

LEE COUNTY RESOLUTION NO. 95-12-02

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, CREATING THE LEE COUNTY COASTAL ADVISORY COUNCIL; PROVIDING FOR OBJECTIVES AND DUTIES OF THE COASTAL ADVISORY COUNCIL; PROVIDING FOR APPOINTMENT AND COMPOSITION; PROVIDING FOR TERMS OF MEMBERS; PROVIDING FOR RULES OF PROCEDURE; PROVIDING FOR DUTIES OF THE COUNTY ADMINISTRATOR; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, nature endows Lee County with approximately 47 miles of the finest beaches in the United States of America; and

WHEREAS, the Lee County Board of County Commissioners recognizes that the beaches are a tremendous asset to county residents and play a critically important role in the county's tourist economy; and

WHEREAS, the Board of County Commissioners, through its adopted Comprehensive Plan, has decided that it should play a significant role in conserving Lee County's beaches; and

WHEREAS, the Board of County Commissioners, pursuant to Florida Statutes §161.25, act as the Lee County Beach and Shore Preservation Authority; and

WHEREAS, Florida Statutes §161.25 *et al.* provides the authority for the Board of County Commissioners to initiate and carry on studies commissioned by legally qualified personnel to plan a logical and suitable program for comprehensive beach and shore preservation within the county; and

WHEREAS, the statutory authority for county beach and shore preservation further provides the Board of County Commissioners with the ability to use any available county funds to meet necessary expenses of its beach and shore preservation program,

including cost of studies, surveys, planning, engineering, coordination, negotiation, acquisition of lands, revegetation, construction of works and facilities, operation and maintenance, and other activities incidental to acquisition and construction to the extent considered proper and desirable by the Board of County Commissioners; and

WHEREAS, the Board recognizes the need for the creation of the Coastal Advisory Council to advise the Board, staff and the various advisory boards when proceeding with a project affecting beach and shore preservation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:

SECTION 1: CREATION OF THE LEE COUNTY COASTAL ADVISORY COUNCIL

The Board of County Commissioners hereby creates the Lee County Coastal Advisory Council.

SECTION 2: OBJECTIVES AND DUTIES OF THE COASTAL ADVISORY COUNCIL

A. The Coastal Advisory Council will advise the Board of County Commissioners about the proper role the Board should play in conserving the beaches of Lee County.

B. The Coastal Advisory Council will act as the advisory board to the Lee County Tourist Development Council (TDC) and County staff concerning distribution of beach renourishment trust fund assets, including but not limited to projects such as dune walk overs and dune revegetation.

C. The Coastal Advisory Council will review all proposed coastal construction projects defined in Chapter 161, Florida Statutes, in Lee County involving public

financing which are to take place waterward of the Coastal Construction Control Line, as defined as the 1991 State of Florida Coastal Construction Control Line. The Council's opinion of a proposed project will be prepared as a recommendation brought forward to the Lee County Board of County Commissioners, or its designee, before making any final decision.

D. The criteria used by the Coastal Advisory Council reviewing proposed projects will be consistent with the Lee County Comprehensive Plan and Land Development Code. The Council will recognize any technical participation provided by staff or a third party qualified to comment.

E. The Coastal Advisory Council will work closely with and support the efforts of any legally constituted city, special erosion prevention district, or any special assessment unit (MSBU or MSTU), that chooses to manage its own beaches and shorelines.

F. The Coastal Advisory Council will take into consideration that the flow of funds back into the community is sufficient to protect the very assets that are generating the tax revenue. The Coastal Advisory Council will also advise the County Commissioners on the possible use of funds derived from the All Hazards MSBU for purchase of storm-damaged properties.

G. The Coastal Advisory Council will meet at least once each quarter and from time-to-time, will make recommendations to the county governing board for the effective operation of the special projects or for the use of county funds for beach improvements, maintenance, renourishment, restoration, revegetation, and erosion control, including shoreline protection.

SECTION 3: APPOINTMENT AND COMPOSITION

A. The Board of County Commissioners or the applicable governing Board of an island municipality, shall appoint a representative from each of the following bridge barrier islands:

1. Gasparilla(Boca Grande) Island
2. Sanibel Island
3. Estero Island
4. Little Hickory Island

B. The Captiva Erosion Prevention District shall appoint one of its members or designee to serve on the Coastal Advisory Council.

C. In addition to the island representatives, the Board of County Commissioners shall appoint three (3) at large members of Lee County who have shown an interest in, and knowledge of, the county's beaches and shorelines.

D. The Lee County Tourist Development Council shall appoint one of its members to serve on the Coastal Advisory Council.

SECTION 4: TERMS OF MEMBERS

A. The terms of office of the original members shall be prescribed as follows:

1. Members from Gasparilla, Sanibel, and Little Hickory islands shall initially serve until 1999.
2. Members from Captiva and Estero Islands and the representative from the Tourist Development Council shall initially serve until 1998.
3. The three (3) at large members appointed by

the Board of County Commissioners shall initially serve until 1997.

- B. Thereafter, the members of the council shall serve for terms of four (4) years.
- C. The Board of County Commissioners, or the applicable municipal governing Board, will make subsequent appointments or reappointments in the same manner as the original appointments.
- D. The Board of County Commissioners may remove any member who is absent for three consecutive meetings upon recommendation of the Lee County Coastal Advisory Council.

SECTION 5: RULES OF PROCEDURE

- A. The Lee County Coastal Advisory Council shall comply with all applicable requirements of Florida Sunshine and Public Records Law and may adopt additional procedures of operation provided there is no conflict with state law.
- B. Robert's Rules of Order shall dictate parliamentary procedure.
- C. The council members will serve without compensation.

SECTION 6: DUTIES OF THE COUNTY MANAGER

The duties of the County Manager and his designee shall be to serve as staff technical and policy advisors, and also to advise the Coastal Advisory Council on procedures. The County Manager shall designate a coastal administrator with technical

experience to act as a liaison between the Coastal Advisory Council and the various governmental agencies and county departments for all shoreline projects located in the county.

SECTION 7: EFFECTIVE DATE

This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners at a regular meeting.

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

JOHN MANNING	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW W. COY	<u>AYE</u>
JOHN ALBION	<u>AYE</u>

DULY PASSED AND ADOPTED this 6th day of December, 1995.

ATTEST:
CHARLIE GREEN, CLERK

By: *Patricia Freeman*
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: *[Signature]*
Chairman

APPROVED AS TO FORM:
LEE COUNTY ATTORNEY'S OFFICE

By: *[Signature]*
County Attorney