

Item #2B

MINUTES FOR THE MARCH 10, 2015 – BCC/REGULAR
MEETING - APPROVED AS AMENDED

CHAIRMAN NANCE: I would like to make a motion for approval of the March 10th BCC regular minutes with a correction. The board minutes and records reflect Item 11B as "Radio Road," and it should read as "Rock Road."

And after speaking to staff about this item and in keeping with past board policy, it's come to my attention it's an oversight on my part, and I finally caught up to the points that Commissioner Henning and Commissioner Hiller were discussing regarding MSTUs.

And I would like to apologize for that. I don't think it's anybody's fault. It was certainly not an intention to adopt anything that was inconsistent with board policy.

So in that direction, I would like to request that staff bring back a policy, which I've requested for, Commissioner Taylor has requested, and I think Commissioner Henning would support also, to bring back a policy for the Board's consideration that identifies that when a board supports an MSTU as a financing mechanism for a potential county asset, that that asset will be maintained by that MSTU until the county debt is satisfied and to make certain that that approach is consistent with our past board policies and practices.

COMMISSIONER HENNING: I could support that.

COMMISSIONER HILLER: I need clarification on that.

CHAIRMAN NANCE: Well, we have had several situations where we've had some discussion --

COMMISSIONER HILLER: Oh, I know the whole history.

CHAIRMAN NANCE: -- about it, and I just couldn't catch up to it, and that's my --

COMMISSIONER HILLER: No, that's all right.

CHAIRMAN NANCE: I apologize to the commissioners for that.

COMMISSIONER HILLER: Can I ask just one question to clarify what you just said?

CHAIRMAN NANCE: Yes.

COMMISSIONER HILLER: That the MSTU will maintain the asset until the debt is paid.

CHAIRMAN NANCE: Yes. And, thereafter -- it has been noted by staff to me that in past instances, thereafter the asset has become property of Collier County and that Collier County has assumed the maintenance going forward, and that's been the policy that we apparently have in place.

So I'm just asking that staff evaluate this, bring it back for our consideration so that everybody understands what board policy has been. It just escaped me, and it escaped the citizens of Rock Road who made this proposal for an MSTU.

And I'd just like to clear that up, address Commissioner Henning and your concerns. There's been some different items that we've talked about this, but I think it's going to require staff to bring back an item and a policy for our consideration.

COMMISSIONER FIALA: That's okay with me.

COMMISSIONER HILLER: But once the asset is county property, then the MSTU is dissolved, in effect, is what you're saying?

COMMISSIONER TAYLOR: No, it's the other way around, right?

MR. OCHS: Commissioners, maybe I can help by way of example. The MSTU for east of Radio Road at Santa Barbara for the median landscape improvements, they went out and got a bank loan to finance the capital construction to put that beautification project in place. And they are maintaining that asset until such time as the debt

is paid off.

I think what Commissioner Nance -- if I understand what he's suggesting here, is that we apply that same consistency with regard to Rock Road. They have received an advance from the Board to do the capital improvement to pave that road, and he's suggesting that while they're paying that loan back, that they continue to maintain that road until such time as the debt is paid; it's very similar to what is occurring in the east Radio Road/Santa Barbara MSTU.

COMMISSIONER HILLER: But, again, once that debt is paid --

MR. OCHS: Yes, it becomes an asset of the Board.

COMMISSIONER HILLER: Of the county.

MR. OCHS: Yes.

COMMISSIONER HILLER: And if the county is supporting the maintenance subsequent to the takeover of the asset, then the MSTU should be dissolved.

COMMISSIONER HENNING: Yes.

MR. OCHS: That is correct. And that, again --

COMMISSIONER HILLER: I just want to make sure that's the case.

MR. OCHS: -- will all be addressed in the policy options that we're bringing back that the chairman is suggesting we be directed to do, and we'd look forward to that.

CHAIRMAN NANCE: Yeah. The situation with Rock Road was kind of a new situation because it was unclear to me that we'd ever had a situation where we're dealing with a road. And what it did was it created a certain amount of uncertainty on everybody's part because it was simply new, and it was never anybody's intention to do something that was unequitable or that went against county policy.

So I believe it's going to have a great deal of utility for staff to come back to us with an analysis on this so everybody can look at it. And I would be very happy if it would provide guidance for the future.

And, you know, I thank you Commissioner -- I respect Commissioner Henning for bringing this up. I think it's critical, and it's simply an oversight on my part. It wasn't brought to my attention by staff at the time, and I'm not blaming them. I take full responsibility for any confusion. But I just think that I wanted to correct the minutes on this item and try to move forward in a productive direction.

So if the Board could support that, I would appreciate it.

COMMISSIONER HILLER: And what is the correction?

CHAIRMAN NANCE: The correction is the board minutes and records reflect Item 11B as Radio Road, and it should be Rock Road.

But I wanted to address this issue, because, excuse me, it's come up several times, and I think there was some anxiety on all our parts about it.

COMMISSIONER HILLER: Yeah. No, that's good.

COMMISSIONER FIALA: I second, and I agree.

COMMISSIONER HILLER: And I third it, and I agree.

CHAIRMAN NANCE: Okay. So we have a second to approve the meeting minutes as amended.

Commissioner Henning, are you supportive of that?

COMMISSIONER HENNING: Yep.

CHAIRMAN NANCE: All those in favor, signify by saying aye?

COMMISSIONER TAYLOR: Aye.

COMMISSIONER FIALA: Aye.

CHAIRMAN NANCE: Aye.

COMMISSIONER HILLER: Aye.

COMMISSIONER HENNING: Aye.

CHAIRMAN NANCE: Any opposed?

(No response.)

CHAIRMAN NANCE: All right. Unanimous.

Thank you very much. That takes us, Mr. County Manager, to our large number of proclamations today. It seems we're very happy.