



**MARINE ADVISORY
COMMITTEE**
Member Manual

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RESOLUTION
NUMBER 2019- 129

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING RESOLUTION 2014-097; PROVIDING FOR REVISED BYLAWS FOR THE MARINE ADVISORY COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Marine Advisory Committee was created by the Board of County Commissioners ("Board") by Resolution 97-1260A0 on November 25, 1997; and

WHEREAS, the Board repealed Resolution 97-1260A0 on February 13, 2001 by Resolution 2001-026; and

WHEREAS, Resolution 2001-026 re-established the Marine Advisory Committee and provided new bylaws therein; and

WHEREAS, the Board has since approved revisions to the Bylaws of the Marine Advisory Committee by Resolutions 2011-002, 2012-054, and 2014-097; and

WHEREAS, the Board and the Marine Advisory Committee now desire to amend the language of the Bylaws by changing the name of one of the members to U.S. Coast Guard Auxiliary Flotilla 99, Cape Haze.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. The aforementioned Recitals are hereby incorporated herein and made a part of this Resolution.

2. The Bylaws of the Charlotte County Marine Advisory Committee, attached hereto, and incorporated herein, as Exhibit A, are hereby amended by changing the official name of one of its members to U.S. Coast Guard Auxiliary Flotilla 99-Cape Haze.

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3. The Bylaws attached to Resolution 2014-097 are hereby replaced and substituted by the Bylaws attached hereto as Exhibit A.

4. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 8th day of October, 2019.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

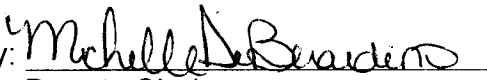
By:


Kenneth W. Dojerty, Chairman

ATTEST:

Roger D. Eaton, Clerk of the Circuit
Court and Ex-officio Clerk of the
Board of County Commissioners

By:


Michelle A. Beaudino
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By:


Janette S. Knowlton, County Attorney
LR19-0509 / CA

EXHIBIT “A”

BYLAWS

CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE

ARTICLE 1 – ORGANIZATION

Section 1.01 NAME

The name of the organization shall be CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE (hereinafter referred to as “the Committee”).

Section 1.02 ORGANIZATION

The Committee shall be a volunteer organization as authorized by the Board of County Commissioners of Charlotte County, Florida, pursuant to Resolution 2001-026, approved on February 13, 2001.

Section 1.03 OBJECTIVES

The objectives shall be to act in an advisory capacity to the Board of County Commissioners of Charlotte County on marine-related matters.

ARTICLE 11 – MEMBERSHIP

Section 2.01 MEMBERSHIP

Membership on the Committee shall be voluntary and composed as indicated in this article. A potential member of the Committee may be recommended for appointment by the Committee but must be appointed by the Board of County Commissioners in order to become a member. Any member must attend at least seventy percent (70%) of all regularly scheduled meetings of the Committee within a fiscal year to retain membership.

Membership on the Committee shall be composed of fifteen (15) members representing marine oriented organizations within Charlotte County (organizational representatives), one (1) member representing the City of Punta Gorda (City representative) who shall be recommended for appointment by the City Council of the City of Punta Gorda, five (5) members at large (members at Large) with preference given to representative from the following groups: 1) fishing guides or bait and tackle store operators; 2) commercial fishing industry (including clamming industry); 3) marina operation industry; 4) personal watercraft industry; 5) marine sales industry; 6) scuba diving industry, and honorary at large members (honorary members).

Each organizational representative shall represent one of the marine oriented organizations listed in the appendix. No organization shall have more than one representative on the Committee. Each organization must be a marine oriented organization which holds regularly scheduled meetings and has a membership of at least twenty-five (25) persons. Term lengths for organization representatives shall be determined by the Board of County Commissioners.

Members at Large shall serve for three (3) year terms following appointment. However, the initial terms of the Members at Large shall be staggered so that there is one (1) retiring and one (1) newly elected Member at Large each year. The term of a newly appointment Member at Large shall begin on January 1 following the appointment. A retiring Member at Large shall be eligible for re-appointment. Honorary members shall be excluded from attendance requirements. In addition, honorary members are not included in quorum determinations and do not have voting rights.

ARTICLE III – OFFICERS/ELECTIONS

Section 3.01 OFFICERS

The officers of the Committee shall consist of:

Chair
Vice Chair
Secretary

with terms of one (1) year, beginning January 1, following their elections. Said officers shall also form the Executive Committee.

Section 3.02 ELECTIONS

Elections shall be held annually for the selection of officers and Members at Large at the first regular or special meeting occurring after the first day of December of each year. Vacancies may be filled by an election held at any regular or special meeting.

Section 3.03 DUTIES OF CHAIR

The Chair shall preside at all meetings. The Chair shall be the official spokesperson for the Committee. The Chair shall execute all written instruments in the name of the Committee. The Chair shall monitor and take appropriate action regarding attendance of members of the Committee.

The Chair shall appoint subcommittees, prepare budget recommendations, prepare goals and objectives, and perform other duties as needed to carry out the Committee's objectives.

Section 3.04 DUTIES OF VICE CHAIR

The Vice Chair shall assist the Chair and, in the Chair's absence, act in the Chair's stead.

Section 3.05 DUTIES OF SECRETARY

The Secretary shall maintain a file of minutes of all Committee meetings. Minutes are to be taken by a Recording Secretary provided by the County.

The Secretary shall serve as supervisor of elections, ascertaining that all nominations and voting procedures are in order.

Section 3.06 DUTIES OF THE EXECUTIVE COMMITTEE

The Executive Committee shall meet monthly, approximately one week before each regular meeting of the whole Committee, to review accumulated matters, both old and new and to prepare the agenda for the forthcoming meeting. Nothing shall prevent members of the Committee from raising new agenda items during regular Committee meetings. All meetings of the Executive Committee shall be in accordance with Article IV of these Bylaws, the minutes of which shall be prepared and signed by the Secretary and presented to Committee as a whole for review and approval. A quorum of two members is necessary to take any action and all actions must be made by majority vote; however, in the instance that a quorum is unavailable the Chair shall prepare the agenda.

ARTICLE IV – MEETINGS

Section 4.01 MEETINGS

Meetings shall be held monthly on a date approved by the membership. Special meetings may be called by the Chair, or by petition of at least three (3) members when circumstances warrant. The Committee may disperse with any meeting by majority vote.

Section 4.02 QUORUM

Business requiring action by the Committee may only be conducted at a regular or special meeting at which a quorum is present. A quorum shall consist of eleven (11) or more members.

Section 4.03 VOTING

Any action taken by the Committee must be approved by a majority of those present and voting, except for Bylaws and Bylaws amendments; see ARTICLE V, Section 5.01.

Section 4.04 CONDUCT OF MEETINGS

All meetings shall be conducted in accordance with Section 286.011, Florida Statutes, the Florida Sunshine Law. All meetings shall also be conducted in accordance with Robert's Rules of Order, insofar as they do not conflict with these Bylaws.

ARTICLE V – BYLAWS

Section 5.01 BYLAWS

Bylaws, and amendments thereto, must be distributed to all members approximately thirty (30) days before being presented for approval at a regular meeting. Approval must be by two thirds of the members present and voting, with a minimum of eleven (11) members present, and then submitted to the Board of County Commissioners for its approval.

APPENDIX – MEMBERSHIP OF COMMITTEE

City of Punta Gorda

5 Members at Large with preference given to representatives of the following groups:

- 1) fishing guides or bait and tackle store operators;
- 2) commercial fishing industry (including clamming industry);
- 3) marina operation industry;
- 4) personal watercraft industry;
- 5) marine sales industry; and
- 6) scuba diving industry.

MARINE ORIENTED ORGANIZATIONS WITH REPRESENTATIVES:

Harbour Heights Yacht Club
Charlotte Harbor Yacht Club
Isles Yacht Club
South Gulf Cove Yacht Club
Burnt Store Isles Boat Club
Punta Gorda Sports Fishing Club
Peace River Power Squadron, Inc.
Pirate Harbor Yacht Club
Port Charlotte Yacht Club
Punta Gorda Boat Club
Punta Gorda Sailing Club
U.S. Coast Guard Auxiliary, Flotilla 98, Charlotte Harbor
U.S. Coast Guard Auxiliary, Flotilla 99, Cape Haze
U.S. Coast Guard Auxiliary, Flotilla 87, Englewood

and such other marine-oriented organizations as this Committee or the Board of County Commissioners may consider appropriate.

RESOLUTION
NUMBER 2014-097

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING RESOLUTION 2012-054; PROVIDING FOR REVISED BYLAWS FOR THE MARINE ADVISORY COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Marine Advisory Committee was created by the Board of County Commissioners ("Board") by Resolution 97-1260A0 on November 25, 1997; and

WHEREAS, the Board repealed Resolution 97-1260A0 on February 13, 2001 by Resolution 2001-026; and

WHEREAS, Resolution 2001-026 reestablished the Marine Advisory Committee and provided new bylaws therein; and

WHEREAS, the Board has since approved revisions to the Bylaws of the Marine Advisory Committee by Resolutions 2011-002 and 2012-054; and

WHEREAS, the Board and the Marine Advisory Committee now desire to amend the language of the Bylaws by clarifying the recommendation language for potential members of the Committee; by adding a new category, the scuba diving industry, as a representative group for members at large seats; and by removing the Charlotte County Chapter of the Coastal Conservation Association Florida from the Appendix-Membership of Committee list of marine oriented organization members of the Committee pursuant to their organization being dissolved and their organizational member's letter of resignation from the Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, THAT:

Section 1. The aforementioned Recitals are hereby incorporated herein and made a part of this Resolution.

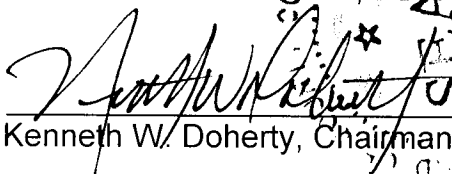
Section 2. The Bylaws of the Charlotte County Marine Advisory Committee, attached hereto, and incorporated herein, as Exhibit A, are hereby amended by clarifying the recommendation language for potential members of the Committee; by adding a new category, the scuba diving industry, as a representative group for members at large seats; and by removing the Charlotte County Chapter of the Coastal Conservation Association Florida from the list of marine oriented organization members of the Committee.

Section 3. The Bylaws attached to Resolution 2012-054 are hereby replaced and substituted by the Bylaws attached hereto as Exhibit A.

Section 4. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 25th day of FEBRUARY, 2014.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By 
Kenneth W. Doherty, Chairman

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and ex-officio Clerk to the
Board of County Commissioners

By 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

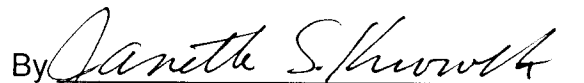
By 
Janette S. Knowlton, County Attorney

EXHIBIT “A”

BYLAWS

CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE

ARTICLE I - ORGANIZATION

Section 1.01 NAME

The name of the organization shall be CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE (hereinafter referred to as “the Committee”).

Section 1.02 ORGANIZATION

The Committee shall be a volunteer organization as authorized by the Board of County Commissioners of Charlotte County, Florida, pursuant to Resolution 2001-026, approved on February 13, 2001.

Section 1.03 OBJECTIVES

The objectives shall be to act in an advisory capacity to the Board of County Commissioners of Charlotte County on marine-related matters.

ARTICLE II - MEMBERSHIP

Section 2.01 MEMBERSHIP

Membership on the Committee shall be voluntary and composed as indicated in this article. A potential member of the Committee must be recommended for appointment by the Committee and be appointed by the Board of County Commissioners in order to become a member. Any member must attend at least seventy percent (70%) of all regularly scheduled meetings of the Committee within a fiscal year to retain membership.

Membership on the Committee shall be composed of fifteen (15) members representing marine oriented organizations within Charlotte County (organizational representatives), one (1) member representing the City of Punta Gorda (City representative) who shall be recommended for appointment by the City Council of the City of Punta Gorda, five (5) members at large (Members at Large) with preference given to representatives from the following groups: 1) fishing guides or bait and tackle store operators; 2) commercial fishing industry (including clamming industry); 3) marina operation industry; 4) personal watercraft industry; 5) marine sales industry; and 6) scuba diving industry, and honorary at large members (honorary members).

Each organizational representative shall represent one of the marine oriented organizations listed in the appendix. No organization shall have more than one representative on the Committee. Each organization must be a marine oriented organization which holds regularly scheduled meetings and has a membership of at least twenty-five (25) persons. Term lengths for organizational representatives shall be determined by the Board of County Commissioners.

Members at Large shall serve for three (3) year terms following appointment. However, the initial terms of the Members at Large shall be staggered so that there is one (1) retiring and one (1) newly elected Member at Large each year. The term of a newly appointed Member at Large shall begin on January 1 following the appointment. A retiring Member at Large shall be eligible for re-appointment. Honorary members shall be excluded from attendance requirements. In addition, honorary members are not included in quorum determinations and do not have voting rights.

ARTICLE III - OFFICERS/ELECTIONS

Section 3.01 OFFICERS

The officers of the Committee shall consist of:

Chair
Vice Chair
Secretary

with terms of one (1) year, beginning January 1, following their elections. Said officers shall also form the Executive Committee.

Section 3.02 ELECTIONS

Elections shall be held annually for the selection of officers and Members-at-Large at the first regular or special meeting occurring after the first day of December of each year.

Vacancies may be filled by an election held at any regular or special meeting.

Section 3.03 DUTIES OF CHAIR

The Chair shall preside at all meetings. The Chair shall be the official spokesperson for the Committee. The Chair shall execute all written instruments in the name of the Committee. The Chair shall monitor and take appropriate action regarding attendance of members of the Committee.

The Chair shall appoint subcommittees, prepare budget recommendations, prepare goals and objectives, and perform other duties as needed to carry out the Committee's objectives.

Section 3.04 DUTIES OF VICE CHAIR

The Vice Chair shall assist the Chair and, in the Chair's absence, act in the Chair's stead.

Section 3.05 DUTIES OF SECRETARY

The Secretary shall maintain a file of minutes of all Committee meetings. Minutes are to be taken by a Recording Secretary provided by the County.

The Secretary shall serve as supervisor of elections, ascertaining that all nominations and voting procedures are in order.

Section 3.06 DUTIES OF THE EXECUTIVE COMMITTEE

The Executive Committee shall meet monthly, approximately one week before each regular meeting of the whole Committee, to review accumulated matters, both old and new and to prepare the agenda for the forthcoming meeting. Nothing shall prevent members of the Committee from raising new agenda items during regular Committee meetings. All meetings of the Executive Committee shall be in accordance with Article IV of these Bylaws, the minutes of which shall be prepared and signed by the Secretary and presented to Committee as a whole for review and approval. A quorum of two members is necessary to take any action and all actions must be made by majority vote; however, in the instance that a quorum is unavailable the Chair shall prepare the agenda.

ARTICLE IV - MEETINGS

Section 4.01 MEETINGS

Meetings shall be held monthly on a date approved by the membership. Special meetings may be called by the Chair, or by petition of at least three (3) members when circumstances warrant. The Committee may dispense with any meeting by majority vote.

Section 4.02 QUORUM

Business requiring action by the Committee may only be conducted at a regular or special meeting at which a quorum is present. A quorum shall consist of eleven (11) or more members.

Section 4.03 VOTING

Any action taken by the Committee must be approved by a majority of those present and voting, except for Bylaws and Bylaws amendments; see ARTICLE V, Section 5.01.

Section 4.04 CONDUCT OF MEETINGS

All meetings shall be conducted in accordance with Section 286.011, Florida Statutes, the Florida Sunshine Law. All meetings shall also be conducted in accordance with Robert's Rules of Order, insofar as they do not conflict with these Bylaws.

ARTICLE V - BYLAWS

Section 5.01 BYLAWS

Bylaws, and amendments thereto, must be distributed to all members approximately thirty (30) days before being presented for approval at a regular meeting. Approval must be by two thirds of the members present and voting, with a minimum of eleven (11) members present, and then submitted to the Board of County Commissioners for its approval.

APPENDIX - MEMBERSHIP OF COMMITTEE

City of Punta Gorda

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- 2) commercial fishing industry (including clamming industry);
- 3) marina operation industry;
- 4) personal watercraft industry;
- 5) marine sales industry; and
- 6) scuba diving industry.

MARINE ORIENTED ORGANIZATIONS WITH REPRESENTATIVES:

Harbour Heights Yacht Club

Charlotte Harbor Yacht Club

Isles Yacht Club

South Gulf Cove Yacht Club

Burnt Store Isles Boat Club

Punta Gorda Sports Fishing Club

Peace River Power Squadron, Inc.

Pirate Harbor Yacht Club

Port Charlotte Yacht Club

Punta Gorda Boat Club

Punta Gorda Sailing Club

U.S. Coast Guard Auxiliary, Flotilla 98, Charlotte Harbor

U.S. Coast Guard Auxiliary, Flotilla 89, Rotonda West

U.S. Coast Guard Auxiliary, Flotilla 87, Englewood

Punta Gorda Boaters Alliance, Inc.

and such other marine-oriented organizations as this Committee or the Board of County Commissioners may consider appropriate.

RESOLUTION
NUMBER 2012 - 054

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING RESOLUTION 2001-026 AND 2011-002; PROVIDING FOR REVISED BYLAWS FOR THE MARINE ADVISORY COMMITTEE; AND, PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Marine Advisory Committee was created by the Board of County Commissioners by Resolution 97-1260A0 on November 25, 1997; and

WHEREAS, the Board repealed Resolution 97-1260A0 on February 13, 2001 by Resolution 2001-026; and

WHEREAS, Resolution 2001-026 reestablished the Marine Advisory Committee and provided new bylaws therein; and

WHEREAS, the Board recently revised the bylaws of the Marine Advisory Committee to provide for new subcommittee structures; and

WHEREAS, now the Marine Advisory Board now desires to make a small amendment to their bylaws providing that their membership attendance be based on the County's fiscal rather than a calendar year and providing that the election of officers occur at first meeting in December as provided by Section 1-2-102 of the Code of Laws and Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, THAT:

Section 1. Exhibit A, bylaws, of Resolution 2001-026 and 2011-002 is hereby replaced and substituted by the bylaws attached hereto.

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 28 day of August, 2012.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Christopher G. Constance
Christopher G. Constance, Chairman

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and ex-officio Clerk to the
Board of County Commissioners

By Susan F. Caulston
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By Janette S. Knowlton
Janette S. Knowlton, County Attorney

LA 13-43

EXHIBIT "A"

BYLAWS

CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE

ARTICLE I - ORGANIZATION

Section 1.01 NAME

The name of the organization shall be CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE (hereinafter referred to as "the Committee").

Section 1.02 ORGANIZATION

The Committee shall be a volunteer organization as authorized by the Board of County Commissioners of Charlotte County, Florida, pursuant to Resolution 2001-026, approved on February 13, 2001.

Section 1.03 OBJECTIVES

The objectives shall be to act in an advisory capacity to the Board of County Commissioners of Charlotte County on marine-related matters.

ARTICLE II - MEMBERSHIP

Section 2.01 MEMBERSHIP

Membership on the Committee shall be voluntary and composed as indicated in this article. A potential member of the Committee must be recommended for appointment by the Committee and be appointed by the Board of County Commissioners in order to become a member. Any member must attend at least seventy percent (70%) of all regularly scheduled meetings of the Committee within a fiscal year to retain membership.

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Honorary members shall be excluded from attendance requirements. In addition, honorary members are not included in quorum determinations and do not have voting rights.

ARTICLE III - OFFICERS/ELECTIONS

Section 3.01 OFFICERS

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Chair
Vice Chair
Secretary

with terms of one (1) year, beginning January 1, following their elections. Said officers shall also form the Executive Committee.

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Section 3.04 DUTIES OF VICE CHAIR

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Section 3.05 DUTIES OF SECRETARY

The Secretary shall maintain a file of minutes of all Committee meetings. Minutes are to be taken by a Recording Secretary provided by the County.

The Secretary shall serve as supervisor of elections, ascertaining that all nominations and voting procedures are in order.

Section 3.06 DUTIES OF THE EXECUTIVE COMMITTEE

The Executive Committee shall meet monthly, approximately one week before each regular meeting of the whole Committee, to review accumulated matters, both old and new and to prepare the agenda for the forthcoming meeting. Nothing shall prevent members of the Committee from raising new agenda items during regular Committee meetings. All meetings of the Executive Committee shall be in accordance with Article IV of these Bylaws, the minutes of which shall be prepared and signed by the Secretary and presented to Committee as a whole for review and approval. A quorum of two members is necessary to take any action and all actions must be made by majority vote; however, in the instance that a quorum is unavailable the Chair shall prepare the agenda.

ARTICLE IV - MEETINGS

Section 4.01 MEETINGS

Meetings shall be held monthly on a date approved by the membership. Special meetings may be called by the Chair, or by petition of at least three (3) members when circumstances warrant. The Committee may dispense with any meeting by majority vote.

Section 4.02 QUORUM

Business requiring action by the Committee may only be conducted at a regular or special meeting at which a quorum is present. A quorum shall consist of eleven (11) or more members.

Section 4.03 VOTING

Any action taken by the Committee must be approved by a majority of those present and voting, except for Bylaws and Bylaws amendments; see ARTICLE V, Section 5.01.

Section 4.04 CONDUCT OF MEETINGS

All meetings shall be conducted in accordance with Section 286.011, Florida Statutes, the Florida Sunshine Law. All meetings shall also be conducted in accordance with Robert's Rules of Order, insofar as they do not conflict with these Bylaws.

ARTICLE V - BYLAWS

Section 5.01 BYLAWS

Bylaws, and amendments thereto, must be distributed to all members approximately thirty (30) days before being presented for approval at a regular meeting. Approval must be by two thirds of the members present and voting, with a minimum of eleven (11) members present, and then submitted to the Board of County Commissioners for its approval.

APPENDIX - MEMBERSHIP OF COMMITTEE

City of Punta Gorda

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- 1) fishing guides or bait and tackle store operators;
- 2) commercial fishing industry (including clamming industry);
- 3) marina operation industry;
- 4) personal watercraft industry; and
- 5) marine sales industry.

MARINE ORIENTED ORGANIZATIONS WITH REPRESENTATIVES:

Harbour Heights Yacht Club

Charlotte Harbor Yacht Club

Isles Yacht Club

South Gulf Cove Yacht Club

Burnt Store Isles Boat Club

Punta Gorda Sports Fishing Club

Peace River Power Squadron, Inc.

Pirate Harbor Yacht Club

Port Charlotte Yacht Club

Punta Gorda Boat Club

Punta Gorda Sailing Club

U.S. Coast Guard Auxiliary, Flotilla 98, Charlotte Harbor

U.S. Coast Guard Auxiliary, Flotilla 89, Rotonda West

U.S. Coast Guard Auxiliary, Flotilla 87, Englewood

Charlotte County Chapter of the Coastal Conservation Association Florida

and such other marine-oriented organizations as this Committee or the Board of County Commissioners may consider appropriate.

D.

RESOLUTION
NUMBER 2011 -002

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING RESOLUTION 2001-026; PROVIDING FOR REVISED BYLAWS FOR THE MARINE ADVISORY COMMITTEE; PROVIDING FOR AN EXECUTIVE COMMITTEE; PROVIDING FOR PRE-AGENDA MEETINGS; AND, PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Marine Advisory Committee was created by the Board of County Commissioners by Resolution 97-1260A0 on November 25, 1997; and

WHEREAS, the Board repealed Resolution 97-1260A0 on February 13, 2001 by Resolution 2001-026; and

WHEREAS, Resolution 2001-026 reestablished the Marine Advisory Committee and provided new bylaws therein; and

WHEREAS, said revised bylaws eliminated the executive committee of the Marine Advisory Committee and their pre-agenda meetings, providing instead that the Chairman of the Committee is responsible for setting the agenda; and

WHEREAS, the Marine Advisory Board now desires to petition the Board to restore the executive committee and pre-agenda meeting process; and

WHEREAS, it is the desire of the Board of County Commissioners to change the structure and operation of the Marine Advisory Committee.

IMAGED

1-13-11 AP

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, THAT:

Section 1. Resolution 2001-026, Exhibit A, bylaws, is hereby replaced and substituted by the bylaws attached hereto.

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 11 day of January, 2011.

BOARD OF COUNTY
COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Robert J. Starr
Robert J. Starr, Chairman

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and ex-officio Clerk to the
Board of County Commissioners

By Anne L. Pfaller
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By Janette S. Knowlton
Janette S. Knowlton, County Attorney

EXHIBIT "A"

BYLAWS

CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE

ARTICLE I - ORGANIZATION

Section 1.01 NAME

The name of the organization shall be CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE (hereinafter referred to as "the Committee").

Section 1.02 ORGANIZATION

The Committee shall be a volunteer organization as authorized by the Board of County Commissioners of Charlotte County, Florida, pursuant to Resolution 2001-026, approved on February 13, 2001.

Section 1.03 OBJECTIVES

The objectives shall be to act in an advisory capacity to the Board of County Commissioners of Charlotte County on marine-related matters.

ARTICLE II - MEMBERSHIP

Section 2.01 MEMBERSHIP

Membership on the Committee shall be voluntary and composed as indicated in this article. A potential member of the Committee must be recommended for appointment by the Committee and be appointed by the Board of County Commissioners in order to become a member. Any member must attend at least seventy percent (70%) of all regularly scheduled meetings of the Committee within a calendar year to retain membership.

Membership on the Committee shall be composed of fifteen (15) members representing marine oriented organizations within Charlotte County (organizational representatives), one (1) member representing the City of Punta Gorda (City representative) who shall be recommended for appointment by the City Council of the City of Punta Gorda, five (5) members at large (Members at Large) with preference given to representatives from the following groups: 1) fishing guides or bait and tackle store operators; 2) commercial fishing industry (including clamming industry); 3) marina operation industry; 4) personal watercraft industry; and 5) marine sales industry, and honorary at large members (honorary members).

Each organizational representative shall represent one of the marine oriented organizations listed in the appendix. No organization shall have more than one representative on the Committee. Each organization must be a marine oriented organization which holds regularly scheduled meetings and has a membership of at least twenty-five (25) persons. Term lengths for organizational representatives shall be determined by the Board of County Commissioners.

Members at Large shall serve for three (3) year terms following appointment. However, the initial terms of the Members at Large shall be staggered so that there is one (1) retiring and one (1) newly elected Member at Large each year. The term of a newly appointed Member at Large shall begin on January 1 following the appointment. A retiring Member at Large shall be eligible for re-appointment.

Honorary members shall be excluded from attendance requirements. In addition, honorary members are not included in quorum determinations and do not have voting rights.

ARTICLE III - OFFICERS/ELECTIONS

Section 3.01 OFFICERS

The officers of the Committee shall consist of:

Chair
Vice Chair
Secretary

with terms of one (1) year, beginning January 1, following their elections. Said officers shall also form the Executive Committee.

Section 3.02 ELECTIONS

Elections shall be held annually at the November regular meeting for the selection of officers and Members-at-Large. Vacancies may be filled by an election held at any regular or special meeting.

Section 3.03 DUTIES OF CHAIR

The Chair shall preside at all meetings. The Chair shall be the official spokesperson for the Committee. The Chair shall execute all written instruments in the name of the Committee. The Chair shall monitor and take appropriate action regarding attendance of members of the Committee.

The Chair shall appoint subcommittees, prepare budget recommendations, prepare goals and objectives, and perform other duties as needed to carry out the Committee's objectives.

Section 3.04 DUTIES OF VICE CHAIR

The Vice Chair shall assist the Chair and, in the Chair's absence, act in the Chair's stead.

Section 3.05 DUTIES OF SECRETARY

The Secretary shall maintain a file of minutes of all Committee meetings. Minutes are to be taken by a Recording Secretary provided by the County.

The Secretary shall serve as supervisor of elections, ascertaining that all nominations and voting procedures are in order.

Section 3.06 DUTIES OF THE EXECUTIVE COMMITTEE

The Executive Committee shall meet monthly, approximately one week before each regular meeting of the whole Committee, to review accumulated matters, both old and new and to prepare the agenda for the forthcoming meeting. Nothing shall prevent members of the Committee from raising new agenda items during regular Committee meetings. All meetings of the Executive Committee shall be in accordance with Article IV of these Bylaws, the minutes of which shall be prepared and signed by the Secretary and presented to Committee as a whole for review upon their approval. A quorum of two members is necessary to take any action and all actions must be made by majority vote; however, in the instance that a quorum is unavailable the Chair shall prepare the agenda.

ARTICLE IV - MEETINGS

Section 4.01 MEETINGS

Meetings shall be held monthly on a date approved by the membership. Special meetings may be called by the Chair, or by petition of at least three (3) members when circumstances warrant. The Committee may dispense with any meeting by majority vote.

Section 4.02 QUORUM

Business requiring action by the Committee may only be conducted at a regular or special meeting at which a quorum is present. A quorum shall consist of eleven (11) or more members.

Section 4.03 VOTING

Any action taken by the Committee must be approved by a majority of those present and voting, except for Bylaws and Bylaws amendments; see ARTICLE V, Section 5.01.

Section 4.04 CONDUCT OF MEETINGS

All meetings shall be conducted in accordance with Section 286.011, Florida Statutes, the Florida Sunshine Law. All meetings shall also be conducted in accordance with Robert's Rules of Order, insofar as they do not conflict with these Bylaws.

ARTICLE V - BYLAWS

Section 5.01 BYLAWS

Bylaws, and amendments thereto, must be distributed to all members approximately thirty (30) days before being presented for approval at a regular meeting. Approval must be by two thirds of the members present and voting, with a minimum of eleven (11) members present, and then submitted to the Board of County Commissioners for its approval.

APPENDIX - MEMBERSHIP OF COMMITTEE

City of Punta Gorda

5 Members at Large with preference given to representatives of the following groups:

- 1) fishing guides or bait and tackle store operators;
- 2) commercial fishing industry (including clamming industry);
- 3) marina operation industry;
- 4) personal watercraft industry; and
- 5) marine sales industry.

MARINE ORIENTED ORGANIZATIONS WITH REPRESENTATIVES:

Harbour Heights Yacht Club
Charlotte Harbor Yacht Club
Isles Yacht Club
South Gulf Cove Yacht Club
Burnt Store Isles Boat Club
Punta Gorda Sports Fishing Club
Peace River Power Squadron, Inc.
Pirate Harbor Yacht Club
Port Charlotte Yacht Club
Punta Gorda Boat Club
Punta Gorda Sailing Club
U.S. Coast Guard Auxiliary, Flotilla 98, Charlotte Harbor
U.S. Coast Guard Auxiliary, Flotilla 89, Rotonda West
U.S. Coast Guard Auxiliary, Flotilla 87, Englewood
Charlotte County Chapter of the Coastal Conservation Association Florida

and such other marine-oriented organizations as this Committee or the Board of County Commissioners may consider appropriate.

RESOLUTION
NUMBER 2001 - 026

A RESOLUTION REPEALING RESOLUTION 97-1260A0 AND RE-ESTABLISHING THE CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE; ESTABLISHING THE NUMBER OF MEMBERS SERVING ON THE COMMITTEE AND THE TERM OF OFFICE; IDENTIFYING THE CRITERIA FOR REMOVAL FROM THE COMMITTEE; ALLOWING FOR REIMBURSEMENT OF EXPENSES OF THE COMMITTEE; SETTING FORTH THE FUNCTIONS, POWERS AND DUTIES OF THE COMMITTEE; AND IDENTIFYING THE DUTIES OF THE COUNTY ADMINISTRATOR FOR THE COMMITTEE.

RECITALS

WHEREAS, the Marine Advisory Committee was created by the Board of County Commissioners by Resolution 97-1260A0 on November 25, 1997; and

WHEREAS, it is the desire of the Board of County Commissioners to change the structure and operation of the Marine Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, THAT:

Section 1. Repeal. Resolution 97-1260A0, and the by laws, membership, and membership terms attached thereto, are hereby repealed in their entirety, and this resolution and the attached bylaws shall be substituted therefor.

Section 2. Establishment. The Charlotte County Marine Advisory Committee (hereinafter referred to as the "Committee") is hereby created in accordance with the following guidelines.

IMAGED
3-1-01
TP

Section 3. Adoption of Bylaws. The bylaws of the Committee which are attached hereto as Exhibit "A" and incorporated herein by this reference are hereby approved by the Board of County Commissioners as the bylaws of the Committee. In the event of any conflict arising between the provisions of this resolution and the attached bylaws, the provisions of this resolution shall control.

Section 4. Appointment, Composition and Term of Office.

(a) The Committee shall be composed of twenty-one (21) members as indicated in the attached bylaws. The classifications of members and their appointments shall be as indicated in the attached bylaws.

(b) Members of the Committee shall serve at the pleasure of the Board of County Commissioners. All members shall be permanent residents within Charlotte County, and all shall be electors of Charlotte County.

(c) All members shall be appointed to serve a term of three (3) years, with terms staggered so that not more than one-third of the Committee member terms shall expire in any one year. The terms of the initial Committee appointments may vary, so that the Board of County Commissioners may achieve the staggered term as required. Members shall be eligible for reappointment. All seats on the current Marine Advisory Committee shall become vacant upon the effective date of this resolution. Vacancies shall be filled by appointment of the Board of County Commissioners.

Section 5. Removal from Office: Failure to Attend Meetings.

(a) Any member of the Committee may be removed from office, with or without cause, by a majority vote of the Board of County Commissioners.

(b) In the event that any Committee member is absent from three (3) consecutive Committee meetings without a satisfactory excuse acceptable to the Committee Chairman, the Committee Chairman shall state such fact at the next regularly scheduled Committee meeting and shall thereafter notify, in writing, the Chairman of the Board of County Commissioners of the Committee member's failure to attend without satisfactory excuse. The Board of County Commissioners shall review the Committee Chairman's notification at a County Commission meeting and may declare the Committee member's position to be vacant if the County Commission concurs that the Committee member was absent from three (3) consecutive Committee meetings without a satisfactory excuse and shall promptly fill the vacant position. The Committee member shall not serve at any meetings after his or her position is declared vacant.

(c) If any member of the Committee is absent for more than one-third of the Committee's meetings in a given fiscal year, it shall be deemed that the member has tendered his/her resignation from such Committee. The Board of County Commissioners shall as soon as practicable after such resignation, declare the position to be vacant and shall promptly act to fill the vacancy. The Committee member shall not serve at any meetings after his/her position has been declared vacant by the Board of County Commissioners.

Section 6. Officers, Quorum and Rules of Procedure.

(a) Annually the membership of the Committee shall elect a chairman, vice chairman, and a secretary from among the members. Officers' terms shall be for one (1) year, with eligibility for reelection.

(b) The presence of eleven (11) or more members shall constitute a quorum of the Committee necessary to take action and transact business. In addition, an affirmative vote of a majority of members present and voting, after quorum requirements have been met, shall be necessary in order to take official action. A tie vote shall not be considered an affirmative vote. In addition, approval of a revision to the bylaws to forward to the Board of County Commissioners for approval shall require a two-thirds vote of Committee members present and voting, in accordance with the attached bylaws.

(c) The Committee shall keep a written record of meetings, resolutions, reports, findings, determinations, and exhibits. Copies of all Committee minutes, resolutions, reports, findings, determinations, and exhibits shall be submitted to the Board of County Commissioners. All meetings shall be open to the public and shall be subject to Chapter 286, Florida Statutes.

(d) The Committee, its members, and all its proceedings shall be governed by the applicable provisions of the Florida Sunshine Law, Chapter 286, Florida Statutes, the Florida Public Records Law, Chapter 119, Florida Statutes, and the Florida Ethics Code, Chapter 112, Florida Statutes, and any other State or County statute, ordinance, or rule. The Committee, its members, and its proceedings shall be governed by and conducted in accordance with Robert's Rules of Order, insofar as they do not conflict with any other provision(s) of this Resolution or the attached bylaws.

Section 7. Reimbursement of Expenses. 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 approval of the Board of County Commissioners.

Section 8. Functions, Powers and Duties of the Board. The functions, powers and duties of the Committee shall be as follows:

- (a) To evaluate, consider and review marine-related matters in the County.
- (b) To consider and analyze the development and maintenance of marine-related facilities and waterways.
- (c) To solicit input from the public that may assist with the duties listed above.
- (d) To provide recommendations to the Board of County Commissioners on issues relating to those duties specified above or other duties assigned by the Board of County Commissioners.
- (e) To review and provide input on the Capital Improvement Budget for marine-related facilities.

Section 9. Duties of the County Administrator or Designee for the Marine Advisory Committee. The duties of the County Administrator or Designee for this Committee shall be:

- (a) To administer the activities of the Committee in accordance with established policies of the Board of County Commissioners.
- (b) To provide periodic written reports to the Committee and the Board of County Commissioners on the activities of the Committee.
- (c) To attend all Committee meetings.

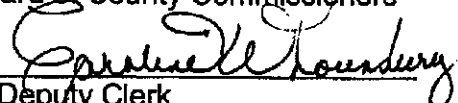
PASSED AND DULY ADOPTED this 13th day of February, 2001.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By 
Adam Cummings, Chair



ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-Officio Clerk to the
Board of County Commissioners

By 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Renee Francis Lee, County Attorney *Att. C.*

EXHIBIT "A"

BYLAWS

CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE

ARTICLE I - ORGANIZATION

Section 1.01 NAME

The name of the organization shall be CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE (hereinafter referred to as "the Committee").

Section 1.02 ORGANIZATION

The Committee shall be a volunteer organization as authorized by the Board of County Commissioners of Charlotte County, Florida, pursuant to Resolution 97-1260A0 adopted November 25, 1997.

Section 1.03 OBJECTIVES

The objectives shall be to act in an advisory capacity to the Board of County Commissioners of Charlotte County on marine-related matters.

ARTICLE II - MEMBERSHIP

Section 2.01 MEMBERSHIP

Membership on the Committee shall be voluntary and composed as indicated in this article. A potential member of the Committee must be recommended for appointment by the Committee and be appointed by the Board of County Commissioners in order to become a member. Any member must attend at least seventy percent (70%) of all regularly scheduled meetings of the Committee within a calendar year to retain membership.

Membership on the Committee shall be composed of fifteen (15) members representing marine oriented organizations within Charlotte County (organizational representatives), one (1) member representing the City of Punta Gorda (City representative) who shall be recommended for appointment by the City Council of the City of Punta Gorda, five (5) members at large (Members at Large) with preference given to representatives from the following groups: 1) fishing guides or bait and tackle store operators; 2) commercial fishing industry (including clamming industry); 3) marina operation industry; 4) personal watercraft industry; and 5) marine sales industry, and honorary at large members (honorary members).

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ARTICLE III - OFFICERS/ELECTIONS

Section 3.01 OFFICERS

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Chair
Vice Chair
Secretary

with terms of one (1) year, beginning January 1, following their elections.

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ARTICLE V - BYLAWS

Section 5.01 BYLAWS

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LR99-512
2/16/01

APPENDIX - MEMBERSHIP OF COMMITTEE

City of Punta Gorda

5 Members at Large with preference given to representatives of the following groups:

- 1) fishing guides or bait and tackle store operators;
- 2) commercial fishing industry (including clamming industry);
- 3) marina operation industry;
- 4) personal watercraft industry; and
- 5) marine sales industry.

MARINE ORIENTED ORGANIZATIONS WITH REPRESENTATIVES:

Harbour Heights Yacht Club
Charlotte Harbor Yacht Club
Isles Yacht Club
South Gulf Cove Yacht Club
Burnt Store Isles Boat Club
Punta Gorda Sports Fishing Club
Peace River Power Squadron, Inc.
Pirate Harbor Yacht Club
Port Charlotte Yacht Club
Punta Gorda Boat Club
Punta Gorda Sailing Club
U.S. Coast Guard Auxiliary, Flotilla 98, Charlotte Harbor
U.S. Coast Guard Auxiliary, Flotilla 89, Rotonda West
U.S. Coast Guard Auxiliary, Flotilla 87, Englewood
Charlotte County Chapter of the Coastal Conservation Association Florida

and such other marine-oriented organizations as this Committee or the Board of County Commissioners may consider appropriate.

BYLAWS, AS AMENDED, APPROVED BY THE MARINE ADVISORY COMMITTEE ON NOVEMBER 20, 2000.

BYLAWS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON FEBRUARY 13, 2001.

★
IMAGED
SS
MINUTES #75

RESOLUTION
NUMBER 961170AD

BARBARA T. SCOTT, CLERK OF THE CIRCUIT COURT - CHARLOTTE COUNTY

Recording
Recorded By: Sandra Wells D.C. \$15.00

FILE: 427690 OR BOOK/PAGE: 14/3/21b8
RECORDED: 7/5/96 12:05:19

A RESOLUTION PROVIDING FOR AN ANNUAL COUNTY REGISTRATION FEE FOR VESSELS REGISTERED, OPERATED, OR STORED IN WATERS WITHIN THE JURISDICTION OF CHARLOTTE COUNTY; PROVIDING FOR COLLECTION AND ADMINISTRATIVE EXPENSES; PROVIDING FOR ALLOCATION AND EXPENDITURE OF FUNDS COLLECTED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Charlotte County Marine Advisory Committee has recommended that Charlotte County collect and expend funds for the patrol, regulation, and maintenance of its waters and for other boating-related activities; and

WHEREAS, Section 327.22(2), Florida Statutes, provides that any county may impose an annual registration fee of fifty percent (50%) of the current applicable State Registration Fee on vessels registered, operated, or stored in the waters within its jurisdiction; and

WHEREAS, the Charlotte County Board of County Commissioners now desires to impose such a County Registration Fee.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

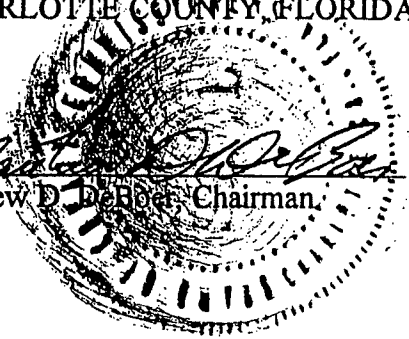
1. In addition to the current State Registration Fee, those vessels registered, operated, or stored in the waters within the County's jurisdiction shall be subject to an annual County Registration Fee in the amount of fifty percent (50%) of the current applicable State fee, as follows:

IMAGED (3)
7-16-96
HAW

PASSED AND DULY ADOPTED this 2nd day of July, 1996.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Matthew D. DeBoer
Matthew D. DeBoer, Chairman.



ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-officio
Clerk to the Board of County
Commissioners

By Karen J. Mitchell
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Renee Francis Lee
Renee Francis Lee
County Attorney MB

| | |
|--|---------|
| Class A-1, less than twelve feet in length, and all canoes to which propulsion motor has been attached, regardless of length | \$1.75 |
| Class A-2, twelve feet or more and less than sixteen feet in length | \$5.25 |
| Class 1, Sixteen feet or more and less than twenty-six feet in length | \$9.25 |
| Class 2, Twenty-six feet or more and less than forty feet in length | \$25.25 |
| Class 3, Forty feet or more and less than sixty-five feet in length..... | \$41.25 |
| Class 4, Sixty-five feet or more and less than one hundred and ten feet in length..... | \$49.25 |
| Class 5, One hundred and ten feet or more in length | \$61.25 |

2. The Board of County Commissioners may, by resolution, change the County Registration Fee in accordance with State law.

3. The Tax Collector shall be paid a collection fee in accordance with Section 192.091(2)(b), Florida Statutes.

4. As required by Section 327.22(2), Florida Statutes, the first One Dollar (\$1.00) of every County Registration Fee imposed hereunder shall be remitted to the State of Florida for deposit in the Save the Manatee Trust Fund for expenditure solely on activities relating to the preservation of manatees.

5. All remaining funds shall be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters and for other Charlotte County boating-related activities.

6. The County Registration Fee shall be collected by the Tax Collector at the time of State registration beginning on January 1, 1997.



PASSED AND DULY ADOPTED this 2nd day of July, 1996.


BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By 
Matthew D. [unclear], Chairman.

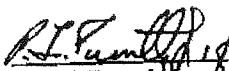


ATTEST:

Barbara T. Scott, Clerk of
Circuit Court and Ex-officio
Clerk to the Board of County
Commissioners

By 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Renee Francis Lee
County Attorney MB

ep:res\marinead.myb\061396\LR96-318



ORDINANCE
NUMBER 94-01

Effective Date 02/28/94

A MARINE SAFETY ORDINANCE OF CHARLOTTE COUNTY, FLORIDA, REPEALING CHARLOTTE COUNTY CODE SECTIONS 3-1-21 THROUGH 3-1-33; CREATING AN ORDINANCE REGULATING OPERATION OF WATERCRAFT IN OR UPON THE WATERS OF CHARLOTTE COUNTY; PROVIDING DEFINITIONS; PROVIDING AREAS OF ENFORCEMENT; PROVIDING MEANS OF ENFORCEMENT; PROVIDING FOR PRIORITY OF FEDERAL AND STATE REGULATIONS; PROVIDING FOR CAREFUL AND PRUDENT OPERATION; PROVIDING FOR A REASONABLE SPEED; PROHIBITING THE OPERATION OF A MOTORBOAT WHILE ANY PORTION OF THE ANATOMY OF ANY PERSON EXTENDS OUTBOARD; PROVIDING FOR RESTRICTED AREAS FOR THE OPERATION OF WATERCRAFT ON CERTAIN INLAND WATERS; PROVIDING FOR EXEMPTIONS; PROVIDING A CIVIL PENALTY FOR VIOLATION; PROVIDING A PROCEDURE FOR THE DESIGNATION AND POSTING OF RESTRICTED AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CHARLOTTE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

1. The Charlotte County Board of County Commissioners ("BCC") has determined that unregulated operation of watercraft within the certain inland waters is detrimental to the public safety and welfare of boat operators and to the watercraft and persons that transit said waters, and to swimmers and bathers in said waters.
2. There now exists in Charlotte County a number of waterways, canals, boat channels and boat basins, which provide navigable access to docks abutting property along said interior waterways, or to boat slips within the boundaries of property along

said interior waterways, or provide access to public or private boat ramps within said interior waters.

3. There are numerous manmade side canals presenting blind corners and obstructed visibility to watercraft in operation on the waterways and boat channels, requiring that watercraft exiting and entering side canals extend into potential traffic for visibility.

4. There are numerous watercraft entering and exiting the manmade side canals without adequate opportunity to observe watercraft transiting the trunk (or main) waterways.

5. These adjacent manmade canals are narrow channels within the meaning of Inland Navigational Rule Number 9.

6. There are fueling installations and public launching facilities which contribute to the congestion of watercraft plying certain manmade canals, constricted passages and narrow channels.

7. Passage under the U.S. 41 and I-75 bridges is extremely constricted with line of sight obstructed partly by bridge support and fender structures.

8. There are public bathing beaches within navigable waters where operation of watercraft would jeopardize public safety.

9. Charlotte County is authorized under Section 327.60, Fla. Stat., to regulate the operation and equipment of vessels within the county waters.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the Charlotte County, Florida:

Section 1. Repeal. Sections 3-1-21 through 3-1-33, Charlotte County Code, are hereby repealed, and a new ordinance is hereby created as follows:

Section 2. Definitions.

(a) "Buoy" means any device designed to float which is anchored in waters of the state and which is used to convey a message.

(b) "Display Area" is the area on a sign or buoy needed for display of waterway marker symbol.

(c) "Idle Speed/No Wake" indicates a boating restricted area which has been established to protect the safety of the public. Idle Speed/No Wake means that a watercraft cannot proceed at a speed greater than that speed which is necessary to maintain steerageway.

(d) "Miles per hour" means speed made good over the bottom measured in statutes miles.

(e) "Motorboat" means any watercraft which is propelled or powered by machinery and which is used or capable of being used as a means of transportation on water.

(f) "Operate" means to be in the actual physical control of a watercraft upon the waters of the state, or to exercise control over or steer a watercraft being towed by another watercraft upon the waters of the state.

(g) "Owner" means a person, other than a lien holder, having the property in or titled to a watercraft. The term includes a person entitled to the use or possession of a watercraft

subject to an interest in another person, reserved or created by agreement and securing payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(h) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(i) "Personal Watercraft" means a small class A-1 or A-2 watercraft which uses an outboard motor, or an inboard motor powering a waterjet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the watercraft, rather than in the conventional manner of sitting or standing inside the watercraft.

(j) "Prohibited Activity" means such activity as will impede or disturb navigation or creates a safety hazard on waterways of this state.

(k) "Regulatory Marker" means any anchored or fixed marker in, on, or over the water, or anchored platform on the surface of the water, other than a marker provided in Section 327.40, Fla. Stat., and includes, but is not limited to, a bathing beach marker, speed zone marker, information marker, restricted zone marker, congested area marker, or warning marker.

(l) "Sign" is for carrying a message which is attached to another object such as a piling, buoy, structure, or the land itself and shall be no smaller than 3' x 3' (three feet by three feet).

(m) "Slow Speed/Minimum Wake" and "Slow Down/Minimum Wake" indicate a boating restricted area which has been established to protect the safety of the public. "Slow Speed/Minimum Wake" and "Slow Down/Minimum Wake" mean that a watercraft must be fully off plane and completely settled into the water. It may not proceed at a speed greater than that speed which is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances. A watercraft that is:

(1) operating on a plane is not proceeding at slow speed/minimum wake;

(2) in the process of coming off plane and settling into the water or coming up onto plane is not proceeding at slow speed/minimum wake;

(3) operating at a speed that creates a wake which unreasonably or unnecessarily endangers other watercraft is not proceeding at slow speed/minimum wake;

(4) completely off plane and which has fully settled into the water and is proceeding without wake or with minimum wake is proceeding at slow speed/minimum wake.

"Slow Speed/Minimum Wake" is the preferred term. "Slow Down-Minimum Wake" may continue to be used except when such a restricted area is contiguous to an Idle Speed/No Wake boating restricted area.

(n) "Special Purpose Markers" means markers that are used to mark or outline areas for special marine events.

(o) "Symbol" is a geometric figure such as a diamond, circle, square, or rectangle used to convey a basic message.

(p) "Vessel" is synonymous with boat as referenced in s.1(b), Art. VII of the Florida Constitution and includes every description of watercraft, barge and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(q) "Wake" means all changes in the vertical height of the water's surface caused by the passage of a watercraft including, but not limited to, a watercraft's bow wave, stern wake, and propeller wash.

(r) "Watercraft" is synonymous with vessel as referenced in Section 2(p) of this ordinance, inclusive of personal watercraft as referenced in Section 2(i) of this ordinance.

Section 3. Enforcement - Area. The area of enforcement of the provisions of this ordinance shall be all waters, bays, creeks, waterways, canals and channels located within the boundaries of Charlotte County.

Section 4. Enforcement - Means. The provisions of this ordinance shall be enforced by members of all duly authorized law enforcement agencies within the county.

Section 5. Enforcement - Notice. Unless otherwise specified in this ordinance, areas of enforcement shall be marked consistent with the provisions of Section 327.40, et seq., Fla. Stat., and Appendix "A." No other markers shall be posted. Signs designating the boundaries of speed restricted zones shall be

posted after approval by all appropriate state and federal regulatory agencies.

Signs designating the boundaries of entry-restricted areas reserved for public bathing shall be posted after approval by all appropriate state and federal regulatory agencies. Temporary regulatory markers designating an approved public bathing beach restricted to watercraft shall constitute fully-enforceable marking of said area of enforcement.

Section 6. Priority of State and Federal Regulations.

Wherever the provisions of this ordinance shall conflict with the standards and regulations for safe operation of watercraft as set forth by the federal government or the government of the State of Florida, the regulations and standards of the federal or state government shall prevail if more restrictive.

Section 7. Careful and Prudent Operation Required.

(a) It shall be unlawful for any person to operate any watercraft in, on or under any waters within the county in willful or wanton disregard for the safety of persons or property, or in a reckless manner as provided under Section 327.33, et seq., Fla. Stat.

(b) It shall be unlawful for any person operating any watercraft in, on or under any waters within the county to do so, except in a careful and prudent manner, taking into consideration the weather conditions and range of visibility; water turbulence; proximity to bathers, swimmers, divers, snorkelers, water skiers

and other watercraft; and all other attendant circumstances so as not to endanger the life, limb or property of any person.

Section 8. Reasonable Speed. Nothing contained in this ordinance shall be construed to authorize or approve any speed greater than is reasonable and proper in consideration of local conditions, other water traffic, persons swimming or fishing in the area, or other hazards.

Section 9. Presumptions.

(a) Operating a boat in a platted canal at a speed sufficient for water skiing shall constitute a violation of Section 7 of this ordinance.

(b) The operation underway of any boat being propelled by machinery while any portion of the anatomy of any person extends outboard of the hull of said boat topsides shall constitute a violation of Section 7 of this ordinance.

Section 10. Restricted Areas for the Operation of Vessels in Certain Inland Waters. As provided under Section 327.22(1)(a), et seq., Fla. Stat., restricted areas are established and designated as follows:¹

(a) Public Bathing Beaches.

Definition of Restriction: Public bathing beaches designated and marked according to provisions of Chapter 327, Fla. Stat., and of this ordinance are closed to all watercraft within their marked boundaries.

¹(Coordinates based on 1983 North American Datum.)

Designated Areas.

(1) Those waters of the Gulf of Mexico within an area 100 yards seaward from the shoreline of Chadwick Beach County Park at Englewood Beach, from 26°55'22.5" north latitude, 82°21'36.8" west longitude, northerly to 26°55'36.6" north latitude, 82°21'45.4" west longitude, are declared a public bathing beach as defined by the provisions of this section.

(2) Those waters of Alligator Bay bounded waterward to the southerly shoreline of the Port Charlotte Beach County Park, from 26°57'38.0" north latitude, 82°06'45.5" west longitude easterly to 26°57'37.8" north latitude, 82°06'30.6" west longitude, are declared a public bathing beach as defined by the provisions of this ordinance.

(b) Idle Speed - No Wake Zones.

Definition of Restriction: IDLE SPEED - NO WAKE zones designated and marked according to provisions of Chapter 327, Fla. Stat., and of this ordinance are restricted to watercraft operating at idle speed.

Designated Zones.

[None at this time]

(c) Slow Speed - Minimum Wake Zones.

Definition of Restriction: SLOW SPEED - MINIMUM WAKE zones designated and marked according to provisions of Chapter 327, Fla. Stat., and of this ordinance are restricted to watercraft operating at either "idle speed" or "slow speed."

Designated Zones.

(1) Those waters of Lemon Bay, as follows, are declared SLOW SPEED - MINIMUM WAKE zones as defined by the provisions of this ordinance:

(a) Redfish Cove, northerly from 26°56'06.3" north latitude, upstream to the limit of continuous navigation.

(b) Waters easterly 600 feet and adjacent to the easterly shore of Manasota Key, including Chadwick Cove and the Peterson Waterway, bounded on the north by 26°55'30.1" north latitude, and on the south by 26°54'39.6" north latitude, alongshore of the Port Charlotte Beach State Recreation Area;

(c) Bocilla Pass west of the Intracoastal Waterway and leading to Don Pedro Island, beginning at the mouth at 26°52'15.3" north latitude, 82°18'49.7" west longitude, upstream to the limit of continuous navigation;

(d) Waters east of the Intracoastal Waterway and leading to Cape Haze Subdivision, including Blue Heron Cove, Capstan Cut, and Pelican Cove, the northerly mouth of which is at 26°51'05.0" north latitude, 82°17'53.6" west longitude, the southerly mouth of which is at 26°50'34.2" north latitude, 82°17'14.5" west longitude, upstream to the limit of continuous navigation;

(2) Those waters of Gottfried Creek, a tributary of Lemon Bay, northerly from 26°56'00.4" north latitude, including all canals and natural tributaries thereof, upstream to the limits of

continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(3) Those waters of Ainger Creek, a tributary of Lemon Bay, including all canals and natural tributaries thereof, including but not limited to Rocky Creek, northeasterly from 26°55'47.8" north latitude, 82°20'19.6" west longitude, upstream to the limit of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(4) Those waters of Buck Creek, a tributary of Lemon Bay, and its appurtenant finger canals, beginning at 26°53'31.9" north latitude, 82°19'05.4" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(5) Those waters of Placida Harbor, west of the Intracoastal Waterway and leading to Don Pedro Island State Recreation Area, beginning at a passage at 26°50'55.8" north latitude, 82°17'45.9" west longitude, upstream to the limit of continuous navigation within the confines of the semi-enclosed embayment and including the State Park Service docks, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(6) Those waters of Galleon Cove Waterway, a tributary of Placida Harbor, east of the Intracoastal Waterway and within Cape Haze Subdivision, beginning at the mouth at 26°50'33.0" north latitude, 82°17'07.7" west longitude, upstream to the limit

of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(7) Those waters of Gasparilla Sound lying alongside Gasparilla Island northerly 300 feet and on both sides of the Causeway, bounded on the west by 26°48'32.0" north latitude, 82°16'40.8" west longitude, and on the east by 26°48'31.0" north latitude, 82°16'31.8" west longitude, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(8) Those waters of Apollo Waterway, a tributary of the Myakka River, and its appurtenant finger canals including but not limited to Jupiter Waterway and Bayshore Waterway, beginning at 27°00'20.1" north latitude, 82°14'17.2" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(9) Those waters of Hayward Waterway, a tributary of the Myakka River, and its appurtenant finger canals, beginning at 26°57'45.8" north latitude, 82°12'12.3" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(10) Those waters of Lewis Creek, a tributary of Alligator Bay, and its appurtenant finger canals, including but not limited to Ackerman Waterway, McGrath Waterway, Manchester Waterway, and Como Waterway, beginning at 26°57'20.1" north latitude, 82°07'05.5" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(11) Those waters of Countryman Waterway, a tributary of Alligator Bay, and its appurtenant finger canals, including but not limited to Rock Creek, Pellam Waterway, Auburn Waterway, and Countryman Lake, beginning at 26°57'57.1" north latitude, 82°07'17.5" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(12) Those waters of West Spring Waterway, a tributary of Alligator Bay, and its tributaries and appurtenant finger canals, including but not limited to West Spring Lake, Morningstar Waterway, North Spring Lake, and Crestview Waterway, beginning at 26°57'58.6" north latitude, 82°07'05.6" west longitude, upstream to the limits of continuous navigation, including the public boat launching ramp area, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(13) Those waters of East Spring Waterway, a tributary of Alligator Bay, and its appurtenant finger canals, including but not limited to East Spring Lake and Tarpon Waterway, beginning at 26°57'56.1" north latitude, 82°07'01.5" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(14) Those waters of Sunrise Waterway, a tributary of Alligator Bay, and its appurtenant finger canals, beginning at 26°57'47.2" north latitude, 82°06'51.9" west longitude, upstream to

the limits of continuous navigation, including the public boat launching area, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(15) Those waters of Elkcam Waterway, a tributary of Alligator Bay, and its appurtenant finger canals, beginning at 26°57'30.5" north latitude, 82°06'04.3" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(16) Those waters of Beeney Waterway, a tributary of the Peace River, and its appurtenant finger canals, including but not limited to Edgewater Lake, beginning at 26°57'26.5" north latitude, 82°05'24.4" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(17) Those waters of Gardner Waterway, a tributary of the Peace River, and its appurtenant finger canals, including but not limited to Baldwin Lake, beginning at 26°57'31.8" north latitude, 82°05'01.9" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(18) Those waters of the Peace River, bounded by the fender structures of the U.S. Highway 41 bridges, as bounded on the northeast by 26°56'42.9" north latitude, 82°02'23.9" west longitude, and as bounded on the southwest by 26°56'38.0" north latitude, 82°03'30.9" west longitude.

(19) Those waters of Suncoast Waterway, a tributary of the Peace River, and its appurtenant finger canals, beginning at 26°58'10.2" north latitude, 82°01'53.7" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(20) Those waters of the Peace River, bounded by fender structures of the Interstate Highway I-75 bridges, as bounded on the northeast by 26°57'35.7" north latitude, 82°01'10.8" west longitude, and as bounded on the southwest by 26°57'34.8" north latitude, 82°01'13.9" west longitude.

(21) Those waters of Balboa Waterway, a tributary of the Peace River, and its appurtenant finger canals, beginning at 26°58'14.2" north latitude, 82°00'46.0" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(22) Those waters of DeSoto Waterway, a tributary of the Peace River, and its appurtenant finger canals, beginning at 26°58'21.9" north latitude, 82°00'33.5" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(23) Those waters of Santa Clara Waterway, a tributary of the Peace River, and its appurtenant finger canals, beginning at 26°58'29.4" north latitude, 82°00'23.3" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(24) Those waters of Dover Waterway, a tributary of the Peace River, and its appurtenant finger canals, beginning at 26°58'39.6" north latitude, 82°00'15.0" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(25) Those waters of Santa Barbara Waterway, a tributary of the Peace River, and its appurtenant finger canals, beginning at 26°58'48.2" north latitude, 82°00'10.5" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(26) Those waters of San Salvadore Waterway, a tributary of the Peace River, and its appurtenant finger canals, beginning at 26°58'52.4" north latitude, 82°00'02.8" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(27) Those waters of San Marino Waterway, a tributary of the Peace River, and its appurtenant finger canals, beginning at 26°59'14.7" north latitude, 81°59'38.7" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(28) Those waters of Whidden Bay at its confluence with the Peace River within an area 100 feet off the easterly shoreline of Harbor Heights County Park, from 26°59'18.9" north

latitude, 81°59'38.1" west longitude, northerly to 26°59'26.8" north latitude, 81°59'42.2" west longitude, including the public boat launching area, are declared an SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(29) Those waters of Island View Waterway, a tributary of the Peace River, beginning at 26°57'09.2" north latitude, 82°00'36.9" west longitude, upstream to the limits of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(30) Those waters of Alligator Creek, a tributary of Charlotte Harbor, and its appurtenant finger canals and natural tributaries, including but not limited to North Fork Alligator Creek and South Fork Alligator Creek, northeasterly from 26°53'09.1" north latitude, 82°03'26.7" west longitude, upstream to the limit of continuous navigation, are declared a SLOW SPEED - MINIMUM WAKE zone as defined by the provisions of this ordinance.

(d) Regulations Unaffected by Name or Designation Changes. Regulation of operation upon the waters herein described is not affected by name or waterway designation changes.

Section 11. Exemptions. Law enforcement, fire, rescue, or watercraft of other governmental entities are exempted from these regulations while engaged in emergency operation.

Section 12. Civil Penalty for Violation. Prohibited activity or other violations of this ordinance shall be subject to penalty as provided by law. Any person violating this ordinance shall be deemed charged with a non-criminal infraction. Any person

cited for such an infraction, shall be cited to appear before County Court. The penalty for any such infraction is \$50.00 except as otherwise provided in this ordinance or Section 327.73(2), et seq., Fla. Stat. Any charges or citations under this ordinance shall be processed in accordance with Section 327.73(2), et seq., Fla. Stat., or as otherwise provided for by ordinance.

Section 13. Designation of Restricted Areas. The Board of County Commissioners may, by adopting an amendment to this ordinance at public hearing, upon at least 15 days' notice of such hearing published in a newspaper of general circulation in Charlotte County, Florida, designate additional areas under the provisions of Chapter 327, Fla. Stat., and of this ordinance, as public bathing beaches, SLOW SPEED-MINIMUM WAKE zones, or IDLE SPEED-NO WAKE zones; provided, however, that no person shall be cited for a violation of this ordinance relating to such public bathing beaches or zones until signs designating the boundaries and the purpose of the beach or zone have been posted at points of entry to said beaches or zones, after approval by all appropriate State and Federal regulatory agencies.

Section 14. Severability. In the event any section, subsection, paragraph, sentence, clause, phrase or word of this ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions thereof.

Section 15. Inclusion into Code. It is the intention of the BCC and it is hereby ordained that the provisions of this

ordinance shall become and made part of the Code of Laws and Ordinances, Charlotte County, Florida, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 16. Effective Date. This ordinance shall take effect upon receipt of the acknowledgment of its filing in the office of the Secretary of State, State of Florida.

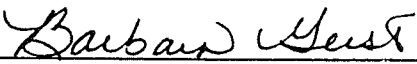
PASSED AND DULY ADOPTED this 11TH day of JANUARY, 1994.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

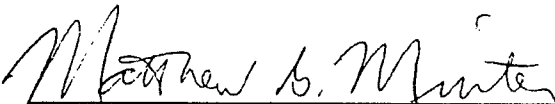
By 
Richard J. Leonard, Chairman

ATTEST:

Barbara T. Scott, Clerk of
Circuit Court and Ex-officio
Clerk to the Board of County
Commissioners

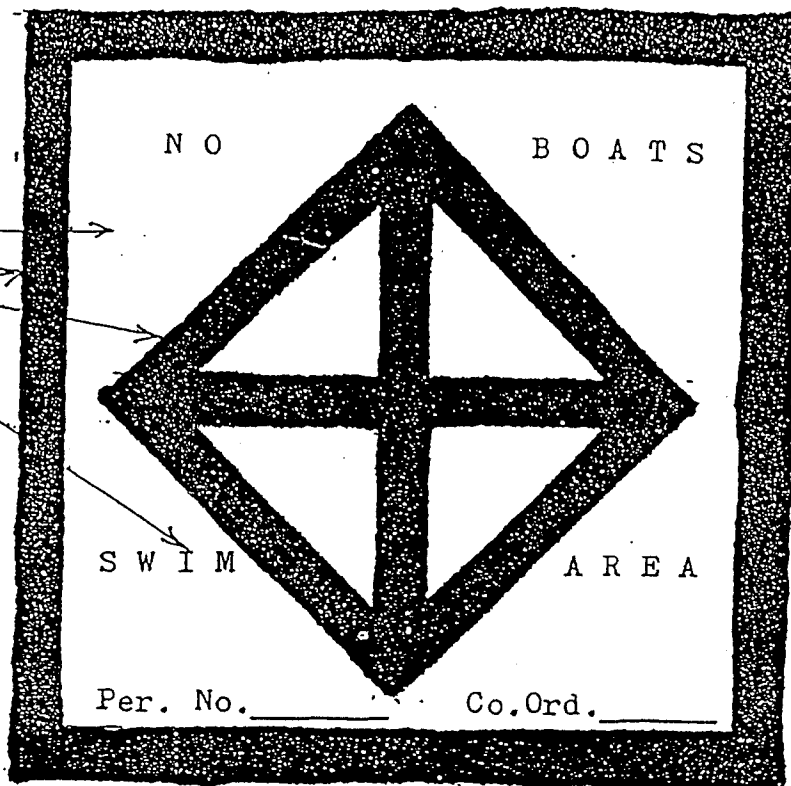
By 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

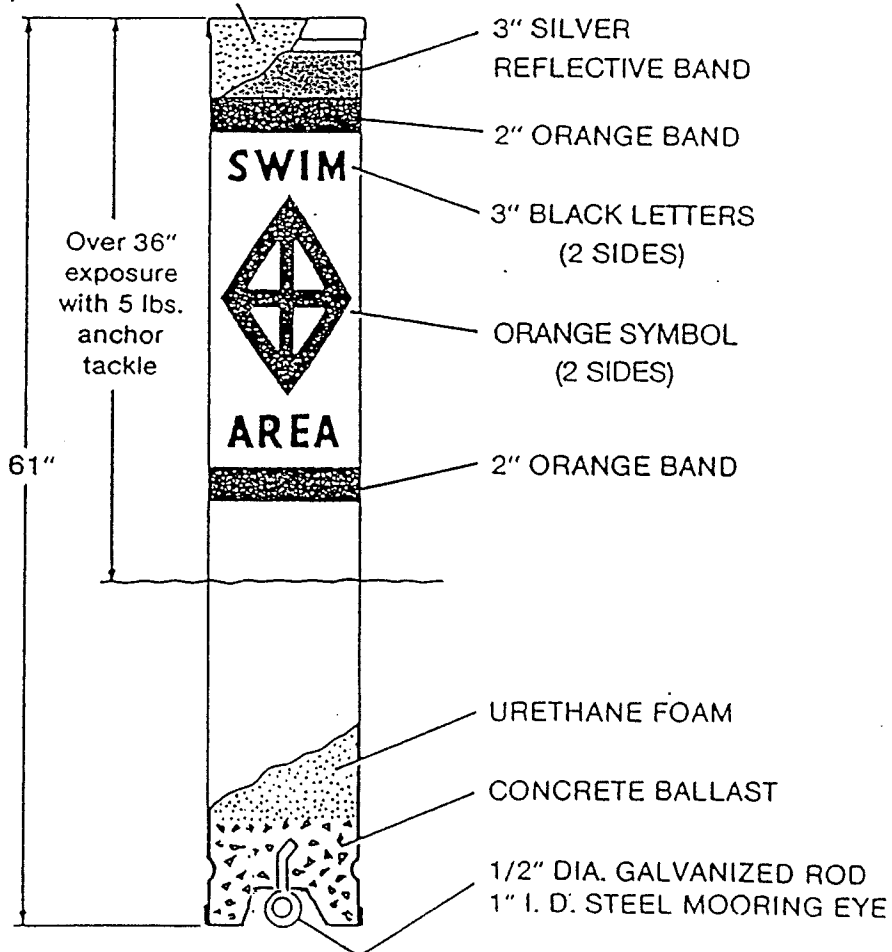

Matthew G. Minter, County Attorney

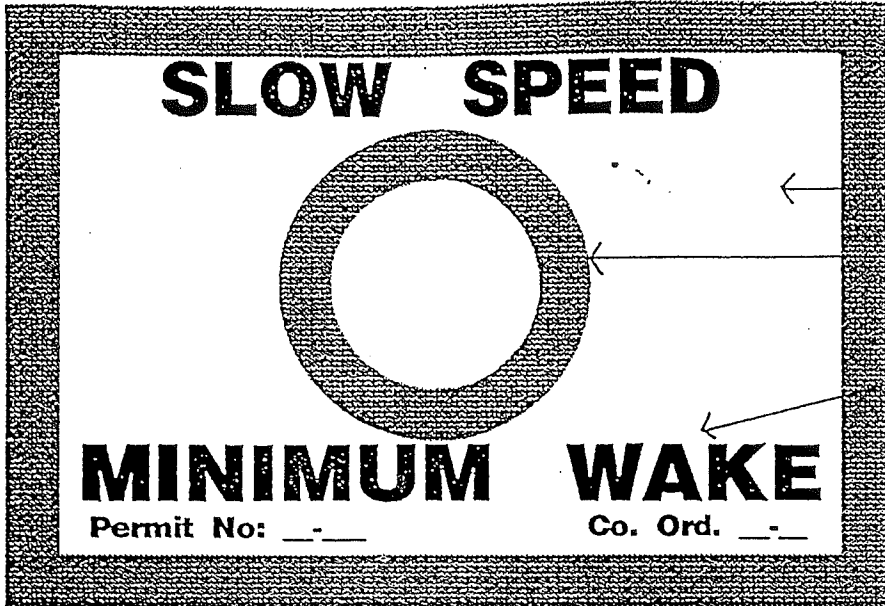
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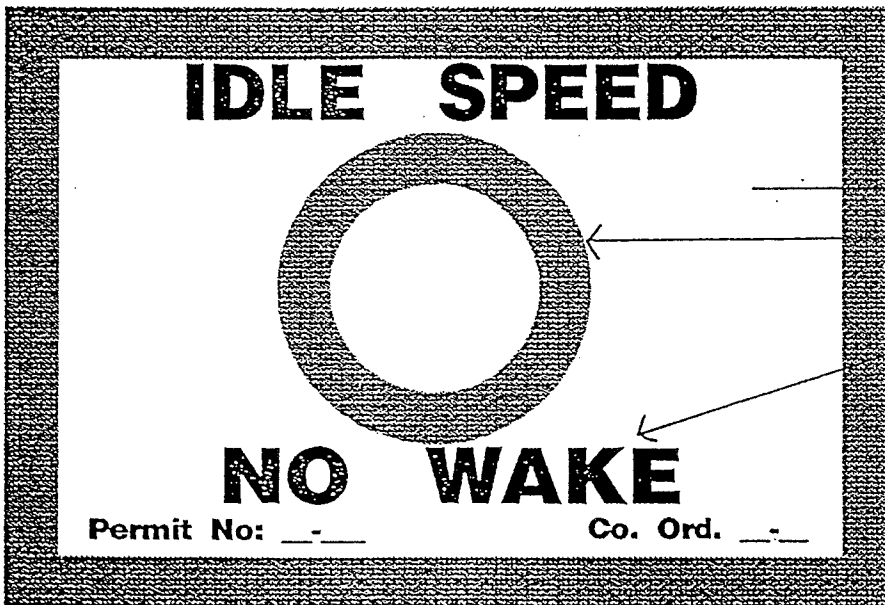


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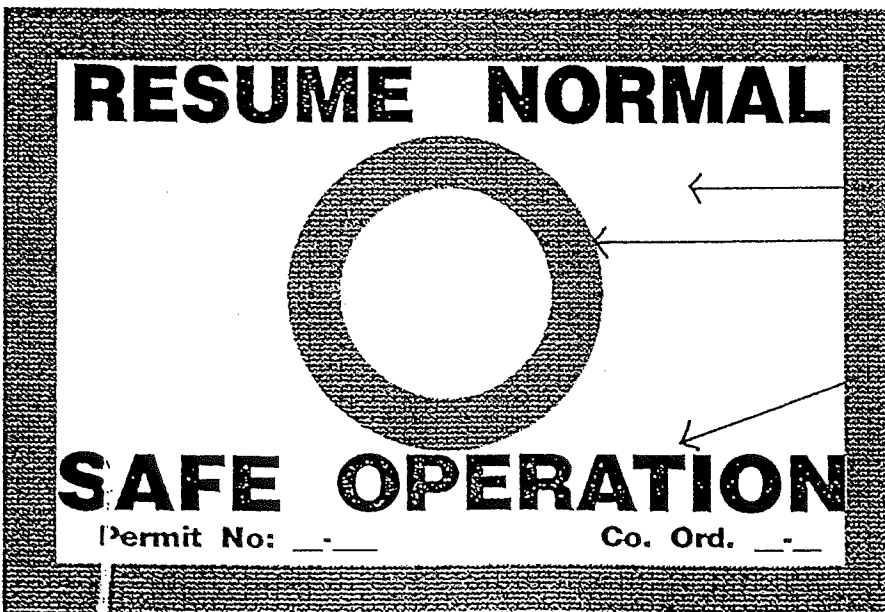




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FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State
DIVISION OF ELECTIONS
Bureau of Administrative Code
The Elliot Building
Tallahassee, Florida 32399-0250
(904) 488-8427

February 25, 1994

Honorable Barbara T. Scott
Clerk of Circuit Court
Charlotte County Courthouse
Post Office Box 1687
Punta Gorda, Florida 33951-1687

Attention: Barbara Geist, Deputy Clerk

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of February 23, 1994 and a certified copy of Charlotte County Ordinance No. 94-1, which was filed in this office on February 25, 1994.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

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RECEIVED AT
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94 FEB 28 PM 2:07
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FL

MARINE ADVISORY COMMITTEE
PRESENTATION

Boater Revolving Fund

September 14, 2006

Boater Revolving Fund Fund Make Up

Sources

- **Boater Registration Fees** – approximately \$350,000 (Current exp. \$380K)
County share from State of Florida
- **West Coast Inland Navigation District** – Approximately \$500,000 (current possibly \$380K additional)
County share of ad Valorem tax assessment

Allowed Uses WCIND Law Enforcement

- Share from fund allowed = 100%
- Must be used for Waterway Law Enforcement
- major overhaul – major repairs
- Not for general operations
- Cannot exceed 20% of total annual amount

Allowed Uses WCIND Navigation Improvement

- Share from Fund Allowed – 100%
- Must Directly improve Navigation of District Waters
- Could include –
 1. Channel Markings
 2. navigation hazard removal
 3. regulatory signage pertaining to District Waters

Allowed Uses WCIND Environmental Education

- Share from Fund Allowed – 100%
- Must directly relate to waters of the District
- Cannot exceed 25% of total annual amount
- Curriculum must be via in house classroom or field trip classes

Allowed Uses WCIND Boating Safety and Education

- Share from Fund Allowed – 50% with Equal Match
- Can be used for classroom equipment but equipment has to be exclusively used for the educational purposes
- Can be used for equipment on boats provided that the boat is used for these two purposes
- Can be used for Fire & Rescue equipment
- Cannot be used for operation & maintenance costs
- Cannot be used for signage for the two purposes at launching facilities

Allowed Uses WCIND Boating Recreation

- Share from Fund Allowed – 50% with Equal Match
- Can be used to construct boat ramps
- Can be used to rehabilitate boat ramps
- Can be used for marine recreation parks useable by boaters and non-boaters

West Coast Inland Navigation District - General Conditions

- One year contract with potential of a three year project completion life
- Can be carried over – not recommended, meaning that projects should have the potential of being completed in the Fiscal Year approved.
- Each project must have a proposal document for WCIND Board approval
- Each project has to have an accepted contract with the District

West Coast Inland Navigation District - General Conditions

- Each Project must be reported on a regular basis to the District
- The purchase of land for any use is not allowed with WCIND funds
- Projects can be redirected with District approval and BCC approval
- All projects are to be considered and recommended by an advisory body

West Coast Inland Navigation District - General Conditions

- County Procurement policies must be met in all cases with a minimum established by the District
- All Match funds are to be identified in the application document and are to be documented as being applied to project
- In kind contributions are allowed but must be real
- Payment is made by the County and then reimbursement is sought.

West Coast Inland Navigation District - General Conditions

- Any remaining funds or funds not requested at year end are transferred into the County Inland Navigation Fund (CINF)
- This is a holding account and can be used for other projects
- Same requirements apply
- All project are subject to site visits and audit

Boater Registration Funds Basis

- County could not collect a separate county fee for registration until population reached 100,000 individuals
- The BCC passed Resolution #961170AS in 1966 that provided the authority to assess a county registration fee equal to 1/2 of the current applicable State registration fee.

Boater Registration Funds

Allowed Uses - County

- Recreational Channel Marking
- Public Launching Facilities
- Removal of vessels and floating structures that are deemed a hazard to public safety and for failure to comply with local, state and federal structural codes and specifications.
- Manatee and Marine Mammal protection and recovery

Boater Registration Funds

Allowed Uses – State

- State share is to be deposited into the Marine Resources Conservation Trust Fund
- State share is to be used for:
 1. Recreational channel marking
 2. Public launching facilities
 3. Law Enforcement

Boater Registration Funds Allowed Uses – State Cont.

4. Quality Control Programs
5. Aquatic Weed Control
6. Manatee Protection, Recovery, Rescue, Rehabilitation and release
7. Marine Mammal protection and recovery

Boater Registration Funds Allowed Uses – State Cont.

- Other uses
 1. \$1.50 from each commercial registration to Dept. of Highway Safety and Motor Vehicles for the Save the Manatee Trust Fund
 2. \$2.00 from each recreational vessel registration Dept. of Highway safety and Motor Vehicles for Invasive Plant Control

Boater Registration Funds Allowed Uses – State Cont.

3. 40% of Commercial Registrations goes to the same purpose.
4. 40% of Commercial Registrations goes to shellfish and aquaculture law enforcement
5. No more than 15% of funds can go towards Law Enforcement

Boater Registration Funds Allowed Uses – State Cont.

6. 25% shall go to The Saltwater Products Promotion Trust Fund for marketing and extension services to include industry information and education
7. The remainder shall go to the FFWCC for use in Marine Research, statistic development and quota management

City
Sec
#14

RESOLUTION
NUMBER 2012-003

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, ADOPTING THE RECOMMENDATIONS OF THE CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE AND APPROVING THE ATTACHED APPLICATIONS FOR FUNDING FROM THE LOCAL BOATER IMPROVEMENT FUND FOR THE LISTED PROJECTS.

RECITALS

WHEREAS, as part of its duties, the Charlotte County Marine Advisory Committee receives and considers applications for funding from the Local Boater Improvement Fund from local groups for boating related activities in Charlotte County, Florida; and

WHEREAS, the Charlotte County Marine Advisory Committee has received applications for funding from the Charlotte Harbor Environmental Center and the University of Florida IFAS Sea Grant Extension Program (the "applications"); and

WHEREAS, the Charlotte County Marine Advisory Committee has reviewed the applications and has recommended that the applications be approved and the projects as listed in Exhibit A be undertaken during the fiscal year that began October 1, 2011; and

WHEREAS, funding for these projects is available from the Local Boater Improvement Funds collected by Charlotte County; and

WHEREAS, the Charlotte County Board of County Commissioners believes that the projects recommended by the Marine Advisory Committee, as shown in Exhibit A, are in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Charlotte County Board of County Commissioners that:

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3626, PGS 1950-1966 17 pg(s)
INSTR # 2069716
Doc Type GOV, Recorded 01/26/2012 at 02:23 PM
Rec. Fee: \$146.00
Cashiered By: MARGEC Doc. #:2

IMAGED
1-27-12 AP

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Margo

1. The recommendations of the Charlotte County Marine Advisory Committee and the applications from the Charlotte Harbor Environmental Center and the University of Florida IFAS Sea Grant Extension Program for funding from the Local Boater Improvement Fund, attached hereto, and incorporated herein, as Exhibit A, are hereby adopted and approved.

PASSED AND DULY ADOPTED this 24th of January, 2012.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By:
Christopher G. ..., Chairman



ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By:
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By:
Janette S. Knowlton, County Attorney

EXHIBIT A

**CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE
RECOMMENDATIONS FROM APPLICATIONS FOR FY 2012
AS OF January 24, 2012**

| Notes | AMOUNT REQUESTED | AMOUNT Recommended | EQUIPMENT/PROGRAM REQUESTED | Potential Grant Dollars | | Allocation | |
|-------------------------------|---------------------|--------------------|--|-------------------------|------------------|------------|---------------|
| | | | | WCIND | CNIF from WCIND | % WCIND | % BIF-R BIF-L |
| BCC Approved 5/24/11 | \$ 400,000 | \$ 50,000 | <u>Cattledock Boat Ramp</u> | \$ 50,000 | | 50% | |
| BCC Approved 5/24/11 | \$ 268,658 | \$ 268,658 | Completion of <u>Phase I of the Harborwalk Project</u> | \$ 68,658 | \$ 200,000 | 26% | 74% |
| BCC Approved 5/24/11 | \$ 53,000 | \$ 53,000 | <u>Coastal Programs Assistant</u> | | \$ 53,000 | | 100% |
| BCC Approved 5/24/11 | \$ 55,000 | \$ 55,000 | <u>construct and monitor an artificial reef site</u> <u>Materials to construct 400' of floating docks for</u> <u>the 2012 IFDS World Disabled Championships.</u> | | \$ 55,000 | | 100% |
| BCC Approved 5/24/11 | \$ 50,000 | \$ 50,000 | <u>CHEC education programs</u> | \$ 17,000 | \$ 50,000 | 100% | |
| BCC Approved 5/24/11 | \$ 17,000 | \$ 17,000 | <u>Nat Res + Ext: Repair & Maintenance Parker</u> <u>pontoon boat & 2002 truck</u> | | | | |
| BCC Approved 5/24/11 | \$ 15,000 | \$ 15,000 | <u>Evaluate fishing piers at El Jobean, Placida, and</u> <u>Boca Grande</u> | | \$ 15,000 | | 100% |
| BCC Approved 5/24/11 | \$ 15,000 | \$ 15,000 | <u>Placida Boat Ramp parking expansion</u> | | \$ 15,000 | | 100% |
| BCC Approved 5/24/11 | \$ 12,500 | \$ 12,500 | <u>Sundown Patrol</u> | \$ 7,500 | \$ 7,500 | 50% | |
| BCC Approved 5/24/11 | \$ 10,000 | \$ 10,000 | <u>Operational expenditures and supplies for Sea</u> <u>Grant activities</u> | | \$ 12,500 | | 100% |
| BCC Approved 5/24/11 | \$ 7,500 | \$ 7,500 | <u>Coral Creek Blueway Trail markers</u> | | \$ 10,000 | | 100% |
| BCC Approved 5/24/11 | \$ 5,931 | \$ 5,931 | <u>CHEC maintenance and repairs -2004 29' Fiesta</u> <u>Pontoon boat</u> | | \$ 7,500 | | 100% |
| BCC Approved 5/24/11 | \$ 2,500 | \$ 2,500 | <u>Safe Boating classes</u> | \$ 5,931 | | 100% | |
| BCC Approved 5/24/11 | \$ 105,000 | \$ 105,000 | <u>C-140 Abandoned vessels</u> | \$ 1,250 | \$ 1,250 | 50% | 50% |
| BCC Approved 5/24/11 | \$ 200,000 | \$ 200,000 | <u>C-147 Stump Pass</u> | \$ 105,000 | | 100% | |
| BCC Approved 5/24/11 | \$ 40,000 | \$ 40,000 | <u>C-146 Maintenance and aids to navigation</u> | \$ 150,000 | \$ 50,000 | 75% | 25% |
| Total approved 5/24/11 | \$ 1,272,089 | \$ 922,089 | | \$ 405,339 | \$ 47,500 | | |

NEW APPLICATIONS RECOMMENDED

| | | | | | | | |
|---------------------------------|---------------------|-------------------|---|-------------------|------------------|-------------------|-------------------|
| 10/13/11 MAC recommended | \$ 11,950 | \$ 11,950 | <u>CHEC Additional education programs</u> | | \$ 11,950 | | 100% |
| 10/13/11 MAC recommended | \$ 2,800 | \$ 2,800 | <u>UF/IFAS Ext-Sea Grant Side Scan Sonar unit</u> | | \$ 2,800 | | 100% |
| total additional reuests | \$ 14,750 | \$ 14,750 | | \$ - | \$ - | | |
| TOTAL FUNDING FY12 | \$ 1,286,839 | \$ 936,839 | | \$ 405,339 | \$ 47,500 | \$ 200,000 | \$ 284,000 |

NOT RECOMMENDED

| | | | | | | | |
|-----------------------|------------|--|---|--|------------|--|------|
| does not meet statute | \$ 667 | | <u>PGPD waterproof metal detector</u> | | \$ 667 | | 100% |
| | \$ 2,737 | | <u>PGPD Side scan sonar</u> | | \$ 2,737 | | 100% |
| | \$ 150,000 | | <u>CoPG PG Boat Club basin dredging</u> | | \$ 150,000 | | 100% |
| total application \$ | \$ 6,210 | | <u>USCG Aux-Flotilla 99 public education</u> | | \$ 6,210 | | 100% |
| \$ 16,850 | \$ 4,300 | | <u>USCG Aux-Flotilla 99 safety equipment</u> | | \$ 4,300 | | 100% |
| | \$ 6,340 | | <u>USCG Aux-Flotilla 99 rescue & survival equip</u> | | \$ 6,340 | | 100% |



The Charlotte Harbor Environmental Center, Inc.

Administrative Office

10941 Burnt Store Road
Punta Gorda, FL 33955

Phone 941/575.5435

Web Site
www.checflorida.org

Board Members

Dorothea Zysko
President

Stacy Calvino
Vice President & Treasurer

Mary Ann Hughes
Secretary

John Aspiotea
Kelly Beall
Glenn Frazee
Larry Friedman
Michael Haymans
Larry Linn
Cathy Olson
Steven W. Osborne
Bob Starr
Lee Swift

Corporate Members

Charlotte County
City of Punta Gorda
Charlotte County Public Schools
Peace River Audubon Society

Locations:

Alligator Creek Preserve
10941 Burnt Store Road
Punta Gorda

Cedar Point Environmental Park
2300 Placida Road
Englewood

*CHEC is a 501 (C) (3)
non-profit corporation with the mission
is of providing environmental educa-
tion, recreation, research and
preservation land management for the
residents and visitors of the greater
Charlotte Harbor area.*

Visit Us on Facebook

August 8, 2011

To: Andy Stevens, Charlotte County Natural Resources Division
Marine Advisory Committee members

Re: Charlotte Harbor Environmental Center, Inc.
Funding Request

The Charlotte Harbor Environmental Center has been conducting shallow water wading programs, pontoon boat journeys and an extensive fourth grade field trip for over two decades. All of these vital programs have had severe funding cuts, including the well-respected volunteer program that conducts monthly water monitoring from 15 stations surrounding Lemon Bay. In order to continue to offer these quality programs to the citizens of the greater Charlotte Harbor area, we need to find alternate support.

The goals of CHEC's field study programs are to educate Charlotte Harbor folks, of all ages, about the characteristics and needs of this estuarine ecosystem, its relationship to Lemon Bay and the Peace River watershed and the impact of our daily activities on this environment. Species diversity, quality of life and economic resources are just some of the bounty of the estuary.

All wading and boating activities are based on priority issues in the Peace River basin; such as natural systems, seagrass health, water conservation, water quality and watersheds. We offer the participants, students, teachers and parent chaperones the opportunity to learn more about our local water resources and ways to turn their understanding into action. Newcomers to this area learn a great deal about boating safety and resource preservation (mangroves, seagrass beds, possible spread of exotic vegetation) through this excursion. Participants of all ages form a bond with the natural life of the harbor and often begin a new life pursuit to help preserve and protect their watershed and to continue learning.

On the river, both the children and adult participants collect samples for water quality monitoring and perform basic chemical tests to determine the levels of pH, dissolved oxygen, nitrate+nitrite and salt in the water. They take the temperature of the water and study the clarity by lowering a Secchi disc until they can no longer see the black and white pattern, then measure the depth. (Seagrass beds rely on the sunlight's ability to penetrate through the tannic acid stained harbor so the plants can perform photosynthesis.)

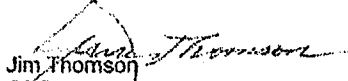
All learn the importance of water quality for the health of the habitat. They keep data on what flora and fauna they witness on their water journey. Snails, clams, fish, shrimp, mussels and plankton are netted for the students to view and then live released.

CHEC conducts over 100 fourth grade field study days, forty public wading adventures and twenty-four boat journeys annually.

All of these valuable programs are short of funding. Staff support, replacement of supplies (nets, water sample test kits, viewers, buckets, thermometers, hygrometers, plankton nets, etc.), transportation and printing costs, as well as general overhead expenses continue to rise

while contracts and grants have been greatly reduced. That is why we make this special appeal for additional funding for CHEC in the amount of \$11,950. This amount represents the shortages being experienced by the Charlotte Harbor Environmental Center.

Thank you for your consideration, sincerely,


Jim Thomson
CEO

Excerpts from thank you letters from Neil Armstrong Elementary School's 4th grade classes:

Dear Captain Rich,

Thank you for taking us in the boat. I loved the boat trip because we got to see birds, dolphins and alligators. When I saw the dolphins I was swept off my feet. There were so many birds like pelicans, blue heron, and egrets. It was sad that we got to see only one alligator. But I still had a great time.

I also liked how we got to analyze the water and hypnotize the crab. When we hypnotized the crab we flipped it over and rubbed its belly. When we analyzed the water we checked the temperature with a thermometer. We also checked how much salinity in the water.

Thank you again. I hope to come again to chec.

Sincerely, comb jelly (name on her life jacket -- the kids wear jackets with sea life names)

Or Mikaila

"...I also liked how you taught us to measure the dept of the water and it's clarity of the water. It was fantastic... We dropped the lead line onto the water and got the dept of the water. I also liked how you dropped the secce disc and you would keep dropping it until we didn't notice the black and white and it turned orange. Then you would pull it up to were the mark was and get the clarity of the water. It was an amazing trip... Sincerely, Trinity (manatee)"

"...To me I thought the boat was exquisite. I also liked when we got to see a dolphin.... I was amazed since I have never seen one in my life. Sincerely yours

Naten (pipe-fish)"



Budget Office

Grants Division

18500 Murdock Circle, Port Charlotte, FL 33948
Phone: 941.743.1540 FAX: 941.743.1286
www.CharlotteCountyFL.com

"To exceed expectations in the delivery of public services"

Application for funding from the Charlotte County Marine Advisory Committee Request for the FY2011/2012 Budget

Please complete the following information and submit to the CC Budget Office by Friday, February 4, 2011.
The Budget Office will compile all funding requests and present them to the MAC on Thursday, March 10, 2011 (9:30am, BCC Room 119). All departments/agencies requesting funds should have a representative present at the March 10th meeting in case any questions arise from the MAC. Application can be found at www.CharlotteCountyFL.com.

Name of Organization: _____ Charlotte County UF/IFAS Extension/Florida Sea Grant _____
Principal Officer, President, Chairman etc.: _____ Betty Staugler _____
Address: _____ 25550 Harborview Rd., Suite 3 _____
Telephone numbers: _____ (941) 764-4346 _____
Email: _____ elizabeth.staugler@charlottefl.com _____

Amount of Funding Requested: _____ \$2800 _____
Does your organization/department receive any other funding sources: _____ Y _____ If yes, please list: _____
_____ State of Florida _____

Purpose of Funding Requested: _____ Purchase Hummingbird 1198c Side Scan Sonar unit to identify submerged abandoned crab traps and trap removal. _____

Are permits required? _____ If permits are required, list each required and status.
_____ No _____

Attach all permits that have been issued to this application. Estimated length of time to complete project, by phase:

Benefit to the County: _____ Ability to identify underwater navigational hazards that pose a risk to boaters of the County. _____

Any operating costs associated with the project:

Other justification: _____ See Attached _____

(Please feel free to attach any additional supporting information or documentation)

Signature of authorized individual responsible for this application and should funding be granted the person responsible for assurances that funds are spent as proposed.

_____ Betty Staugler, Sea Grant Agent _____
Name, Title

_____ 7/17/11 _____
Date

Background, Benefits and Uses of Side Scan Technology

In May 2011, the Sea Grant agent received a side scan unit on loan from the Virginia Institute of Marine Science (VIMS) for the purpose of locating submerged abandoned crab traps in the Peace River. Through field testing, the agent has determined that this unit works well for identifying traps in waters as shallow as 3 feet in depth. Over 100 waypoints using the side scan unit were collected in one field day prior to the July rotational closure for blue crab trap gear. During the closure, the Sea Grant agent removed 61 submerged traps from the water. Over 30% of these traps were still fishable. 75 blue crabs were released in addition to 1 juvenile goliath grouper, 1 red drum, 1 hardhead catfish and 2 blue catfish. While recovering traps during the closure, many more traps were collected as waypoints.

The Sea Grant agent will be returning the on loan unit to VIMS in October 2011. This proposal seeks to purchase the same unit (current model) for the identification and removal of blue crab trap gear. Submerged traps in waters 3-8 feet in depth pose navigational hazards because they are not seen from the surface but well within common boat draft depths. By identifying submerged traps, in conjunction with regular cleanups that target those seen from the surface, Charlotte County will be improving the navigational safety for all boaters.

The Sea Grant agent has been in communication with the director of Crossroads Academy. The Academy serves at risk juveniles. They have participated in Sea Grant projects in the past and are interested in assisting the Sea Grant agent by taking this on as one of their class projects. Crossroads Academy has its own vessel.

Side scan sonar has many other uses that the County could potentially benefit from. For instance, looking for crab traps, the Sea Grant agent discovered two submerged abandoned vessels. Side scan can be used to map reef structure, look for submerged objects and even monitor select fisheries.

The Sea Grant agent has invested considerable time learning how to use side scan and has become quite proficient. Using intermediary software which she now has, the agent can download waypoint, tracks and images, manipulate data and create GoogleEarth and ArcGIS maps.

Projected Budget:

Side Scan unit cost: \$2800

Attachments:

Price Quote: from West Marine (based on County's Port discount)

Waypoints collected in Peace River of submerged traps on 5/23/11

Images of traps as seen on the display (two in shallow water and two in deeper water)

Image of trap removal using homemade dredge

Price Quote

Store Manager 155 Port Charlotte [mgr00155@westmarinestores.com]

Sent: Tuesday, August 16, 2011 4:02 PM

To: Staugler,Elizabeth A

Betty Staugler
Charlotte County Board of Commissioners

Betty:
The prices we discussed are as follows-

| | |
|--|-----------|
| Humminbird 1198c SI Chartplotter Combo, sku 12012498 | \$2553.18 |
| Navionics Platinum+ chart card Central/South Florida, sku 11093937 | \$ 181.46 |

These are Port Supply prices. Should you have any further questions, please do not hesitate to give me a call.

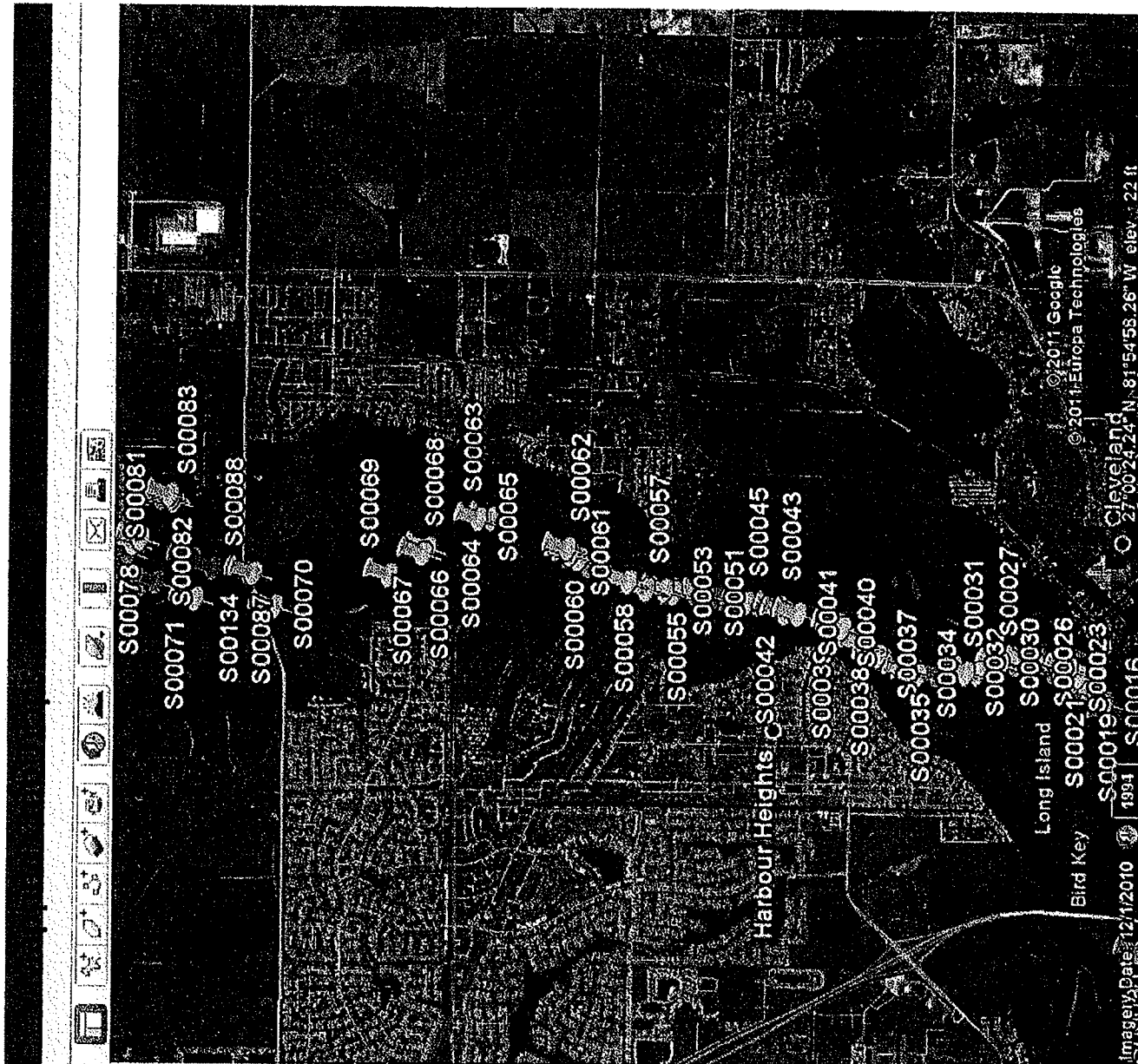
David Plank
Store Manager

Team Port Charlotte
West Marine Store #155
4265 Tamiami Trail
Port Charlotte, FL
Phone: (941) 625-2700
Fax: (941) 625-1040
mgr00155@westmarinestores.com

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- S00004
- S00008
- S00009
- S00010
- S00011
- S00012
- S00014
- S00103
- S00110
- S00111
- S00115





25.3ft

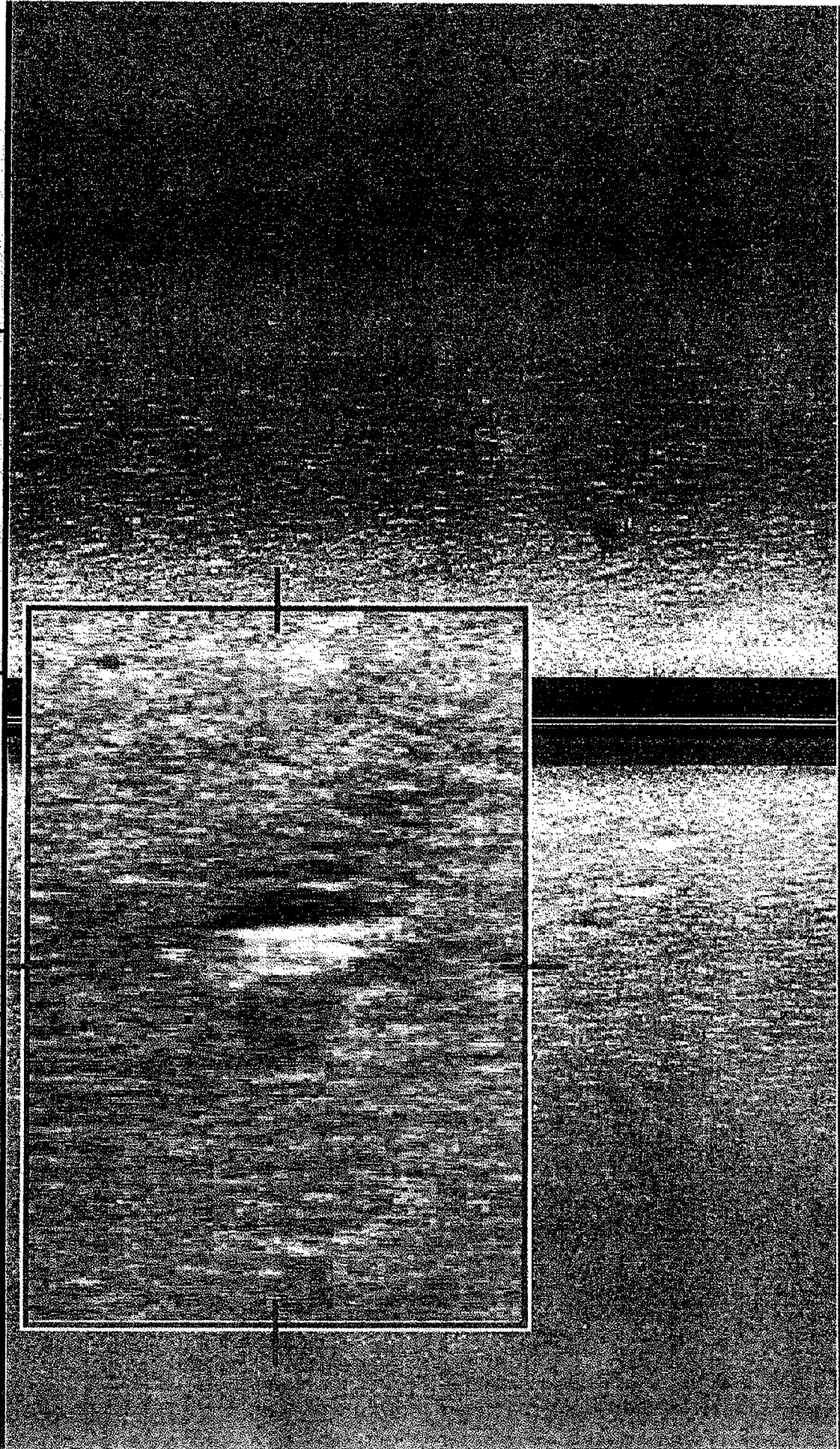
Cursor

Depth

82ft

Distance

BRG 235°t
Zoom 2x



Depth

4.4

ft Speed

4.2

mph Temp

80.8

°F

N 26.98070°

W 081.99547°

8:20:31 AM

5/24/11



15.8 ft

Cursor

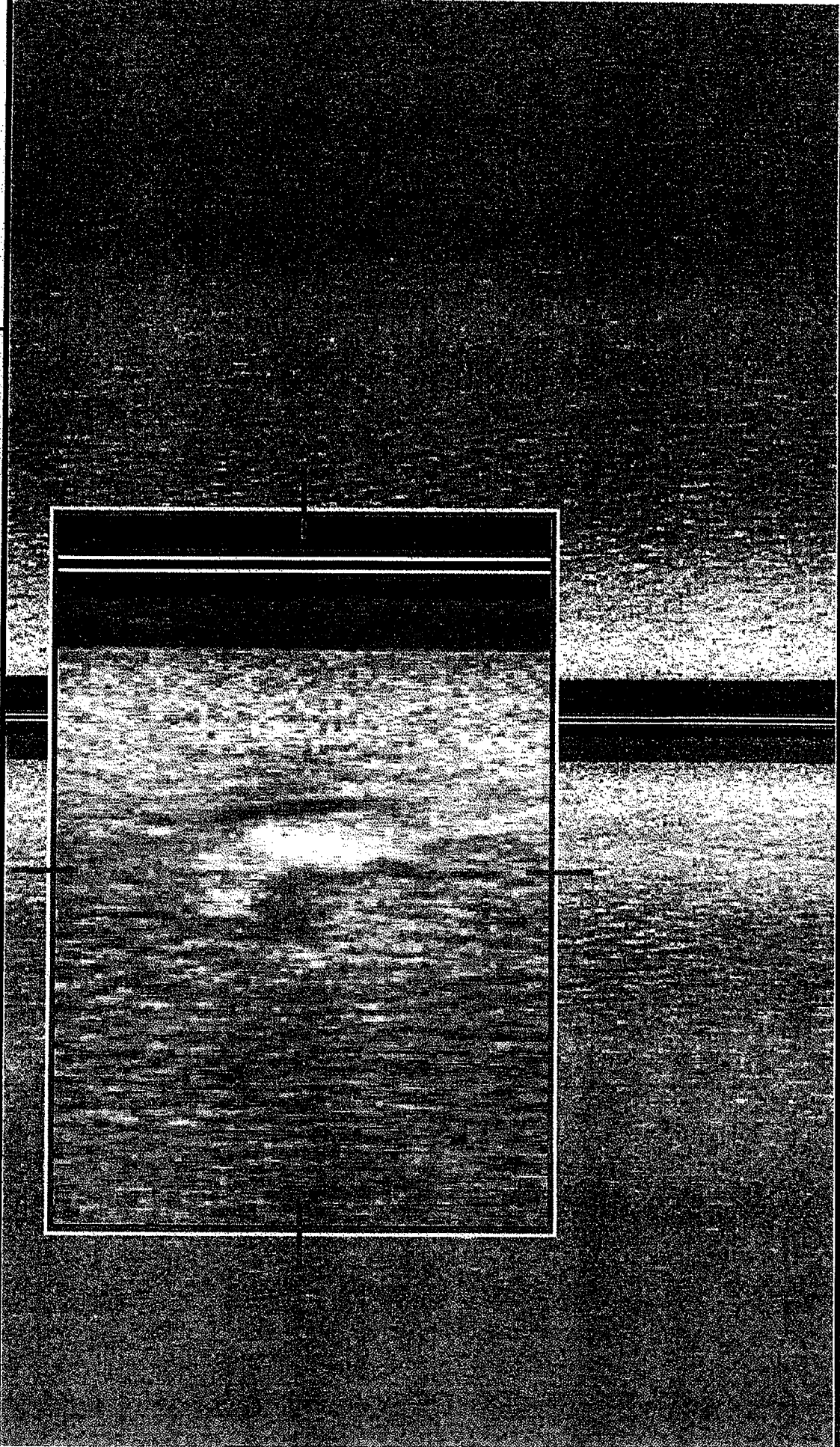
Depth

85 ft

Distance

BRG 224°t

Zoom 2x



Depth

4.1

ft Speed

4.3

mph Temp

80.8

°F

N 26.98027°

W 081.99583°

8:19:59 AM

5/24/11



59.1 ft

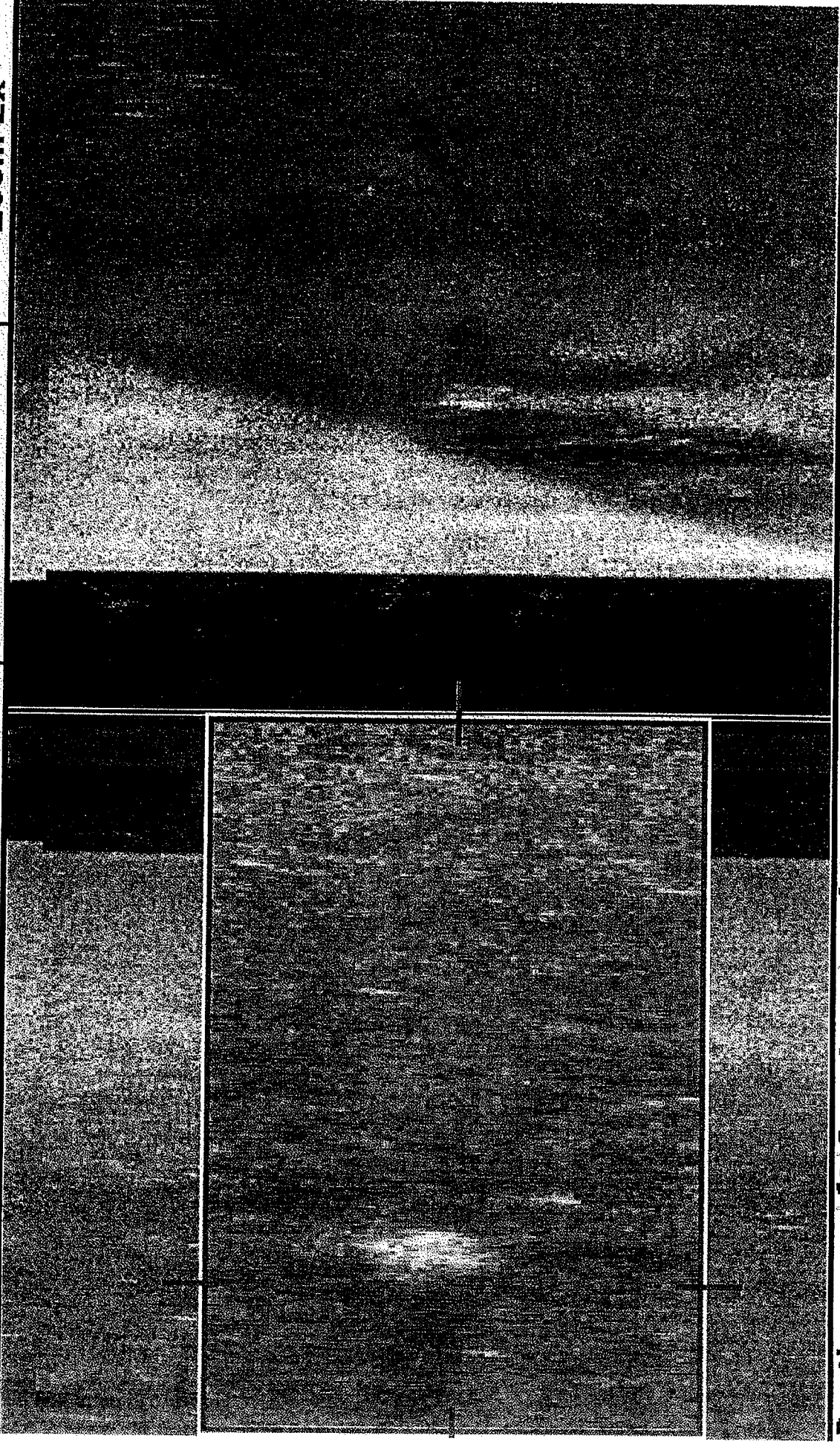
Cursor

Depth

188 ft

Distance

BRG 198°t
Zoom 2x



Depth

11.5

ft Speed

4.2

mph Temp

82.1

°F

8:39:48 AM

N 26.99882°

W 081.98954°

5/24/11

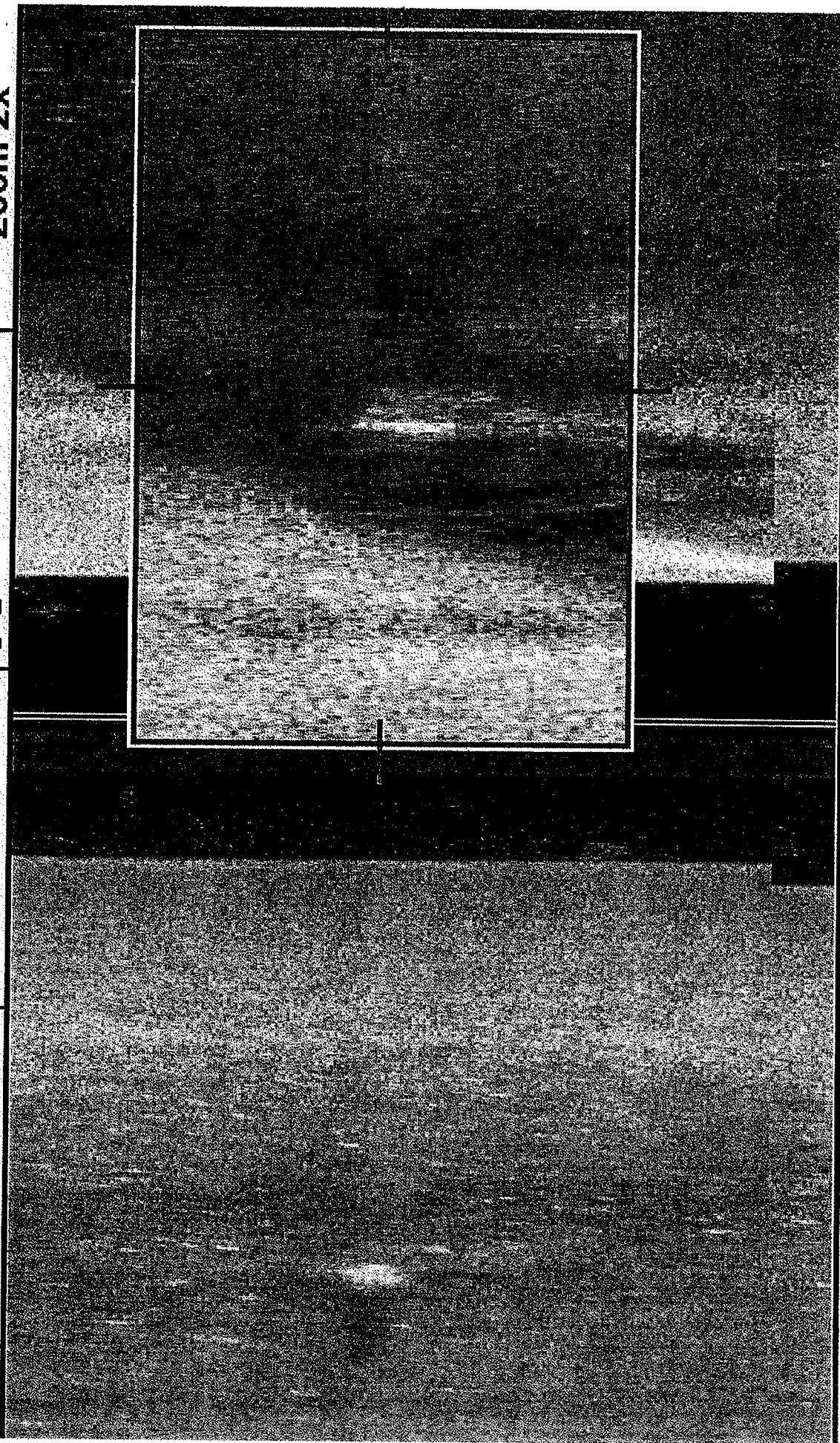
⊕ **34.2** ft

Cursor

Depth **86** ft

Distance

BRG 162°t
Zoom 2x



Depth

ft

Speed

mph

Temp

°F

14.1

4.2

82.1

N 26.99855°

W 081.98956°

8:39:32 AM

5/24/11



Stevens, Andy

From: Staugler,Elizabeth A <staugler@ufl.edu>
Sent: Friday, August 19, 2011 6:54 AM
To: Stevens, Andy
Subject: FW: Side Scan project

Hi Andy...I put my application for a side scan in Interoffice to you on Wednesday. When you receive it, would you mind adding the email from John Davidson below to the application packet as an attachment.

Thanks!!!

Betty Staugler
Florida Sea Grant Agent
University of Florida IFAS Extension
Charlotte County
(941) 764-4346

25550 Harborview Rd., Suite 3
Port Charlotte, FL 33980
<http://charlotte.ifas.ufl.edu>

From: CrossRoads-ED [CWI-ED@amikids.org]
Sent: Thursday, August 18, 2011 9:04 PM
To: Staugler,Elizabeth A
Subject: RE: Side Scan project

We would be excited to collaborate on this project. We have a watershed curriculum and our organization was founded on the marine curriculum. Please send any info you have on derelict crab traps and their damage to the environment so that we can begin studying that with our kids before we begin picking up traps. It helps peak the interest of our kids and makes the whole experience much more rewarding! -John

John Davidson, M.Ed.,
Executive Director
AMikids Crossroads
45991 Bermont Road
Punta Gorda, FL 33982
941-575-5790 (Office)
941-628-2741 (Cell)
941-575-5792 (Fax)
crossroads-ed@amikids.org

"Quality is not an act, it is a habit." -Aristotle

From: Staugler,Elizabeth A [mailto:staugler@ufl.edu]
Sent: Wednesday, August 17, 2011 1:50 PM
To: CrossRoads-ED
Subject: Side Scan project

Hi John...Can you give me a call at your earliest convenience to discuss a possible collaboration. I am putting together a small grant and want to make sure if you participate, any funding you require to participate is included in the proposal. My office number is below and my cell is 628-9419.

Thanks!!

Betty Staugler
Florida Sea Grant Agent
University of Florida IFAS Extension
Charlotte County
(941) 764-4346

25550 Harborview Rd., Suite 3
Port Charlotte, FL 33980
<http://charlotte.ifas.ufl.edu>

PROCEDURAL CLARIFICATION FOR MARINE ADVISORY COMMITTEE WORK

The Marine Advisory Committee membership came to us from marine oriented organizations identified by the Board of County Commissioners and selected by the Marine Advisory Committee from more than one prospect where indicated. The person chosen brings special expertise to our Marine Advisory work for the Board of County Commissioners. Each one of us comes to work for the general good of Charlotte County, and not to espouse the special interests of the organization from which we came.

The Marine Advisory Committee functions as the originator of ideas, and as a podium from which citizens input can be heard and evaluated. Our purpose is to help the marine interests of this County and to fulfill the requests from the Board of County Commissioners. The Marine Advisory Committee accomplishes this through gentle persuasion between groups and agencies, to enhance the effectiveness of each. The medium can be "shared thoughts" in Marine Advisory, i.e., meetings, workshops, educational projects, Marine Advisory news releases and our advisory suggestions to the Board of County Commissioners.

EXAMPLE:

The Marine Advisory Committee symposium in 1990 regarding *boating safety* included the following organizations:

- The Charlotte County Sheriff
- The Punta Gorda Police Chief
- The Florida Marine Patrol
- The County Attorney
- The training units of the Power Squadron and Coast Guard Auxiliary

It is not our place to create new organizations, groups, or political entities, but to fully utilize that which is already established.

Because of the Sunshine Law, the Marine Advisory Committee Chairman may assign tasks to only one member for the collection of facts concerning a given project. That person may make use of County staff such as the Grants Department, the Budget Office, Sea Grants' extension, the County legal staff, or Public Works for special guidance. After the facts are shared at a regular Marine Advisory Committee meeting, the Committee as a whole may make the final decision regarding a presentation to the Board of County Commissioners. We are not the administrators of a project. This is the responsibility of the Board of County Commissioners. The Commissioners will assign the project to a staff department, i.e., dredging projects to Public Works, permitting requests to Johnson Engineering, Boaters Guide to Sea Grants. The Marine Advisory Committee will be available to assist that official body wherein requested.

THE USUAL FORMAT FOR FUNDING REQUESTS

The applicant must do the preliminary survey, engineering, cost estimates, and permitting. A written summary of the plan is submitted to the Grants Department, and to the Marine Advisory Committee. A verbal presentation by the party of ownership is made at a regular Marine Advisory Committee meeting. The full Marine Advisory Committee membership will have the opportunity to decide as to presenting the request to the Board of County Commissioners for their action. Having initiated a project, the Marine Advisory Committee needs to be cognizant of its timely progress, and question any performance failure.

Section 3.03 Duties of Chair

The Chair shall preside at all meetings. The Chair shall be the official spokesperson for the Committee, or delegate that duty to another member. The Chair shall execute all written instruments in the name of the Committee. *This is important to avoid confusion.*

The Chair shall appoint subcommittees as needed to carry out the Committee's objectives, and be an ex-officio member of each.

NOTE: The agenda is set on the Thursday before the regularly scheduled MAC Meeting. Anyone (i.e. public) can attend this meeting to have an item placed on the meeting agenda.

PROJECT FUNDING ELIGIBILITIES

This is an informal layman's summation of the key concepts in the rules governing the use of the marine funding sources listed below:

WCIND

- Must apply directly to waters of the District
- Requires FBIP funds to be fully committed first
- Can not be used for pre-construction surveys, studies, permitting, etc.

Law Enforcement (no matching funds – but limited to 20% of annual WCIND funds)

- Waterway Law Enforcement
- Major repairs/overhaul of marine law enforcement vehicles
- No general operation/maintenance

Navigation Improvement (no matching funds required)

- Channel marking
- Hazard removal
- Regulatory signage

Environmental Education (no matching funds – but limited to 25% annual WCIND)

- In-house or field trip curriculum

Boating Safety/Education (50% matching funds – No operation/maintenance)

- Classroom equipment for safety education only
- Boat equipment
- Signage @ public boat ramps
- Fire/rescue equipment (on water use only)

Boating Recreation (50% matching funds)

- Construct/rehabilitate public boat ramps
- Marine education parks
- Spoil islands/restoration for boater use

FBIP FUNDS

- Must be used for recreational boating for public
- May be used for pre-construction surveys, studies, permitting, etc.
- Launch facility construction/repair
- Land-based marine projects dedicated to public
- Recreational channel markers
- Signage for safety & regulatory information
- Docks, mooring & support facilities (e.g. restrooms)
- Access roads & parking
- Channel dredging & fishing reefs

SURCHARGE FEE ON BOAT REGISTRATIONS

- Formula stipulated in Florida Statutes – can not be modified
- Patrol, regulation, and maintenance of waters
- Interlocal use for boating related projects
- Other boating related activities

By Homer Smith, September 1995 for Marine Advisory Committee

USES OF BOATER REVOLVING FUNDS

BOATER REGISTRATIONS:

- Recreational Channel Markings
- Other uniform Waterway Markers
- Public Boat Ramps
- Lifts
- Hoists
- Marine railways
- Other public launching facilities
- Derelict Vessel Removal
- Removal of Vessels and Floating Structures deemed a hazard to public safety and health

WEST COAST INLAND NAVIGATION DISTRICT:

- Law Enforcement (100%) (capped at 20% of total)
- Navigation Improvement (100%)
- Environmental Education Projects (100%) (Capped at 25% of total)
- Boating Safety and Education (50% match)
- Boating Recreation (50% match)

(15) DISTRIBUTION OF FEES.—Except for the first \$2, \$1 of which shall be remitted to the state for deposit into the Save the Manatee Trust Fund created within the Fish and Wildlife Conservation Commission and \$1 of which shall be remitted to the state for deposit into the Marine Resources Conservation Trust Fund to fund a grant program for public launching facilities, pursuant to s. 206.606, giving priority consideration to counties with more than 35,000 registered vessels, moneys designated for the use of the counties, as specified in subsection (1), shall be distributed by the tax collector to the board of county commissioners for use only as provided in this section. Such moneys to be returned to the counties are for the sole purposes of providing recreational channel marking and other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, and other public launching facilities, derelict vessel removal, and removal of vessels and floating structures deemed a hazard to public safety and health for failure to comply with s. 327.53. Counties shall demonstrate through an annual detailed accounting report of vessel registration revenues that the registration fees were spent as provided in this subsection. This report shall be provided to the Fish and Wildlife Conservation Commission no later than November 1 of each year. If, prior to January 1 of each calendar year, the annual detailed accounting report meeting the prescribed criteria has still not been provided to the commission, the tax collector of that county shall not distribute the moneys designated for the use of counties, as specified in subsection (1), to the board of county commissioners but shall, instead, for the next calendar year, remit such moneys to the state for deposit into the Marine Resources Conservation Trust Fund. The commission shall return those moneys to the county if the county fully complies with this section within that calendar year. If the county does not fully comply with this section within that calendar year, the moneys shall remain within the Marine Resources Trust Fund and may be appropriated for the purposes specified in this subsection.

RESOLUTION
NUMBER 98-1100A0

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PROVIDING FOR ESTABLISHMENT OF THE BOATERS REVOLVING FUND; PROVIDING FOR SOURCES OF INCOME FOR THE FUND; PROVIDING FOR MANAGEMENT OF THE FUND; PROVIDING FOR EXPENDITURES FROM THE FUND; PROVIDING FOR REPAYMENT OF CERTAIN FUNDS EXPENDED AND EXCEPTIONS TO SUCH REPAYMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Charlotte County Marine Advisory Committee ("MAC") has recommended that the Board of County Commissioners ("Board") establish a fund within the County budget to provide for funding needs of boating related projects and to promote and enhance boating activities in the County; and

WHEREAS, the Board has determined that it would be in the best interests of the public health, safety and welfare to establish such a fund;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida that:

1. Creation of Fund

(a) There is hereby created the "Boaters Revolving Fund", within the County budget (hereinafter "the Fund"). This Fund shall be established by changing the title of the currently existing Fund #179: Special Assessment - Canal Maintenance Projects Fund to the Boaters Revolving Fund.

(b) Funds which have been advanced to Fund #179 Special Assessment - Canal Maintenance Projects Fund from the Special Assessment - Road Revolving Fund may be

returned to the Special Assessment-Road Revolving Fund when available, or may remain in the Fund for future canal maintenance revolving projects as outlined in this resolution. These previously advanced funds shall not be expended for otherwise allowed uses in the Fund which do not require repayment.

(c) Projects currently underway in Fund #179 shall be completed. Assessments collected from the projects currently underway in Fund #179 shall be paid into the Fund upon their collection, unless those funds were derived as a loan from other revenue sources not specifically for boating improvements.

2. Purposes of the Fund

(a) The Fund is established to provide for the funding needs of boating related projects and to promote and enhance boating activities in Charlotte County. Such projects may provide for: 1) waterway management; 2) boaters' safety and education; 3) aids to navigation; 4) marine law enforcement; 5) dredging; 6) boating access, i.e., boat ramps; 7) protection of marine mammals, fish, and the aquatic environment, including manmade fishing reefs; 8) other projects for boater and waterway enhancement; all subject to any expenditure requirements placed on the sources of funding by any federal, state, or local law, ordinance, rules or regulations.

3. Sources of Funding

(a) The following shall be deposited into the Fund upon receipt thereof by County:

(1) Net amounts collected by County under Resolution 96-117OAO, the County registration fee for vessels (boater surtax);

328.72(15)

- (2) Florida Boating Improvement Funds;
- (3) Any West Coast Inland Navigation District grant funds awarded for the purposes allowed under the Fund;
- (4) Any repayments from revolving Fund projects; and
- (5) Any other grants, contributions, and County funding when appropriate for the purposes allowed under the Fund.

4. Management of the Fund

(a) A budget shall be established annually for the Fund and adopted as part of the annual budget process for all County funds. The budget may be amended as necessary throughout the fiscal year.

(b) All revenues and expenditures shall be accounted for in the same manner as for all County funds, using appropriate line items. In addition, all expenditures must comply with the requirements of Paragraph 5 of this Resolution.

(c) All cash balances shall be invested in the same manner as for all public funds with the interest earnings returned to the Fund.

(d) Any approval of an expenditure from the Fund for any project or any reason shall not imply approval for additional expenditures on such project or for such reason.

(e) If expenditures are made from the Fund for the purposes described in Paragraphs 5(b) and 5(c) hereof, the Board shall attempt to use monies from the Fund which are derived from sources other than the net amounts collected pursuant to Resolution 96-1170A0 (boater surtax) prior to expending monies derived from such net amounts collected pursuant to such Resolution.

5. Expenditures - Process

(a) Revolving Fund Projects - Requests for expenditures from the Fund which do not qualify as non-revolving expenditures under Paragraph 5(b) hereof or as expenditures by the Board under Paragraph 5(c) hereof shall be submitted in writing to the MAC, with a copy sent to the County Budget Department. The written request shall identify the project for which such expenditures are requested and shall include all surveys, engineering documents, plans and specifications, and environmental permits required for the proposed project and any other documents requested by the MAC or County staff in connection with the applicable project. All such surveys, engineering documents, plans and specifications, and permits must be fully paid for by the requester of money from the Fund, and shall be complete and current as of the date of the request for funding. Any project for which expenditures from the Fund are requested must have a public purpose, and must meet one or more of the purposes of the Fund listed in Paragraph 2 of this Resolution, and must meet any other criteria placed on expenditures by any federal, state, local law, ordinance, rule or regulation. Requests for expenditures from the Fund shall also include a plan for repayment to the Fund of 50% of such expenditures within three (3) years of award if the area of improvement is not considered to benefit the community as a whole. The remaining 50% of such expenditures need not be repaid by a recipient of Fund expenditures. The request for expenditures from the Fund will be reviewed by the MAC at a MAC meeting. The applicant for Fund expenditures shall be available to participate at such MAC meeting and to respond to questions. The MAC shall make recommendations within a reasonable time, but no later than three (3) months after

submittal of the applicable request for funds, to County staff and the Board for award or refusal of funding by the Board and for a repayment plan.

(b) Non-Revolving Expenditures

(1) The MAC may recommend expenditures from the Fund for allowed uses which need not be reimbursed if they benefit the community as a whole and do not have another source of available funds. Requests for such expenditures shall be submitted in writing to the MAC, with a copy sent to the County Budget Department. The written request will identify the project for which such expenditures are requested and include any surveys, engineering documents, environmental permits and other documents requested by the MAC or County staff in connection with the applicable project. Any project for which expenditures from the Fund are requested must have a public purpose, and must meet one or more of the purposes of the Fund listed in Paragraph 2 of this Resolution, and must meet any other criteria placed on expenditures by any federal, state, local law, ordinance, rule or regulation. The request for expenditures from the Fund will be reviewed by the MAC at a MAC meeting. The applicant for Fund expenditures shall be available to participate at such MAC meeting and to respond to questions. The MAC shall make recommendations within a reasonable time, but no later than three (3) months after submittal of the applicable request for funds, to County staff and the Board for award or refusal of funding by the Board.

(2) Emergency maintenance work for marine aids to navigation required to be performed because of public health, safety or welfare (for example, by way of illustration but not limitation, work due to hurricane or oil spill), not exceeding twenty-five

thousand (\$25,000) for any one emergency expenditure, may be charged to the Fund without repayment from another funding source and with the approval of the County Administrator or his/her designee.

(3) Repairs and/or maintenance required because of natural emergency which meet one of the purposes of the Fund may be performed and paid for from the Fund without repayment from another funding source upon approval from the County Administrator or his/her designee, subject to any other County ordinances, rules or regulations governing such expenditures. The County Administrator or his/her designee shall notify the MAC Chairman or Vice-Chairman of the time and amount of any such expenditures.

(c) Nothing contained in this Resolution shall be deemed to restrict the Board from authorizing expenditures from the Fund prior to or without the review and recommendation from the MAC. In the event the Board does authorize an expenditure from the Fund prior to or without a review or recommendation from the MAC, the Board, through County staff, shall notify the MAC of the time and amount of any such expenditure.

PASSED AND DULY ADOPTED this 22nd day of September, 1998.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Matthew D. DeBoer
Matthew D. DeBoer, Chair

ATTEST:

Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By Agnes Raebik
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Renee Francis Lee
Renee Francis Lee, County Attorney *RF*

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LR96-669
9/15/98

GOVERNMENT IN THE SUNSHINE LAW

A. WHAT IS THE SCOPE OF THE SUNSHINE LAW (FLORIDA STATUTES, SEC. 286.011)?

Any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. There are three basic requirements of the Sunshine Law:

- (1) meetings of public boards or commissions must be open to the public;
- (2) reasonable notice of such meetings must be given; and
- (3) minutes of the meetings must be taken.

B. WHAT IS A MEETING SUBJECT TO THE SUNSHINE LAW?

Number of board members required to be present

The Sunshine Law extends to the discussions and deliberations as well as the formal action taken by a public board. There is no requirement that a quorum be present for a meeting of members of a board to be subject to the Sunshine Law. Instead, the law is applicable to *any* gathering, whether formal or casual, of two or more members of the same board to discuss some matter on which *foreseeable action* will be taken by the board. It is the how and the why officials decide to act which must be open to the public, not merely the final decision (the entire *decision-making process*).

Fact-finding vs. Decision-making Committees

When a committee possesses or exercises not only the authority to conduct fact-finding but also to make recommendations, the committee is participating in the decision-making process and is subject to the Sunshine Law.

Does the Sunshine Law apply to staff?

Meetings of staff of boards covered by the Sunshine Law are not ordinarily subject to the Sunshine Law unless they: 1) have been delegated decision-making functions outside of the ambit of normal staff functions, 2) are acting as liaisons between board members, or 3) are acting in place of the board members at their direction. For example, when a staff member ceases to function in a staff capacity and is appointed to a committee which is delegated authority to make recommendations to a board or official, the staff member loses his or her identity as staff while working on the committee and the Sunshine Law applies to the committee. On the other hand, a committee composed of staff which is merely responsible for informing the decision-maker through fact-finding consultations would not be subject to the Sunshine Law.

Does the Sunshine Law apply to members of public boards who also serve as administrative officers or employees?

A board member who also serves as an employee of an agency may meet with another board member on issues relating to his or her duties as an employee *provided* such discussions do not relate to matters that will come before the board for consideration or action. When two or more members of a public board are participating in other meetings or functions unconnected with the board, they must refrain from discussing matters on which foreseeable action may be taken by the board but are not otherwise restricted in their actions.

Delegation of authority to single individual

When public officials delegate de facto authority to act on their behalf in the formulation, preparation, and promulgation of plans on which foreseeable action will be taken by those public officials, those delegated that authority stand in the shoes of such public officials insofar as the Sunshine Law is concerned. For example, a single member of a board who has been delegated the authority to act on behalf of the board in negotiating is subject to the Sunshine Law and, therefore, cannot negotiate in secret. If a board member or designee has been authorized only to gather information or function as a fact-finder, the Sunshine law does not apply. If, however, the board member has been delegated the authority to reject certain options from further consideration by the entire board, the board member is performing a decision-making function that must be conducted in the sunshine. If the individual, rather than the board, is vested by law, charter or ordinance with the authority to take action, such discussions are not subject to the Sunshine Law.

C. WHAT METHODS OF DISCUSSION ARE COVERED BY THE SUNSHINE LAW?

Use of nonmembers as liaisons between board members

A non-board member may not act as a liaison for board members by circulating information and thoughts of individual board members. However, the fact that a board member has expressed his or her views or voting intent on an upcoming matter to a news reporter prior to the scheduled public meeting does not violate the Sunshine Law so long as the reporter is not being used by the member as an intermediary in order to circumvent the requirements of the Sunshine Law. Administrative officers or staff who serve public boards should not poll board members on issues which will foreseeably come before the board in order to avoid being used as a liaison between board members, although an administrative officer is not precluded from contacting individual board members for their views on a matter when the officer, and not the board, has been vested with the authority to take action.

Written correspondence between board members

The use of a written report by one board member to inform board members of a subject which will be discussed at a public meeting is not a violation of the Sunshine Law if prior to the meeting there is no interaction related to the report among the board members. The report would be subject to disclosure under the Public Records Act. If, however, the report is circulated among board members for comments with such comments being provided to other members, there is interaction among the board members which is subject to the Sunshine Law. While a board member may prepare and circulate an informational memorandum or position paper, the use of a memorandum to solicit comments, or the circulation of responsive memoranda by other board members, would violate the Sunshine Law.

Telephone conversations and meetings

The use of a telephone to conduct discussions does not remove the conversation from the requirements of the Sunshine Law.

Use of computers

Use of computers by members of a public board to communicate among themselves on issues pending before the board is subject to the Sunshine Law.

D. DOES THE SUNSHINE LAW APPLY TO :

MEMBERS OF DIFFERENT BOARDS?

The Sunshine Law does not apply to a meeting between individuals who are members of *different* boards *unless* one or more of the individuals has been delegated the authority to act on behalf of his or her board. An individual board member may, therefore, meet privately with an individual member of another board to discuss a recommendation made by that board since two or more members of either board are not present, provided that no delegation of decision-making authority has been made and neither member is acting as a liaison. A member of one public board may also attend a meeting of another public board upon which one of its members serves and may participate in the discussion of matters which may foreseeably come before the attending member's board without being in violation of the Sunshine Law. If it is known ahead of time that two or more members of the board are planning to be in attendance and participate, the Florida Attorney General's Office has recommended that their attendance be noted in the notice of the meeting.

COMMUNITY FORUMS SPONSORED BY PRIVATE ORGANIZATIONS?

The Sunshine Law does not apply to a political forum sponsored by a private organization during which board members express their position on matters that may

foreseeably come before the board, so long as the board members avoid discussions among themselves on these issues.

SOCIAL EVENTS?

Members of a public board are not prohibited under the Sunshine Law from meeting together socially, provided that matters which may come before the board are not discussed at such gatherings. Thus, there is no *per se* violation of the Sunshine Law for a husband and wife to serve on the same public board so long as they do not discuss board business without complying with the requirements of the Sunshine Law.

E. WHAT ARE THE NOTICE AND PROCEDURAL REQUIREMENTS OF THE SUNSHINE LAW?

Reasonable notice required

Reasonable public notice is required for all meetings subject to the Sunshine Law. Thus, notice is required for meetings between members of a public board even though a quorum is not present. The type of notice that must be given is variable, however, depending on the facts of the situation and the board involved. In some instances, posting of the notice in an area set aside for that purpose may be sufficient; in others, publication in a local newspaper may be necessary.

Suggested Guidelines

The Florida Attorney General's Office has suggested the following notice guidelines:

1. The notice should contain the time and place of the meeting and, if available, an agenda (or if no agenda is available, subject matter summations might be used);
2. the notice should be prominently displayed in the area in the agency's offices set aside for that purpose (e.g. for cities, in city hall);
3. emergency sessions should be afforded the most appropriate and effective notice under the circumstances and special meetings should have at least 24 hours reasonable notice to the public; and
4. the use of press releases and/or phone calls to the wire services and other media is highly effective. On matters of critical public concern such as rezoning, budgeting, taxation, appointment of public officers, etc., advertising in the local newspapers of general circulation would be appropriate.

Notice requirements when meeting adjourned to a later date

If a meeting is to be adjourned and reconvened later to complete the business from the agenda of the adjourned meeting, the second meeting should also be noticed.

Effect of notice requirements imposed by other statutes, codes or ordinances

The type of notice required is variable and will depend upon the circumstances. A public board, however, may be subject to additional notice requirements imposed by other statutes, charters or codes.

Does the Sunshine Law require that an agenda be made available prior to board meetings or restrict the board from taking action on matters not on the agenda?

The Sunshine Law has been interpreted to require notice of *meetings*, not of the individual *items* which may be considered at that meeting. Accordingly, the Sunshine Law does not require boards to consider only those matters on a published agenda, and there is no requirement that a board provide advance notice of potential deviation from its previously announced agenda.

Does the Sunshine Law limit where and how meetings of a public board may be held?

Inspection trips

Members of a public board are not prohibited under the Sunshine Law from conducting inspection trips. However, if discussions relating to the business of the board will occur between board members during an inspection trip, then the requirements of the Sunshine Law must be met – advance notice must be given, the public must be afforded a reasonable opportunity to attend, and minutes must be promptly recorded and made available for inspection.

Luncheon meetings

Public boards are advised to avoid holding meetings at places where the public and the press are effectively excluded.

Meetings at facilities that discriminate or unreasonably restrict access prohibited

The Sunshine Law prohibits boards subject to the Sunshine Law from holding their meetings at any facility which discriminates on the basis of sex, age, race, creed, color, origin, or economic status, or which operates in such a manner as to unreasonably restrict public access to such a facility.

Out-of-town meetings

For a meeting to be "public," the public must be given advance notice and provided with a reasonable opportunity to attend.

Size of meeting facilities

For meetings where a large turnout of the public is expected, public boards should take reasonable steps to ensure that the facilities where the meeting will be held will accommodate the anticipated turnout. If a huge public turnout is anticipated for a particular issue and the largest available public meeting room cannot accommodate all of those who are expected to attend, the use of video technology (e.g., a television screen outside the meeting room) may be appropriate. In such cases, as with other open meetings, reasonable steps to provide an opportunity for public participation in the proceedings should also be considered.

Inaudible discussions

A violation of the Sunshine Law may occur if, during a recess of a public meeting, board members discuss issues before the board in a manner not generally audible to the public attending the meeting.

Cameras and tape recorders

A rule or policy which prohibits the use of nondisruptive or silent tape recording devices, however, is unreasonable and arbitrary and is, therefore, invalid.

Meaningful opportunity for participation

When committees are carrying out certain executive functions which traditionally have been conducted without public input, the public has the right to attend but may not have the authority to participate. On the other hand, if a board is carrying out legislative responsibilities, the public should be afforded a meaningful opportunity to participate at each stage of the decision-making process, including workshops.

Authority to adopt reasonable rules

Reasonable rules and policies, which ensure the orderly conduct of a public meeting and which require orderly behavior on the part of those persons attending, may be adopted by a public board. For example, a rule which limits the amount of time an individual may address the board could be adopted provided that the time limit does not unreasonably restrict the public's right of access.

May the members of a public board use codes or preassigned numbers in order to avoid identifying individuals?

Under the Sunshine Law, a meeting is either fully open or fully closed; there are no intermediate categories. Accordingly, the use of preassigned numbers or codes at public meetings to avoid identifying the names of applicants violates the Sunshine Law.

May members of a public board vote by written or secret ballot?

Board members are not prohibited from using written ballots to cast a vote as long as the votes are made openly at a public meeting, and the ballots are maintained and made available for public inspection in accordance with the Public Records Act. Since the ballot is a public record as soon as it is made, the final decision cannot be withheld for any period of time. By contrast, a secret ballot violates the Sunshine Law.

Must written minutes be kept of all sunshine meetings?

The Sunshine Law specifically requires that minutes of a meeting of a public board be promptly recorded and open to public inspection. While sound recordings may also be used to record the proceedings before a public board, written minutes of the meeting must be taken and promptly recorded. The minutes required to be kept for "workshop" meetings are not different than those required for any other meeting of a public board. The minutes of Sunshine Law meetings need not be verbatim transcripts of the meetings; rather, "minutes" means a brief summary or series of brief notes or memoranda reflecting the events of the meeting. There is no requirement that tape recordings be made by the public board at each public meeting. However, once made, such recordings are public records.

F. WHAT ARE THE CONSEQUENCES IF A PUBLIC BOARD FAILS TO COMPLY WITH THE SUNSHINE LAW?

Civil penalties

Any board member who violates the Sunshine Law is guilty of a noncriminal infraction punishable by a fine not exceeding \$500.

Criminal penalties

Any board member who *knowingly* violates the Sunshine Law is guilty of a second degree misdemeanor punishable by a term of imprisonment not to exceed 60 days and/or a fine up to \$500. Conduct occurring outside the state which constitutes a knowing violation of the Sunshine Law is also a second degree misdemeanor, with such violations being prosecuted in the county in which the board normally conducts its official business. The governor may suspend a public official who has been charged with a misdemeanor arising out of his or her official duties, and may remove a public official who has been convicted of a misdemeanor arising out of his or her official duties.

Attorney's fees

If a court finds that a Sunshine Law violation has occurred, the court must assess reasonable attorney's fees against the public board. Reasonable attorney's fees must also be assessed for the appeal if a public board files for and loses an appeal. Reasonable attorney's fees may be assessed against the individual members of the board unless the board sought, and followed, the legal advice of its attorney. Whenever a board member is charged with a violation and is subsequently acquitted, the board is authorized to reimburse the member for any portion of his or her reasonable attorney's fees. If the court finds that an action to enforce the Sunshine Law was filed in bad faith or was frivolous, reasonable attorney's fees may be assessed against the individual filing the action.

Validity of action taken in violation of the Sunshine Law and subsequent corrective action

Official action of a public board made in violation of the Sunshine Law is voidable. To void official action, a judgment finding a violation of the Sunshine Law must be entered by a court. An initial violation may be cured by corrective open, public vote which follows violation; however, mere perfunctory ratification after the violation may be insufficient to cure the violation.

Last Updated: June 22, 2005

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June 22, 2005 (no changes)