

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

Blue Sheet No. 20020884

1. REQUESTED MOTION:

ACTION REQUESTED: Create Rookery Island Special Committee consisting of ten members representing defined stakeholders for the purpose of making recommendations on management of negative impacts to bird nesting islands.

WHY ACTION IS NECESSARY: The Rookery Island Special Committee has been formulated per BCC direction at July 1, 2002, Management and Planning meeting to develop recommendations for management of rookery islands.

WHAT ACTION ACCOMPLISHES: Creates ten-member special committee; defines composition and scope; provides for sunset upon completion of assigned tasks or one year unless extended by Board action.

2. DEPARTMENTAL CATEGORY:
8-Natural Resources
COMMISSION DISTRICT #: CW

A8A

3. MEETING DATE:

08-20-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE AC-2-3
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Public Works
- C. DIVISION Natural Resources
- BY: Roland Ottolini, Nat. Res. Director

7. BACKGROUND:

The BCC was advised of potential problems related to disturbance of bird nesting on islands throughout Lee County at the July 1, 2002 Management and Planning meeting. Staff had prepared options for potential management of the problem. Rather than implement any of those strategies, the consensus was to increase the level of public involvement at the formative stages by appointing a public advisory group.

The attached Rookery Island Special Committee guidelines were prepared in accordance with that direction and outline the composition of the group, tasks and procedures. Once the Rookery Island Special Committee is created, then applications will be accepted to fill positions as described representing various stakeholders and interest groups. Staff will coordinate the first meeting of the committee once all positions have been filled. The work of the Rookery Island Special Committee will proceed as stated in the guidelines with a recommendation ultimately coming back to the BCC for approval and action as needed.

The Rookery Island Special Committee will function in accordance with procedures specified in Administrative Code AC-2-3.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services 8/8/02				G County Manager
					OA	OM	Risk	GC	
<i>J. Jander</i> 8.5.02		<i>N/A</i>		<i>[Signature]</i> 8/8/02	<i>[Signature]</i> 8/8/02	<i>[Signature]</i> 8/8/02	<i>[Signature]</i> 8/8/02	<i>[Signature]</i> 8/7/02	<i>J. Jander</i> 8.5.02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.
by CO. ATTY.
8/7/02
[Signature]
CO. ATTY.
FORWARDED TO:
[Signature]
8/7/02 10:15 am

REC'D.
MIN. TD
8-7-02
11:15
COUNTY ADMIN.
FORWARDED TO:
[Signature]
8/8/02

C

ROOKERY ISLAND SPECIAL COMMITTEE GUIDELINES

BACKGROUND

Rookery Islands are uniquely susceptible to negative impacts from disturbance. Vessels of all types have potential to disturb or flush adult birds from eggs and hatchlings leaving them unprotected from predators and environmental stresses. Even relatively short exposures of intense sunlight can kill developing embryos in unhatched eggs. There have been reported cases of disturbance of rookeries, particularly in Estero Bay, and there is presently no active management to prevent negative consequences.

Alternatives for management of rookery islands were discussed at the Management and Planning Meeting on July 1, 2002. The consensus was to seek additional input prior to taking a management recommendation back to the County Commission for a decision. The input was to come in the form of an advisory committee representing all the known stakeholder groups.

COMPOSITION

A variety of interest groups have expressed a desire to be part of the Rookery Island Special Committee. Stakeholders are generally positioned on the environmental or the boaters' rights side of this question. There are clearly some points of mutual agreement as well as some potential points of conflict. Particular specialties should be represented in the committee composition as a means to ensure the group can address the broad spectrum of issues. In addition, jurisdictional boundaries and the need for countywide consistency suggest that the committee include representation from municipal governments. Municipalities containing known rookery islands are included in the recommended composition of voting members. Other local governments will be invited to attend as non-voting members.

The specific composition is recommended in the following table.

Stakeholder Group	Description
Powerboater	A representative of a local powerboating or boaters rights organization with knowledge of county waterways.
Paddler	A representative with expertise in paddling in local waters, potentially a canoe or kayak outfitter.
Marine Industry	A representative of the local marine industries familiar with potential impacts on boating related businesses.
Angler	A representative of a local organization comprised of or involved with commercial (guides) or recreational anglers (fishing club).
Ecotour Operator	An ecotour operator familiar with or presently conducting business around local waterways including rookery islands.
Conservationist	A representative of a local conservation organization with expertise in birds and bird watching.
Aquatic Preserves	A representative of general resource management in the Preserves as well as the property owner of many of the rookery islands.
City of Sanibel	A representative to be appointed by the City with knowledge of boating and/or natural resource issues to represent the City.
City of Bonita Springs	A representative to be appointed by the City with knowledge of boating and/or natural resource issues to represent the City.
Town of Ft. Myers Beach	A representative to be appointed by the Town with knowledge of boating and/or natural resource issues to represent the Town.

As the scope of the Special Committee will be narrowly defined, it is recommended that financial disclosure not be required.

A number of local governmental agencies also have interest or expertise on questions relating to this issue. It is recommended that representation be sought for non-voting members from the following agencies:

- West Coast Inland Navigation District
- US Fish and Wildlife Service
- Florida Fish and Wildlife Conservation Commission
- Lee County Visitor and Convention Bureau
- South Florida Water Management District
- City of Cape Coral
- City of Fort Myers

Lee County staff should be supplied to support the efforts of the Rookery Island Special Committee including representation from the Natural Resources Division and the County Attorney's Office.

SCOPE

The Rookery Island Special Committee function will be narrowly defined to evaluate the need for and, if appropriate, develop a mechanism to prevent disturbance of rookery islands by managing access to those areas during prescribed seasons. Specific tasks are to include the following.

1. Evaluate within three months any existing technical information on rookery island disturbance to define the scope of the problem.
2. Evaluate within three months the surrounding navigation uses of documented rookeries and evaluate potential impacts from regulatory management strategies.
3. Evaluate within three months any existing legal information to determine which options would be available and preferable to implement any recommended management strategy.
4. Evaluate within six months the potential management strategies and forward recommendation to BCC for action. If no recommendation can be made in this amount of time, then an interim report shall be submitted to the County Commission explaining what work has been completed, what problems have been encountered, and what work remains to be completed with an estimated time of completion.

The time lines are for reference only and reflect the BCC direction to bring a recommendation back prior to the beginning of the 2002/2003 nesting season. When the County Commission has taken action to implement rookery island management or has determined that no action will be taken, the Rookery Island Special Committee will sunset unless specifically extended by the BCC. It is anticipated that should take less than one year in total.

ADMINISTRATIVE PROCEDURES

The Rookery Island Special Committee will follow all applicable requirements of the Sunshine Law. Specifically the meetings will be held at public locations with notification so as to encourage participation from the interested public. Committee organization and procedures will be consistent with Lee County Administrative Code AC-2-3, attached for reference. The Officers will maintain their seats until the Rookery Island Special Committee sunsets.

ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS

CATEGORY:

CODE NUMBER:

Committees/Boards/Commissions/Examiners

AC-2-3

TITLE:

Advisory Committees, Boards and Commissions

ADOPTED:

7/30/86

AMENDED:

12/9/92 8/31/94

ORIGINATING DEPARTMENT:

Public Resources

PURPOSE/SCOPE:

To establish procedures for Advisory Committees, Boards and Commissions

POLICY/PROCEDURE:

The Board of County Commissioners shall have the power to designate and create Committees, Boards or Commissions by Resolution or Ordinance as may be necessary for the administration of the affairs of the County and shall provide for their duties and powers in said Resolution or Ordinance. Lee County, an equal opportunity/affirmative action employer, considers the selection and appointment of persons to advisory committees, in a non-discriminatory manner consistent with the requirements of Federal, State and Local non-discrimination laws.

The Board of County Commissioners is authorized to dissolve Standing Committees, Boards or Commissions or rescind an appointment to a Board, Committee or Commission by a vote of the majority of the Board of County Commission members.

Each Advisory Board Committee or Commission shall have an anniversary month which shall be in the month in which the Board of County Commissioners creates the Committee, Board or Commission, unless specified otherwise.

Members of the Boards, Committees or Commissions shall serve without compensation unless otherwise specified. A County staff member will be appointed as liaison to the Committee, and will assist the committee as appropriate. Any citizen may obtain an Application to Serve on a Lee County Advisory Committee from the Division of Public Resources, Room 201, P.O. Box 398, Fort Myers, FL 33902-0398.

The County Administrator shall be responsible for **maintaining** an accurate and up-to-date roster of all Boards; Committees and Commissions and their respective members and shall **advise** the Board of County Commissioners prior to the, **expiration** of any appointment.

No members of any Board, Committee or Commission **whether** paid or unpaid shall have any financial or **personal** interest in the **outcome** of any matter coming before such member in **his** official capacity. Such member shall disclose on the records of the Board, Committee or Commission **or** to the County Administrator the existence **of an interest therein and shall** disqualify himself **from** voting or action on such matters.

All Board, Committees and Commissions shall fall into the following categories:

STANDING COMMITTEES, BOARDS OR COMMISSIONS

The Standing Committees, Boards or Commissions shall function in an advisory capacity that serves on a continuing basis for on-going projects and programs.

SPECIAL COMMITTEES, BOARDS OR COMMISSIONS

From time to time the Board of County Commissioners may desire to have a special project or program studied. Committees, Boards or Commissions appointed as a Special Committee would serve until the assignment was completed. The Board of County Commission, at their discretion, may request the Special Committee, Board or Commission to continue after a report is filed for additional study or collection of additional data. However, if it appears that this Committee, Board, or Commission will function for a period of over one year, the Special Committee would be be made a Standing Committee.

On each **Standing** Committee, Board or Commission created, one-half of the Committee, Board or Commission will be appointed for one year and one-half of the Committee, Board or Commission will be appointed for two years commencing with the anniversary month of the committee. Odd numbered members, such as a committee with nine members, shall be appointed for one year. All appointments after the Committee, Board or Commission has been functioning for one year shall be for a two year term.

The Board will **periodically** review the purpose, function, **membership** and continued need for a **Committee** at regular **intervals**. The **date** for this "sunset" review will be established by the County Commission.

ORGANIZATION OF ADVISORY COMMITTEES

All Advisory Boards and Committees supporting departmental functions shall be organized as follows:

- (A) Roberts **Rules** of Order shall govern **the proceedings** of all meetings.
- (B) The County Commission will fill **any vacancies**.
- (C) **A Chairman and Vice Chairman** shall be elected by the other members of the **Board or Committee**.
- (D) The Chairman shall appoint, from the membership, **one person to act as Secretary**, who shall, with the Chairman, sign **all minutes**.
- (E) **Meetings shall be called by** the Chairman,, or by the Board of County Commissioners and/or the **Staff Liaison**.
- (F) The Secretary shall record the proceedings of each **meeting**. These records shall be typed in the supporting department. These **records shall become Official Records of the Board or Committee and a copy shall be distributed to the following:**
 - Committee Chairman
 - Staff Liaison
 - Chairman, County Commission
 - County **Administrator**
 - Public Resources Division
- (G) All meetings of the committee are open to the public, must be held where there **is reasonable** public access, and sufficient notice of each meeting must be provided by:
 - 1) Advertisement in a paper **of** general circulation, **OR**
 - 2) Posting notice in the County Administration Building Lobby (Send notices to the Public Resources Division, Room 201, P. O. Box 398, Fort Flyers', Florida 33902 for posting)