	COUNTY ADMINISTRATOR SIGNATURE	MEETING DATE	TIME REQUIRED
<i>Mary Gibbs</i>	<i>(Signature) 3-25-08</i>	4/7/08	5 mins

**Proposed Schedule
for
School Impact Fees**

<u>Committee</u>	<u>Date</u>
Local Planning Agency *	April 28, 2008
County Commission	May 13, 2008

*Required review

Note: This schedule skips the following non-required committees:

Land Development Code Advisory Committee
Affordable Housing Committee
Executive Regulatory Oversight Committee

MANAGEMENT & PLANNING COMMITTEE
 AGENDA REQUEST FORM
 COMMISSION DISTRICT # CW

INITIATED BY: Bob Stewart
 Building Official

REQUESTED BY: Board of County Commissioners

TITLE OF ITEM FOR THE AGENDA Impact Fee Relief for Expired Commercial Building Permits

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

Discuss providing relief from additional impact fees for reactivating expired commercial building permits, similar to the ordinance recently adopted to provide relief from expired residential permits.

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

Direct staff whether to prepare an ordinance granting relief for some limited time period.

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

- (1) Continue current practice of charging increases in impact fees to reactivate expired building permits.
- (2) Provide temporary relief to allow reactivation of expired permits.

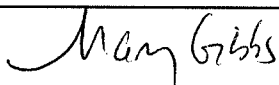
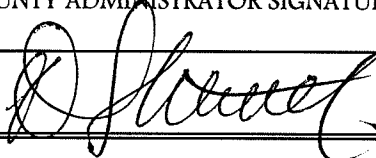
4. FINANCIAL IMPACTS/FUNDING SOURCE

County will not realize additional impact fees from those projects that choose to reactivate within the relief period. The amount would total approximately \$1.4 million if all permits are extended.

5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS

Provide relief for projects that are under construction utilizing the same time periods as the residential relief ordinance.

6. MANDATED? N BY WHAT AUTHORITY?

DEPARTMENT DIRECTOR SIGNATURE	COUNTY ADMINISTRATOR SIGNATURE	MEETING DATE	TIME REQUIRED
		4/7/08	10 mins

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM**

PRESENTED BY: Wayne Daltry **REQUESTED BY:** Board of County Commissioners
Smart Growth

TITLE OF ITEM FOR AGENDA:
Required Consultation with Board of County Commissioners for Annexations

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

This proposal is a Charter Amendment, with the objective of requiring the consent of the BoCC for annexed lands outside of County designated urban areas for any land use changes other than the existing County designations.

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

The proposal is to set forth a Charter Amendment before the electors of Lee County for the November General Election, to have the voters decide whether the proposed Charter Amendment for annexations of non-urban lands would require the consent of the Board of County Commission before a land use change from the existing County designations would be allowed.

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

- A. No change. Current annexation policy continues, with the Board having to decide to challenge land use changes it deems inappropriate for the county as a whole, or adversely affects affected parties in the unincorporated county as the result of the annexation.
- B. Pursue the Charter Amendment. Voter approval of the Charter Amendment will provide the Board with a more deliberative, proactive approach concerning boundary issues and transitions of responsibilities for annexed lands. Voter rejection keeps the situation as described in (A) above

4. FINANCIAL IMPACTS/FUNDING SOURCE

The proposed charter amendment vote will take place the same time as other votes will be scheduled, so the cost would be limited to the cost of the expanded ballot. Passage of the outcome would reduce cost to parties by reducing the likelihood of challenges. Passage would require the preparation and enactment of one or more ordinances implementing this amendment, through designation of urban areas and identification of the administrative processes.

5. STAFF RECOMMENDATION AND JUSTIFICATION FOR RECOMMENDATION

Authorize staff and the County attorney to present to the Board for action a Charter Amendment to be placed on the ballot for November 4, 2008.

6. MANDATED? Y N BY WHAT AUTHORITY?

DEPARTMENT DIRECTOR SIGNATURE	COUNTY MANAGER SIGNATURE	MEETING DATE	TIME REQUIRED
		April 7, 2008	15 minutes

Draft Proposed Amendment to The Lee County Charter:

Section 1.4 Relation to Municipal Ordinances.

New subsection heading (A) and as amended: Municipal ordinances shall prevail over County ordinances to the extent of any conflict, except as provided for below in (B).

New Subsection (B): No municipal ordinance, resolution, or legislative or administrative act, shall change the designation of the land use of an annexed property from the unincorporated areas of Lee County, except for those to which the County Commission has passed a resolution in support of or in withdrawing opposition to such a land use designation. Such prohibition shall apply to all annexations made by any municipality in Lee County after January 1, 2009.