



ORDINANCE NO. 2001- 43

AN ORDINANCE CREATING THE VANDERBILT BEACH BEAUTIFICATION MUNICIPAL SERVICE TAXING UNIT; PROVIDING THE AUTHORITY; PROVIDING FOR THE CREATION; PROVIDING A PURPOSE AND GOVERNING BODY; PROVIDING FUNDING AND THE LEVY OF NOT TO EXCEED 0.5 MILS OF AD VALOREM TAXES PER YEAR; PROVIDING FOR THE COLLECTION OF TAXES; PROVIDING FOR CREATION OF THE VANDERBILT BEACH BEAUTIFICATION ADVISORY COMMITTEE; APPOINTMENT AND COMPOSITION; PROVIDING FOR TERMS OF OFFICE OF THE ADVISORY COMMITTEE; PROVIDING FOR OFFICERS OF THE ADVISORY COMMITTEE; QUORUM; RULES OF PROCEDURE; PROVIDING FOR FUNCTIONS, POWERS AND DUTIES OF THE ADVISORY COMMITTEE; PROVIDING FOR DUTIES OF THE COUNTY MANAGER OR HIS DESIGNEE; PROVIDING FOR REVIEW PROCESS OF ADVISORY COMMITTEE; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Vanderbilt Drive between Vanderbilt Beach Road and Bluebill Avenue has been improved with the addition of landscaping and a sidewalk; and

WHEREAS, the County has received inquiries from the Vanderbilt Beach Propoerty Owners' Association (VBPOA) relating to the maintenance of the aforesaid improvements; and

WHEREAS, the VBPOA has also inquired about the potential for future improvements within the Vanderbilt Beach area; and

WHEREAS, the Vanderbilt Beach area does not otherwise qualify for "Arterial" status and, therefore, there is little opportunity for public funding landscape or other improvements in the future; and

WHEREAS, the Board of County Commissioners has determined that the best method for funding the maintenance of existing improvements and for funding any desired future improvements within the area known as the Vanderbilt Beach area is by the creation of the Vanderbilt Beach Beautification Municipal Service Taxing Unit.

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

SECTION ONE. Authority

This Ordinance is adopted pursuant to the provisions of Chapter 125, Chapter 165 and Chapter 200, Florida Statutes, and other applicable provisions of law.

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CLERK OF STATE
TALLAHASSEE, FLORIDA

SECTION TWO. **Creation of the Municipal Service Taxing Unit**

There is hereby created and established the Vanderbilt Beach Beautification Municipal Service Taxing Unit, hereinafter referred to as "MSTU". The boundaries of the MSTU are as described on the attached Exhibit "A" that is incorporated herein by reference.

SECTION THREE. **Purpose and Governing Body**

The MSTU is created for the purpose of: (1) Providing curbing, watering facilities, plantings and maintenance of the median strips and right-of-way edges of roadways within the MSTU; (2) Providing traffic calming improvements, street lighting, and sidewalks within the MSTU; and (3) Beautification and maintenance of other public areas within the MSTU as determined by the Advisory Committee. The governing body of the MSTU shall be the Board of County Commissioners of Collier County, Florida.

SECTION FOUR. **Funding and Levy of Taxes**

For the purpose of implementing 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 MSTU for the next fiscal year, which shall be from October 1 to and including September 30 following. The estimate shall describe the purpose for which the moneys are required and the amount necessary to be raised by taxation within the MSTU. At the time and place for fixing the annual rate of taxation for County purposes, the Board of County Commissioners shall fix and cause to be levied on all properties within the MSTU, subject to taxation, a millage rate not to exceed 0.5 mils per year.

SECTION FIVE. **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 and subject to the same fees for assessing and collecting as general County taxes.

SECTION SIX. **Creation of the Vanderbilt Beach Beautification Advisory Committee; Appointment and Composition**

- A. There is hereby created and established the Vanderbilt Beach Beautification Advisory Committee, hereinafter referred to as the "Committee".
- B. The Committee shall consist of five (5) members that generally represent the area within the MSTU. Members of the Committee shall be appointed by and serve at the pleasure of the Board of County Commissioners. Said members shall be permanent residents within the

MSTU and electors of Collier County. The Board of County Commissioners shall consider appointment of members from different subdivisions or communities within the MSTU.

- C. 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.
- D. 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 SEVEN. **Terms of Office of the Advisory Committee**

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

- A. Two (2) members shall be appointed for a term of two (2) years.
- B. Two (2) members shall be appointed for a term of three (3) years.
- C. One (1) member shall be appointed for a term of four (4) years.

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

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

SECTION EIGHT. **Officers of the Advisory Committee; 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. Officer's terms shall be for one (1) year, with eligibility for re-election.
- B. The presence of three (3) or more members shall constitute a quorum of the Committee necessary to take action and transact business.
- C. The Committee shall, by majority vote of the entire membership, adopt rules of procedure for the transaction of business and shall keep a written record of meetings, resolutions, findings and determinations. Copies of all Committee minutes, resolutions, reports, and exhibits shall be submitted to the Board of County Commissioners.
- D. Committee member attendance requirements, including failure to attend meetings and member removal from office are governed by Ordinance No. 86-41, as amended, or by its successor Ordinance.

SECTION NINE.

Functions, Powers and Duties of the Advisory Committee

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

- A. To aid and assist the Board of County Commissioners in carrying out the purposes of the MSTU as set forth in this Ordinance.
- B. 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 MSTU for the next fiscal year. In carrying out this responsibility, the Committee shall, no later than April 1 of each year, meet with the County Manager or his designee and outline to the County Manager or his designee those projects which the Committee wishes to see accomplished during the next fiscal year. Based upon this information, the County Manager or his designee shall prepare a proposed budget for the MSTU, in accordance with standard County guidelines regarding the preparation of budgets. This proposed budget shall then be reviewed by the Committee and, upon approval by the Committee, be transmitted through the County Manager or his designee to the Board of County Commissioners for adoption in accordance with procedures for the adoption of budgets set forth under general law and the Board of County Commissioners' policy. Should the Committee fail to approve a budget by June 1 of each year, the County Manager or his designee shall be authorized to submit a proposed budget to the Board of County Commissioners.
- C. The Committee shall recommend work programs and priorities to the County Manager or his designee in accordance with the adopted budget or budget amendments that may be adopted by the Board of County Commissioners. 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.
- D. The Committee may adopt and amend "Guidelines" to govern its operation and the operation of the MSTU, subject to approval by the Board of County Commissioners.

SECTION TEN.

Duties of the County Manager or His Designee

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

- A. To administer the activities of the MSTU in accordance with established policies of the Board of County Commissioners and guidelines adopted by the Committee.
- B. To prepare the annual budget in accordance with Section Nine, Paragraph B, above.

- C. To provide periodic written reports to the Committee, and the Board of County Commissioners of the activities of the MSTU and its finances in accordance with established guidelines of the Board of County Commissioners and/or the Committee.
- D. Attend all Committee meetings.

SECTION ELEVEN. Review Process

This Advisory Committee shall be reviewed once every four (4) years commencing 2004, in accordance with the procedures contained in Collier County Ordinance No. 86-41, as amended, or its successor Ordinances.

SECTION TWELVE. 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 court of competent jurisdiction holds any phrase or portion of this Ordinance invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THIRTEEN. 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 Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION FOURTEEN. Effective Date

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 31 day of July, 2001.

ATTEST:
DWIGHT E. BROCK, Clerk

Dwight E. Brock
Attest as to Chairman's signature only.

Approved as to form and Legal sufficiency:

Heidi F. Ashton
Heidi F. Ashton
Assistant County Attorney

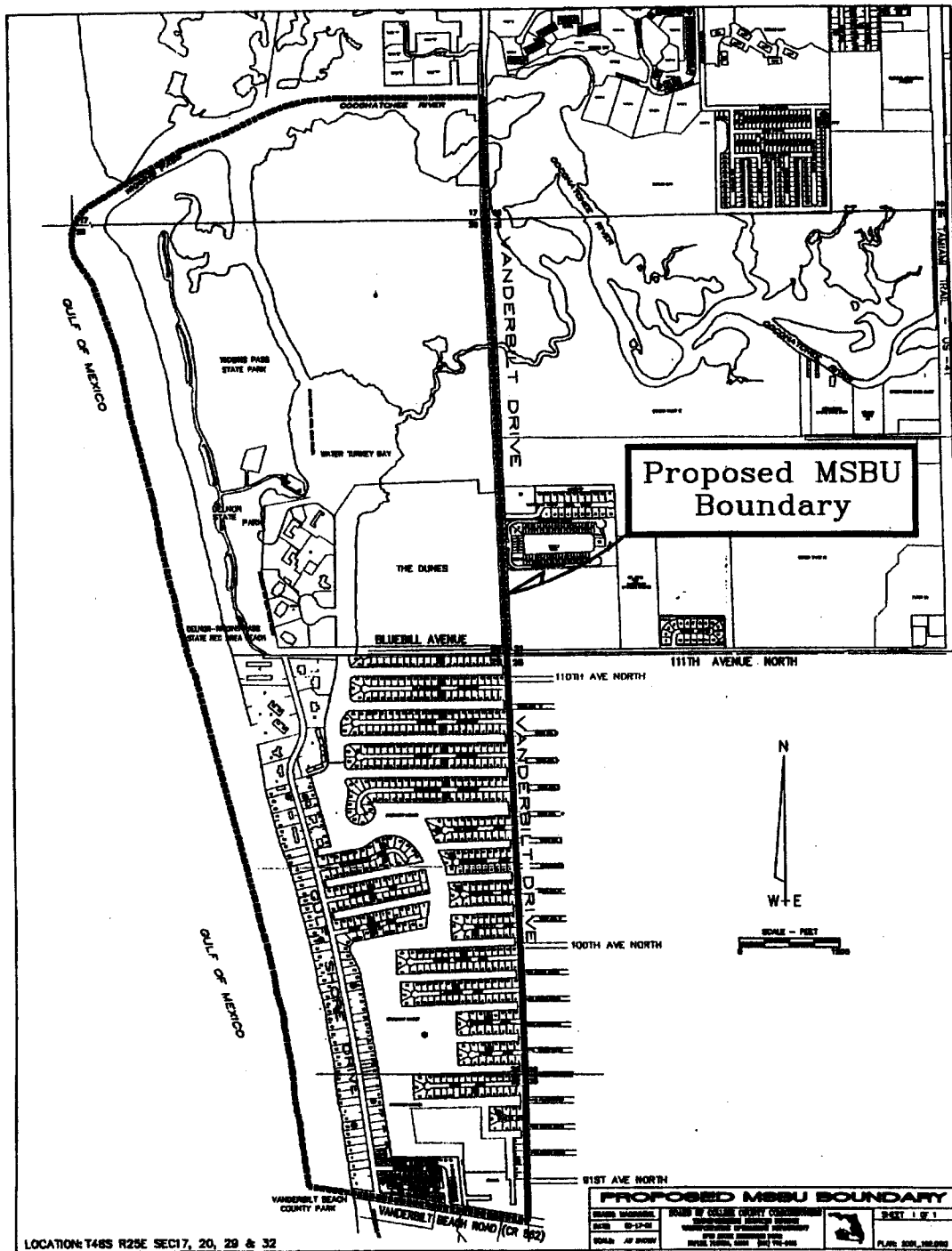
BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: *James D. Carter*
JAMES D. CARTER, Ph.D., Chairman

This ordinance filed with the Secretary of State's Office the 16th day of August, 2001 and acknowledgement of that filing received this 9th day of August, 2001
By: *Jan Michael* D.C.
Deputy Clerk

Exhibit "A"

All of that property lying westerly of the centerline of Vanderbilt Drive from Vanderbilt Beach Road north to the centerline of the Little Horse Pass Bridge (Collier County Bridge No. 030177); thence, westerly along the meander line of the Cocohatchee River until it meets the Gulf of Mexico. Said lands being more fully depicted on the drawing below:



STATE OF FLORIDA)

COUNTY OF COLLIER)

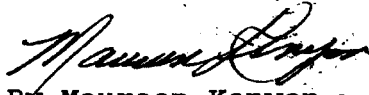
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 2001-43

Which was adopted by the Board of County Commissioners on the 31st day of July, 2001, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 1st day of August, 2001.

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


By: Maureen Kenyon,
Deputy Clerk

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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FILED