

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

**Blue Sheet No. 20070051**

**1. ACTION REQUESTED/PURPOSE:**

Sunset and dissolve the Equity Study Commission and Rookery Island Task Force pursuant to Administrative Code AC-2-3.

**2. FUNDING SOURCE:** No funding required.

**3. WHAT ACTION ACCOMPLISHES:**

Completes the necessary steps for sunset of Advisory Committees, Boards or Commissions for the Board of County Commissioners as required by Administrative Code AC-2-3.

**4. MANAGEMENT RECOMMENDATION:**

Approve

**5. Departmental Category:**

**CGE**

**6. Meeting Date:**

FEB 27 2007

**7. Agenda:**

- Consent
- Administrative
- Appeals
- Public
- Walk-On

**8. Requirement/Purpose: (specify)**

- Statute
- Ordinance
- Admin. Code AC-2-3
- Other

**9. Request Initiated:**

Commissioner \_\_\_\_\_  
 Department Public Resources  
 Division \_\_\_\_\_  
 By: Libby Walker, Director

**10. Background:**

**Background:**

Administrative Code AC-2-3 calls for the Board to Consider periodic "sunset" reviews of each committee. In preparation for the review, the Staff Liaison and the Committee Chairperson of each Committee are requested to forward their comments regarding the activities and accomplishments of each committee, along with their recommendation as to whether it should be continued as presently structured, reorganized or sunset. The Rookery Island Task Force has been recommended for sunset by the Staff Liaison because their work is complete. The Equity Study Commission has an automatic sunset date of January 10, 2007 (one year after its initial adoption) pursuant to the resolution establishing the Commission.

Committee	Liason	Comments
Rookery Island Task Force	Stephen Boutelle	Recommend they be sunsetted. They have not met in over two years.
Equity Study Commission	Glen Salyer	Pursuant to the establishing resolution, the Commission sunsets one year after adoption of the resolution.

**11. Review for Scheduling:**

Dept. Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P. W. Director
					Analyst	Risk	Grants	Mgr	
<i>[Signature]</i>				<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**12. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
 COUNTY ADMIN. *CA*  
 2/15/07  
 1pm  
 COUNTY ADMIN  
 FORWARDED TO: *PL*  
 2/15/07  
 9am

Rec. by CoAtty  
 Date: 2/14/07  
 Time: 4:35pm  
 Forwarded To:  
 Admin 2/15/07

# 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.

**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, Risk, GC				G County Manager
<i>J. Jander</i> 8-5-02		<i>N/A</i>		<i>VKS</i> 3/13/02	<i>OA</i> 8/7/02	<i>OM</i> 8/8/02	<i>Risk</i> 8/8/02	<i>GC</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*  
 CO. ATTY.  
 FORWARDED TO:  
*8/7/02 10:15 am*

REC'D.  
 COUNTY ADMIN.  
 FORWARDED TO:  
*8-7-02*  
*11:15*  
*8/8/02*

*C*

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

Blue Sheet No. 20051824

**1. ACTION REQUESTED/PURPOSE:** Adopt a resolution establishing an Equity Study Commission for the purpose of recommending to the BoCC revisions to the current Lee County Occupational License Tax Ordinance.

**2. WHAT ACTION ACCOMPLISHES:** Permits the Lee County Occupational License Tax Ordinance to be re-examined pursuant to section 205.0535, Florida Statutes.

**3. MANAGEMENT RECOMMENDATION:** Approval

**4. Departmental Category:** 01 **CIB** **5. Meeting Date:** 01-10-2006

<b>6. Agenda:</b>		<b>7. Requirement/Purpose: (specify)</b>		<b>8. Request Initiated:</b>	
<input checked="" type="checkbox"/> Consent		<input checked="" type="checkbox"/> Statute	F.S. 205.0535	<b>Commissioner</b>	
<input type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance		<b>Department</b>	Economic Development
<input type="checkbox"/> Appeals		<input type="checkbox"/> Admin. Code		<b>Division</b>	<i>RC Smith</i>
<input type="checkbox"/> Public		<input type="checkbox"/> Other		<b>By:</b>	Regina Smith
<input type="checkbox"/> Walk-On					

**9. Background:** In 1994, the Board of County Commissioners approved creation of an Equity Study Commission to examine the occupational license process, fees and categories in accordance with section 205.0535, Florida Statutes. The outcome of that work resulted in a reduction of licensing categories from 27 to 5 and the creation of new occupational licensing fees. These changes were reflected in Ordinance 95-11 approved by the BoCC on June 21, 1995 (Readopted by Ordinance 95-23, approved by the BoCC on November 1, 1995).

The Lee County Tax Collector is requesting that a new Equity Study Commission be created to examine administrative issues associated with the Lee County Occupational License Tax Ordinance, and determine if the fee structure should be revised.

Pursuant to section 205.0535 (2), Florida Statutes, each member of the study commission must be a representative of the business community within the local government's jurisdiction. Accordingly, the Horizon Council will recommend to the BoCC individuals from major industry sectors in Lee County to serve on the Commission.

Commission staff will be provided by the Economic Development Office and County Administration.

Attachment:  
Proposed Resolution

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
<i>Roy</i>					Analyst	Risk	Grants	<i>HS 12/22/05</i>
					<i>12/22/05</i>	<i>12-22-05</i>	<i>12/22/05</i>	

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
COUNTY ADMIN: *CK*  
12-22-05  
8:50  
COUNTY ADMIN  
FORWARDED TO:  
*12/22/05*  
*LC. Supri*

Rec. by CoAtty  
Date: *12/22/05*  
Time:  
*8:45 AM*  
Forwarded To:  
*Co. Admin*  
*8:47 AM*

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING AN EQUITY STUDY COMMISSION PURSUANT TO SECTION 205.0535, FLORIDA STATUTES; PROVIDING FOR THE APPOINTMENT OF MEMBERS AND TERMS OF APPOINTMENT; PROVIDING FOR SELECTION OF OFFICERS AND RULES OF PROCEDURE; PROVIDING FOR DURATION OF THE COMMISSION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Lee County is the governing body in and for Lee County, Florida, a political subdivision of the State of Florida; and,

**WHEREAS**, the Board of County Commissioners has determined that the County's occupational license classification system and tax rate structure is in need of review and possible revision; and,

**WHEREAS**, the Board of County Commissioners finds that an Equity Study Commission of representatives of the business community in the County should be created to review and propose recommendations to the classification and rate structure found in Chapter 22 of the Lee County Code of Laws and Ordinances; and,

**WHEREAS**, the Board of County Commissioners desires the Equity Study Commission to review and provide recommendations on:

- A. Improving public compliance with the Lee County Occupational License Tax Ordinance;
- B. Enhancing public perception of the occupational licensing scheme; and,

- C. Revising certain administrative procedures.

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA AS FOLLOWS:**

**SECTION ONE: ESTABLISHMENT; PURPOSE AND DUTIES**

There is hereby created a Commission of the County to be known as the "Equity Study Commission." The Commission is advisory in nature and shall not be considered to be a board or a standing committee of the County. The Commission, in its advisory capacity, shall have the powers and duties as required and authorized by section 205.0535, Florida Statutes, and the following powers and authority of reviewing and making recommendations to Chapter 22, Occupational Licenses of the Lee County Code of Laws and Ordinances, including but not limited to:

- A. Improving public compliance with the Lee County Occupational License Tax Ordinance;
- B. Enhancing public perception of the occupational licensing scheme; and,
- C. Revising certain administrative procedures.

**SECTION TWO: APPOINTED MEMBERS; TERMS**

- A. The Commission shall consist of nine (9) members.

- B. Members of the Commission shall during their term of service be representatives of the business community within the County.
- C. All appointments shall require an affirmative vote of a majority of the Board of County Commissioners at a regularly scheduled meeting. The Horizon Council shall recommend representatives of the business community to serve as Commission members.
- D. Members shall be appointed by the Board of County Commissioners for a term not to exceed one (1) year.
- E. In the event a Commission member resigns, is removed from the Commission, or changes business location to a location outside the County, the position shall be declared vacant. The Horizon Council shall recommend to the Board of County Commissioners a business representative to fill the remainder of the term of the original appointee. The Board of County Commissioners may choose not to appoint members to the Commission, provided that there are at least seven (7) members already serving on the Commission.

**SECTION THREE: OFFICERS; RULES AND PROCEDURES**

- A. The Commission shall elect by simple majority vote a Chair, Vice-Chair, and Secretary.
- B. The presence of five (5) members shall constitute a quorum.
- C. All meetings of the Equity Study Commission shall be open to the public.



**SECTION FOUR:                  DURATION**

The Commission shall come into existence upon adoption of this resolution. The Equity Study Commission established by this Resolution shall be abolished and disbanded one (1) year from the date of adoption of this Resolution.

**SECTION FIVE:                  SEVERABILITY**

If any word, sentence, phrase, clause, section, or portion of this resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, such word, sentence, phrase, clause, section, or portion shall be deemed as separate and independent, and invalidity of the part shall not affect the validity of the whole.

**SECTION SIX:                  EFFECTIVE DATE**

This Resolution shall take effect immediately upon its adoption by the Board of County Commissioners at a regularly scheduled meeting.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to vote, the vote was as follows:

BOB JANES \_\_\_\_\_  
DOUGLAS ST. CERNY \_\_\_\_\_  
RAY JUDAH \_\_\_\_\_  
TAMMARA HALL \_\_\_\_\_  
JOHN E. ALBION \_\_\_\_\_

**DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2006.**

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chairwoman

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney