

# TECHNICAL ADVISORY COMMITTEE

Lee County Metropolitan Planning Organization

Thursday, February 4, 2016

City of Cape Coral Public Works Building

815 Nicholas Parkway East, Cape Coral, FL 33990

9:30 a.m.



## AGENDA

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### Call to Order

### Roll Call

1. Public Comments on Items on the Agenda

### New Business

2. \*Election of Officers for 2016
3. \*Amendment to the FY 2015/2016 through FY 2019/2020 Transportation Improvement Program to add the G Weaver Hipps Elementary School Safe Routes to School Sidewalk Project and the SW 20<sup>th</sup> Avenue Sidewalk Project (Johnny Limbaugh)
4. \*Review and Approval of Amendments to the TAC Bylaws (Don Scott)
5. +Discuss Tasks for the FY 2016/2017 and 2017/2018 Unified Planning Work Program and Provide Information on our new Requirements (Don Scott)
6. Overview of Upcoming MPO Board Items (Don Scott)
7. Update on MPO Projects (Don Scott)

### Other Business

8. Public Comments on Items not on the Agenda
9. LeeTran Report
10. FDOT Report
11. Announcements
12. Topics for next meeting
13. Information and Distribution Items

### Adjournment

\*Action Items    +May Require Action

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Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Mr. Johnny Limbaugh at the Lee MPO at 239-330-2242 or by email at [jlimbaugh@leempo.com](mailto:jlimbaugh@leempo.com) at least seven (7) days prior to the meeting. If you are hearing or speech impaired call (800) 955-8770 Voice / (800) 955-8771 TDD. The MPO's planning process is conducted in accordance with Title VI of the Civil Rights Act of 1964 and related statutes. Any person or beneficiary who believes he has been discriminated against because of race, color, religion, sex, age, national origin, disability, or familial status may file a complaint with the Lee County MPO Title VI Coordinator Johnny Limbaugh at (239) 330-2242 or by writing him at P.O. Box 150045, Cape Coral, Florida 33915-0045.

## **ELECTION OF 2016 OFFICERS**

**RECOMMENDED ACTION:** Elect a Chairperson and a Vice-Chairperson for 2016.

Consistent with the TAC bylaws, a Chairman and Vice-Chairman are to be elected at the first regularly scheduled meeting of each calendar year. Any voting member or his or her alternate may nominate another voting member to be an officer. The current voting members of the TAC who are eligible to serve as officers are listed on the **attached** roster.

Nominees should be primary members who attend meetings on a regular basis. Any member who would be unable to fulfill the duties of an officer should so state before nominations are taken, or notify the Chair before the meeting if unable to attend. Any alternate member who attends meetings regularly who would be willing to serve as an officer may bring a letter to the meeting from his or her agency's director, appointing him or her as the agency's primary TAC representative (in which case a new alternate should also be appointed at the same time).

**LEE COUNTY  
METROPOLITAN PLANNING ORGANIZATION  
TECHNICAL ADVISORY COMMITTEE**

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CURRENT / VOTING MEMBERS: 18      MEETING: 1st Thursday of each month - 9:30 a.m.      QUORUM: 10

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**MEMBER AGENCIES (Voting)**

**REPRESENTATIVES**

**ALTERNATES**

**LEE COUNTY**

Department of Community Development  
Department of Transportation  
Lee County Port Authority  
Lee Tran

Rick Burris  
Andy Getch\*  
Ellen Lindblad  
Wayne Gaither

Lili Wu  
  
Lee Combs

Lee County School Board

Roger Lloyd

Paul Skau

**CITY OF CAPE CORAL**

Department of Community Development  
Department of Public Works  
Cape Coral Mini Bus Service

Wyatt Daltry  
Persides Zambrano  
Kitty Sayers

Rick Sosnowski  
Stephanie Smith  
Mildred Hammer

**CITY OF FORT MYERS**

Department of Planning  
Department of Engineering

Nicole DeVaughn  
Carl Karakos

Lynce Rodriguez  
Saeed Kazemi

**TOWN OF FORT MYERS BEACH**

Megan Will

**CITY OF SANIBEL**

Department of Planning

Jimmy Jordan

Ben Pople  
Roy Gibson

Department of Public Works

Keith Williams

Scott Krawczuk

**CITY OF BONITA SPRINGS**

Department of Public Works

Matt Feeney

John Gucciardo

**VILLAGE OF ESTERO**

Mary Gibbs\*\*

**COLLIER COUNTY MPO**

Lorraine Lantz

Eric Ortman

**SOUTHWEST FLORIDA RPC**

Margaret Wuerstle

Nichole Gwinnett

**CHARLOTTE COUNTY PUNTA GORDA MPO**

Bob Herrington

Gary Harrell

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\*CHAIRMAN

\*\*VICE-CHAIRMAN

**ASSOCIATE MEMBER AGENCIES (Non-Voting):**

**FLORIDA GULF COAST UNIVERSITY**

**LEE COUNTY**

Bicycle Coordinator

Port Advisory Committee  
Community Transportation Coordinator  
Tourism Development Council  
Economic Development

**CITY OF CAPE CORAL**

Economic Development

**STATE**

Department of Environmental Protection  
Governor's Energy Office  
Florida Fish and Wildlife Conservation Commission  
Florida Department of Transportation

**REGIONAL**

FL Utilities Coordinating Committee  
South Florida Water Management District  
Southwest Florida Enterprise Center

**FEDERAL**

Federal Highway Administration  
Federal Transit Administration  
U.S. Environmental Protection Agency  
U.S. Fish and Wildlife Service  
U.S. Army Corps of Engineers

**REVIEW AND APPROVAL OF AN AMENDMENT TO THE FY 2015/16 THROUGH FY 2019/20 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) TO ADD THE DESIGN PHASE FOR THE SIDEWALK AT G WEAVER HIPPS ELEMENTARY SCHOOL AND THE CONSTRUCTION PHASE FOR THE SW 20<sup>TH</sup> AVE SIDEWALK**

**RECOMMENDED ACTION:** Review and Approval of an amendment to the FY 2015/16 through FY 2019/20 Transportation Improvement Program (TIP) to add a design phase for the G. Weaver Hipps elementary school and the construction phase for the SW 20<sup>th</sup> Ave.

The MPO is amending the FY 2015/16 through FY 2019/20 Transportation Improvement Program for FPN#439111-1) for the addition of the design phase for the G. Weaver Hipps Elementary school Safe Routes to School project in the amount of \$290,000 (see **attached** details on the project). In addition, the second amendment to the current TIP is the addition of the construction phase for the SW 20<sup>th</sup> Avenue project from Veterans Parkway to Trafalgar Parkway in the amount of \$250,000 (additional details on this project will be provided at the meeting).

**G WEAVER HIPPS ELEMENTARY SRTS SIDEWALKS**

**Project Number: 4391111**

**Non-SIS**



**From:**

**Work Summary: SIDEWALK**

**To:**

**Lead Agency: FDOT**

LRTP# Exec. Summary Pg. 40  
Figure 15

Phase	Fund Source	2015/16	2016/17	2017/18	2018/19	2019/20	Total
PE	SR2S	120,000	0	0	0	0	<b>120,000</b>
PE	SA	10,000	0	0	0	0	<b>10,000</b>
PE	ACSA	160,000	0	0	0	0	<b>160,000</b>
<b>Total</b>		<b>290,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>290,000</b>

**Prior Cost < 2015/16:** 0

**Future Cost > 2019/20:** 0

**Total Project Cost:** 290,000

**Project Description:** Safe Routes to School sidewalk project:  
Sidewalk on Archdale St/Delaware Rd from Lee Blvd to Taylor Ln - North & East side  
Sidewalk on Taylor Ln from Delaware Rd to Lee Blvd - North side



**Florida Department of Transportation**

**RICK SCOTT  
GOVERNOR**

801 North Broadway  
Bartow, FL 33830

**JIM BOXOLD  
SECRETARY**

December 21, 2015

Mr. Donald Scott AICP, Executive Director  
Lee County Metropolitan Planning Organization  
P.O. Box 150045  
Cape Coral, FL 33915-0045

**RE: Request for Amendment to the Lee County Metropolitan Planning Organization's  
FY 2015/16 – 2019/2020 Transportation Improvement Program (TIP)**

Dear Mr. Scott:

This letter is a formal request for the Lee County Metropolitan Planning Organization (MPO) to approve the following amendment to FY 2015/16 – 2019/2020 TIP at their February 19, 2016 board meeting. The G Weaver Higgs Elementary School Safe Routes to School sidewalk project; [FPN #439111-1] preliminary engineering phase was recently added to the FDOT Five Year Work Program. The total project cost for the preliminary engineering phase of this sidewalk project is \$290,000 and is summarized in the table below. In order to receive federal funds for this project, these changes are required to be amended into the Lee County MPO's FY2015/2016 through 2019/2020 Transportation Improvement Program.

FPN Number	Federal Project Description	Phase Group	Amount	Funding Type	Fiscal Year	Comments
439111-1	G Weaver Higgs Elementary School Safe Routes to School (SRTS) Sidewalk Project	Preliminary Engineering	\$10,000	SA	2016	New Project
			\$120,000	SR2S	2016	
			\$160,000	ACSA	2016	

Mr. Don Scott  
December 21, 2015  
Page 2 of 2

If you have any questions, please feel free to contact me at (239) 225-1976. Your continued cooperation is greatly appreciated.

Sincerely,

D'Juan L. Harris  
Community Liaison

DLH:dlh

cc: Laura Lockwood, FDOT  
David Jones, FDOT

## **REVIEW AND APPROVAL OF AMENDMENTS TO THE TAC BYLAWS**

**RECOMMENDED ACTIONS:** Review and approval of amendments to the TAC bylaws

The TAC bylaws are being amended to add the Village of Estero language and this also provides an opportunity for the members to raise other revisions that they might see from a review of the document.





## **TECHNICAL ADVISORY COMMITTEE BYLAWS**

~~June 22, 2012~~?, 2016

815 Nicholas Parkway East  
Cape Coral, Florida 33990

Mailing Address:  
P.O. Box 150045  
Cape Coral, Florida 33915-0045  
239-244-2220  
Fax: 239-790-2695  
[www.leempo.com](http://www.leempo.com)



## SECTION 1. **NAME**

The name of this Committee shall be the Technical Advisory Committee of the Lee County Metropolitan Planning Organization.

## SECTION 2. **PURPOSE**

- A. As stated in the Bylaws of the Lee County Metropolitan Planning Organization, Section 339.175, *Florida Statutes*, specifies the authority and responsibility of the MPO and the Florida Department of Transportation for the management of the continuing, cooperative, and comprehensive transportation planning process for the urbanized area that is consistent with the federal laws and regulations. The MPO, in cooperation with the Florida Department of Transportation shall appoint technical advisors to the MPO who shall act as a collegial body known as the MPO Technical Advisory Committee and shall include planners, engineers, and other appropriate employees of, or contractors and volunteers performing similar functions for Lee County, the signatory municipalities of the interlocal agreement creating the MPO, the Lee County Port Authority, the school board, Charlotte County Punta Gorda MPO and the Collier County MPO and the Southwest Florida Regional Planning Council. Representatives of other local, regional, state, and federal agencies may be non-voting associate members of the Technical Advisory Committee if required by federal or state law or regulations, at the Governor's request or upon appointment by a majority of the MPO policy board or of the voting members of the Committee. Implemented 339.175, F.S.
- B. The functions of the Committee shall include, but not be limited to the following:
- (1) To promote communication and coordination among members;
  - (2) To identify and resolve common problems;
  - (3) To continually coordinate transportation planning and programming;
  - (4) To be responsible for technical evaluations of various Transportation Studies, plans, programs or public information documents and advise the MPO therefore;
  - (5) To make priority recommendations to the Metropolitan Planning Organization Board for transportation plans and program implementation based on the needs as determined by technical studies;
  - (6) Review and provide recommendations to the MPO on transportation plans, programs and amendments as they are developed;

- (7) Provide continuing liaison with local, state, and federal agencies involved in the transportation planning process.

### SECTION 3. **MEMBERSHIP**

A. The directors of the public agencies and local government departments and/or divisions identified below shall each appoint one (1) person to represent it on the Committee. Persons appointed to the Committee shall be technically qualified representatives employed by that agency, department, or division for the purpose of planning, engineering, and/or administration, with responsibility for comprehensive planning or the operation, control, development, or improvement of the transportation system. Smaller municipalities without professionally-staffed community development, planning, transportation, engineering, or public works departments or divisions may instead appoint one administrator with responsibility for all of these functions or a member of a volunteer board that performs or advises the municipality on such functions. Written notification shall be given to the MPO staff agency concerning appointment or replacement of members. A list of current Technical Advisory Committee members, their titles, and the agencies, departments, or divisions they represent shall be maintained by the MPO staff agency. The following governments/agencies shall be regular members and have one voting representative on the Technical Advisory Committee:

- Lee County Department of Community Development
- Lee County Department of Transportation
- Lee County Port Authority
- Lee County Transit
- Lee County School Board
- Cape Coral Department of Community Development
- Cape Coral Department of Public Works
- Cape Coral Mini Bus Service
- City of Fort Myers Division of Planning
- City of Fort Myers Division of Engineering
- Town of Fort Myers Beach
- City of Sanibel Department of Planning
- City of Sanibel Department of Public Works
- City of Bonita Springs
- Village of Estero
- Collier County MPO
- Southwest Florida Regional Planning Council
- Charlotte County – Punta Gorda MPO

The following Associate member Agencies shall be advisory members and be non-voting representatives:

- Florida Gulf Coast University
  - Community Transportation Coordinator
  - Lee County Tourism Development Council
  - Florida Utilities Coordinating Committee
  - South Florida Water Management District
  - Southwest Florida Enterprise Center
  - Department of Environmental Protection
  - Governor's Energy Office
  - Florida Fish and Wildlife Conservation Commission
  - U.S. Environmental Protection Agency
  - U.S. Fish and Wildlife Service
  - U.S. Army Corps of Engineers
- B. Alternate members may be designated to act on behalf of regular and associate members with all the privileges accorded thereto; with the exception of serving as an officer. Alternates shall be similarly technically qualified as the regular and associate members and possess the appropriate knowledge and skills to represent those public agencies, local government departments and/or divisions identified above. Alternates shall indicate on the attendance roster when they are acting as the representative of a member agency, department, or division. The MPO staff agency shall be notified in writing of the appointment or replacement of an alternate representative by the director of the member agency, department, or division.
- C. All Committee members must identify themselves on the attendance roster as to the agency, department, or division represented; and the type of member (regular or associate).

#### SECTION 4. **OFFICERS AND DUTIES**

- A. A Chairman and a Vice Chairman of the Committee shall be elected at the first regularly scheduled meeting of each calendar year and shall hold the offices until their successors are elected.
- B. Any regular member or alternate may nominate a regular member (except a RPC or Collier MPO or Charlotte County-Punta Gorda MPO representative) as an officer. All elections shall be by the majority vote of the regular members or their alternates present.
- C. The Chairman shall preside at all meetings and shall be responsible for the conduct of all meetings. Agendas shall be available at least seven (7) days prior to any regularly scheduled meeting. The Chairman shall also serve as a liaison between the Technical Advisory Committee and the Lee County MPO whenever the need

arises. In the absence of the Chairman, his alternate may sit as a regular member of the Committee.

- D. The Vice Chairman shall, during the absence of the Chairman or his inability to serve, have and exercise all of the duties and powers of the Chairman. The Vice Chairman shall also perform such other duties as may be assigned him by the Chairman. In the absence of the Vice Chairman, the alternate may sit as a regular member of the Committee.
- E. The MPO staff duties shall include the recording, preparation and distribution of the minutes of each Technical Advisory Committee meeting. The Lee County MPO staff shall assist the Chairman in handling Technical Advisory Committee correspondence, ensure that any pertinent information is distributed to all Technical Advisory Committee members, and be responsible for maintaining a current list of the names of regular, associate and alternate members.
- F. If both the Chairman and Vice Chairman are absent from a meeting, a temporary Chairman shall be elected.
- G. Any vacancy in office created by resignation or replacement of an officer by the appointing signatory agency shall be filled by a majority vote of regular members present or their alternates. The officer so elected shall fill the remainder of the unexpired term of the vacant office.
- H. If, at any time, the Committee feels that an officer is not performing his duties in accordance with Section 4, Subsection C & D, or has missed three (3) consecutive meetings, that officer may be removed from office by a two-thirds vote of the regular members or their alternates present at a regular meeting, provided that an item to that effect has been placed on the tentative agenda at a regular meeting to be voted on at the next regular meeting and has been distributed in accordance with Section 5, Subsection B, of these Bylaws.

## SECTION 5. MEETINGS

- A. Regular meetings of the Committee shall take place at 9:30 a.m. on the first Thursday of each month.
- B. An eight (8) day notice should be given for the cancellation, rescheduling, or relocation of regular meetings. Special meetings may be called by the Chairman, or, if two or more regular members request such a meeting. Special meetings should have a minimum of three (3) days notice, indicating the reason for the meeting and notifying all signatory agencies.
- C. Agendas shall be prepared prior to all meetings. Agendas should be mailed with meeting notices and, whenever possible, minutes of the previous meeting, at least eight (8) days prior to any regular meeting. Regular members may place items on the tentative agenda by notification of the MPO Director or his designee.
- D. Any item requiring Committee action may be brought before the Committee by any member, even though it is not on the agenda. The Committee shall decide if action is to be taken at that meeting or at a subsequent meeting.
- E. Whenever reports are to be given, copies should be prepared for each member of the Committee. When possible, said copies should be mailed with meeting notices.
- F. A quorum shall consist of a simple majority of the voting membership, or their alternates (one half plus one).
- G. Meetings will be open to the public. The public may be allowed the right to speak or participate in the discussion at the discretion of the Committee.
- H. When a TAC member abstains from a vote due to a conflict they must complete Form 8B which is included in Attachment A. TAC member conflict of interest and compliance issues are guided by Section 112.3143 of the Florida Statutes.

SECTION 6. **SUBCOMMITTEES**

- A. Subcommittees may be designated and members appointed by the Chairman of the Technical Advisory Committee as necessary to investigate and report on specific subject areas of interest.
- B. All progress and results of subcommittee activities shall be reported to the Committee upon request by the Chairman.

SECTION 7. **AMENDMENTS**

- A. These Bylaws may be amended by the affirmative vote of two-thirds of the voting members or their alternates present, provided a copy of the proposed amendment shall have been presented to and discussed at the previous monthly meeting. All proposed amendments shall be voted on at regular meetings.

SECTION 8. **PRIOR AGREEMENT**

- A. These Bylaws supersede and replace any and all Bylaws adopted by the Technical Advisory Committee.

SECTION 9. **EFFECTIVE DATE**

- A. These Bylaws and any amendments to the Bylaws will become effective upon the endorsement of the Lee County MPO Board.



**TASKS FOR THE FISCAL YEAR 2016/2017 and 2017/2018  
UNIFIED PLANNING WORK PROGRAM (UPWP) AND  
INFORMATION ON OUR NEW REQUIREMENTS**

**RECOMMENDED ACTIONS:** Discuss planning tasks for the upcoming FY 2017 and FY 2018 Unified Planning Work Program (the MPO's budget).

This is the time of year to start identifying any new tasks and refine the scopes of ongoing tasks to include in the new Unified Planning Work Program (UPWP) that will come back in draft form at the March meeting (and final approval at the May meeting). In addition, staff will discuss some of the changes that are occurring to the UPWP requirements that includes changing the MPO Planning funds agreement, changing the reporting requirements to include all of the expenses separately and requiring that other agreements that cover planning tasks (such as the Local Agency Projects planning projects) be moved under the new MPO planning agreement.

## OVERVIEW OF UPCOMING MPO BOARD ITEMS

### DISCUSSION ITEM:

Staff will report on two items for Committee input that the MPO Board requested to have on the agenda for their February meeting. The first item is an update on the status and history of the Transit Authority (from 2000 to 2010 with the MPO) and the Transit Task Force (from 2011 to 2013 with LeeTran). The first **attachment** is a summary of the major milestones on the efforts to create a Transit Authority. The second attachment is the Phase III Final Report that summarized the entire body of work completed by the Transit Task Force. The remaining attachments correspond to the agendas, cover sheet and power point from the presentation to the Lee County BOCC in a Management and Planning meeting and the agenda, blue sheet and meeting minutes from April 23, 2013 Lee County BOCC meeting, where the item was deferred indefinitely.

The second item is the MPO Board request to discuss the MPO's roles and responsibilities. Staff is putting together a presentation on our federal and state requirements but will also provide separate information, as part of this presentation, on items that the MPO staff and Board have completed or are planning on conducting that go beyond our current state and federal requirements.

### *A QUICK HISTORY OF EFFORTS IN LEE COUNTY TO CREATE A TRANSIT AUTHORITY*

Capital and operating needs of the Lee County Transit Division (LeeTran) are primarily supported by the County's General Funds and gas tax revenues. The absence of a dedicated transit funding source have precluded LeeTran from expanding services and adding premium transit, and at times have led them to cut service temporarily and also to increase bus fares for addressing funding shortfalls. Without new funding sources LeeTran has struggled to maintain its existing service and has forced them to rely on adjustments to routes and services based upon the results of its comprehensive operation analyses.

#### Transit Authority Milestones:

**December 8, 2000:** Lee County Metropolitan Planning Organization (MPO) adopted the Transit Element of the 2020 Transportation Plan in which there were three major recommendations that were made:

- A dedicated source of funding is needed for transit
- The revenue source must grow with inflation
- Municipalities receiving service should participate in funding the service

The Transit Needs Plan of the 2020 Transportation Plan supported a moderate growth scenario for transit services. The *Transit Development Plan* that was subsequently developed by Lee County Transit (LeeTran) in May 2001, and adopted by the Lee County Board of County Commissioners (BOCC) supported this moderate growth approach.

**March 2002:** The MPO completed a study on a *Long Term Transit Funding and Governance Study* to study alternative funding sources and governance of transit services in Lee County. Ad valorem, gas tax and sales tax were studied as potential revenue sources. This study recommended the establishment of a transit authority with its own ad valorem taxing authority to operate the transit system and raise the revenue to fund it at a level adequate not only to keep up with inflation, but to expand service at a moderate rate as the county grows.

**May 29, 2002:** The MPO Board discussed the results of the study at a special workshop and decided to pursue the creation of a transit authority in the long term for the future governance and fiscal health of LeeTran. In the short term, the MPO Board asked the County to investigate the feasibility of Municipal Services Taxing Unit (MSTU) to fund transit needs.

**January 17, 2003:** The findings of a preliminary LeeTran study on the advantages and disadvantages of an MSTU included various funding distribution scenarios to fund the short term transit needs were presented to the MPO. The MPO directed staff to take the findings to its Technical and Citizens Advisory committees for a recommendation of which option to pursue and then bring the recommendation back to the Board within 90 days.

Subsequently, the MPO contracted Tindale Oliver & Associates, Inc. (TOA) to conduct additional analysis. At the completion of the analysis, the advantages and disadvantages of MSTUs and five other potential funding sources were presented to the advisory committees which recommended that Lee County not pursue the creation of an MSTU to fund transit and paratransit services but proceed with a feasibility study for the

## TRANSIT AUTHORITY HISTORY

creation of a transit authority. They also recommended that the BOCC maintain the current local funding sources and governance structure in the interim.

**April 18, 2003:** The MPO Board directed staff to meet with the fiscal staff of each municipality to determine which funding sources and governance options would be most preferable to them, and what source of revenue could be used to fund the short term needs while a transit authority is being pursued.

**June through July 2003:** MPO's consultant TOA conducted meetings with fiscal staff of each municipality in late June and early July, and developed a report called the *Short Term Transit Funding Solutions for Lee County*. The recommendations in the report included the following:

1. Fast Track the Regional Transit Authority
- 2A. County continues to Fund Status Quo base level service with Municipalities funding transit expansion, or
- 2B. County continues to Fund Status Quo base level service with Countywide MSTU funding transit expansion ((This option considered two options for the geographical boundaries of the MSTU – (1) All of Lee County including the unincorporated areas and municipalities (2) Adjusted Lee County, similar in scope to the first option except for the exclusion of the islands of Captiva, Useppa, Gasparilla, and Cabbage Key))
3. Shift gas tax revenues currently applied to transit to other County programs which will free up ad valorem based general fund revenues that could be then applied to transit. This would ensure that all county fiscal support of LeeTran would come from ad valorem sources.
4. Do not pursue a transit impact fee

**August 22, 2003:** The MPO Board passed a motion fast tracking the creation of a transit authority, asking the County to consider a countywide MSTU to fund transit expansion while it continues to fund the status quo base level services, and swapping the gas tax currently applied to transit with ad valorem based general funds.

Subsequently the MPO Board concluded that MSTU concept would not be workable (obvious drawbacks were the counting of MSTUs towards the municipal 10-mil cap and that they may affect bond rating) and reaffirmed its commitment to pursuing the establishment of a transit authority, and decided to proceed directly with that course without further consideration of interim funding measures.

**May 2005 through December 2005:** MPO contracted TOA to work on a *Transit Authority Consensus Building Action Plan*. As part of the plan development process, the consultant facilitated consensus building meetings with an advisory committee including local government administrative staff, county organizations, and community leaders and a policy committee including elected officials. The consensus building was facilitated through inputs received from two rounds of Delphi consensus building exercises conducted among a panel of experts with experience in creating new transit authorities. A draft Action Plan was developed based on comments received after the final Delphi responses were presented to each of the local governing boards in Lee County. The draft Action Plan was further refined based on input received at a community workshop.

**December 15, 2005:** MPO and LeeTran hosted a Transit Summit where the Action Plan was presented. The Summit was attended by elected and key public officials in Lee County, MPO advisory committees, and the local news media. A poll taken at the Summit indicated the following:

## TRANSIT AUTHORITY HISTORY

- 86% supported a transit authority that allowed flexibility in how it is established and funded
- 83% supported a sales tax as the funding source
- 87% supported an interlocal agreement indicating participation in an authority

**January 20, 2006:** MPO Board approved the final version of a *Transit Authority Consensus Building Action Plan*. The Plan recommended an independent transit authority because of the flexibility it provides in the composition of a transit authority board and pursuing various funding options. However, when it came to a preferred funding source for the transit authority, the Action Plan recommended sales tax because it provides a broad tax base with a smaller cost per household especially with a portion of the tax burden being placed on visitors and tourists.

**April 21, 2006:** The MPO Board took the following actions:

- Formed a Transit Authority Oversight Committee (TAOC) to provide a forum for addressing financial, planning, and organizational issues related to creation and transition to an independent countywide transit authority in Lee County. The TAOC included an elected official from each of the six local primarily MPO Board members.
- Accepted a study on the economic benefits of transit. The study was intended to provide the basis for building a comprehensive framework for identifying the need for local investment in transit service expansion. The study economically quantified the various benefits to both transit users and non-users due to the availability of transit service in Lee County.

**May 21 through Nov 11, 2008:** MPO and LeeTran worked on an interlocal agreement to support and participate in the establishment of a transit authority that was eventually adopted by the Lee County BOCC and all 5 municipalities.

**July 2009:** The Florida Legislature amended the Charter County Transit Surtax to allow 13 additional counties including Lee County to levy a maximum 1% sales surtax if a referendum is passed. The amendment allows the charter county to deposit surtax revenues into a trust fund, remit the revenues to an expressway or transportation authority, or apply them directly to permitted uses.

**December 2009:** On behalf of the MPO and LeeTran, a political pollster team comprising of Fallon Research & Communications, Inc. and Cornerstone Solutions, Inc. conducted a three (3) day telephone survey of 500 registered Lee County voters on December 1, 2009. The intent of this mass transit public opinion survey was to measure satisfaction and performance approval levels for the County's existing transportation infrastructure, determine public priorities for future transportation needs, and test levels of support for various aspects of a sales tax or an ad valorem tax that may be placed before voters for approval in order to determine viability and, importantly, the optimal time to place it on the ballot. Some of the important results from that survey are as follows:

- 64% agreed that improved and expanded public transportation systems will improve the quality of life in Lee County
- 54% supported a ½ cent increase in Lee County sales tax to pay for expanded and improved bus services.
- 56% supported a 1 cent increase in the Lee County sales tax to pay for commuter rail, expanded and improved bus services, more vanpools for residents with disabilities, walkways, bike paths, intersection improvements and road expansion in high traffic areas

## TRANSIT AUTHORITY HISTORY

- 70% opposed a property tax increase in order to pay only for expanded and improved bus services while 76% opposed a property tax increase for expanded and improved bus services, road expansion, bike paths, and vanpools.

**January 22, 2010:** Consistent with a recommendation from the TAOC, the MPO Board directed staff to take the next step with the transit authority and move forward to place a ballot measure for a 1 cent sales tax increase on the November 2012 Presidential Election ballot.

**May 14, 2010:** MPO Board approved an interlocal agreement between the MPO and the Lee County BOCC that included the county providing funding for the development of a transit authority. For the agreement to become effective, the MPO decision must be ratified by the BOCC.

**June 25, 2010:** TAOC weighed in with comments on provisions for a transit authority charter. The TAOC suggested that the composition of a future transit authority board be based on population and accordingly allocated 3 members each to Lee County and the City of Cape Coral, 2 members to the City of Fort Myers, and 1 member each to the Cities of Bonita Springs and Sanibel, and 1 member to the Town of Fort Myers Beach. They also felt that no more than 15% of the tax proceeds should be spent on non-transit related improvements. They also felt that veto powers for the municipalities are unnecessary.

**September 3, 2010:** TAOC questioned the need for a transit authority to provide the governance of transit operations in Lee County and recommended a dialogue with the BOCC to find an alternative solution. They supported the idea of the BOCC continuing to provide the governance and oversight of a transit system countywide.

**October 12, 2010:** Acting on Leetran staff recommendation, the BOCC decided against executing an interlocal agreement between the BOCC and the MPO to provide funding for development of a transit authority. It was decided that Leetran would present a Long Range Transit Vision Plan to the BOCC in 2011 and review alternatives to the creation of a transit authority and options of dedicated transit funding alternatives.

**Transit Task Force History and Status** (see report, power point and meeting information):

**December 18, 2015:** The MPO Board asked staff to provide a report at its February 19, 2015 meeting on all the work that was done by the MPO to create a transit authority until the end of 2010, and the work that was done over the last few year by the BOCC with the Transit Task Force.

## TRANSIT AUTHORITY HISTORY

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### TRANSIT AUTHORITY STUDIES/POLLS CONDUCTED IN LEE COUNTY SINCE 2002

1. *Long-Term Transit Governance and Funding Study, May 2002*
2. *The Pros & Cons of an MSTU in Lee County for Transit and Paratransit Services, June 2003*
3. *Short-Term Transit Funding Solutions for Lee County, July 2003*
4. *Transit Authority Consensus Building and Action Plan, January 2006*
5. *Economic Benefits of Transit in Lee County, April 2006*
6. *3 Day Public Opinion Survey on Mass Transit, December 2009*

Requests for a PDF copy of the listed documents above can be made by contacting Lee County MPO staff at 239 244 2220, or by email to [info@leempo.com](mailto:info@leempo.com).

FOR FURTHER INFORMATION ON THE LEE COUNTY TRANSIT AUTHORITY CONTACT DON SCOTT, MPO DIRECTOR, AT 239 338 2550 OR STEVE MYERS, LEETRAN DIRECTOR AT 239 533 0322.

# 2013

## Lee County Transit Task Force



Phase III – Final Report

LeeTran

1/1/2013





CONSENSUS CENTER

December 14, 2012

Doug Meurer, Interim County Manager  
Lee County Government  
P O Box 398  
Fort Myers, Florida 33902-0398

Re: Lee County Transit Task Force  
Phase III Final Report

Dear Mr. Meurer:

The FCRC Consensus Center has worked with the LeeTran Transit Task Force since February 2011 and the third phase of this effort is now complete. In this third phase, the Transit Task Force, at the request of the Board of County Commissioners, took the recommendations established in Phase II and formulated an implementation plan. This final report describes the work of the Task Force and includes their recommendations for moving forward.

We appreciated the opportunity to design the Task Force Process and to serve as facilitators for the Transit Task Force meetings. We look forward to assisting you in possible future efforts.

Sincerely,

Christian Pedersen,  
Program Director,  
FCRC Consensus Center at FSU

**FCRC Consensus Center**  
Florida State University  
2035 E. Paul Dirac Drive, Suite 236  
Tallahassee FL, 32310

## **Lee County Transit Task Force Phase III Final Report**

This report documents the third phase of work with the Lee County Transit Task Force, a group of private-sector representatives called together by the County Manager to address public transit issues in Lee County. The work of the Task Force was facilitated by the FCRC Consensus Center at Florida State University.

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This report contains the following information.

- Background
  - Task Force Participants
  - Task Force Recommendations
  - Task Force Mission and Task
  - The Process
  - Presentations made to the Task Force
  - Public Comment
  - Transit Special Management Committee (TSMC) Overview
  - Administrative Code for the TSMC
  - Draft Charter for Lee County Transit Authority
  - Contact Information
- 

### **Background**

At the January 10, 2011 Management and Planning meeting, the Lee County Board of County Commissioners directed the County Manager to call together representatives from the private sector to form a Transit Task Force. The Task Force was asked to provide recommendations on the immediate budget issues facing transit and assist with forming a long-term vision for transit in Lee County. At the May 9, 2011 Management and Planning meeting, LeeTran presented the recommendations of the Task Force which called for implementing revenue-neutral service reductions based on efficiency models along with strategic modifications and additions to service. The Board of County Commissioners accepted the Task Force's recommendations and directed staff to prepare an action item *blue-sheet* to implement the recommended changes. On June 7, 2011 through action item 20110436, the Board adopted the Task Force's recommendations and directed staff to implement service changes with the start of fiscal year 2011/2012. The Board further directed the Task Force to continue in Phase II with the formation of a long-term vision for transit in Lee County.

The Transit Task Force accepted this directive from the County Commissioners and proceeded to study transit options, long-term funding strategies and growth plans for transit. Task Force members looked specifically at addressing the future role and sustainability of transit, undertaking comprehensive reviews of available funding, management goals, local policy and priorities. This work included analysis of Lee County's Long-Range Transportation Plan, Lee County Comprehensive Plan and LeeTran's Transit Development Plan.

After this extensive review, the Task Force again issued specific recommendations to the Board of County Commissioners which are detailed in the Task Force's Phase II Final Report. This report was delivered to the County Commissioners in an open forum workshop on February 27, 2012. At this workshop the Board and Task Force members discussed the work completed under Phase II and Task Force members presented their final recommendations regarding a long-term vision for transit in Lee County. The recommendations presented at the workshop provided long-term strategies for creating a robust and balanced, tailored network of transit services to serve the residents and visitors of Lee County. The Task Force also recommended working towards forming an authority and pursuing a stable funding source to expanding transit in Lee County.

Based on the discussion at the workshop and the Task Force's recommendations, the Board of County Commissioners again asked members of the Task Force to continue in their service to Lee County and develop an implementation plan to further guide the process. This final report for the work completed by the Task Force in Phase III provides that guidance to the Board of County Commissioners.

## **Task Force Participants**

At the direction of the Board of County Commissioners, the County Manager's Office reached out to the private sector asking for their participation on this Task Force. The private sector responded, graciously giving their time, effort and dedication to studying the complexity of public transportation in Lee County. Many of our Task Force members serve Lee County in other roles. We are proud to have representatives who in addition to representing key private employers, also work as members of the Horizon Council and the Chamber of Commerce. We extend our most sincere thanks for the continued participation, support and effort of the following members and their organizations.

Nikki Sheets, *Alorica, Inc.*

Dan Moser and Ann Pierce (alternate), *Bike-Walk-Lee*

Kevin Anderson, *Chico's*

Colleen DePasquale, *Greater Fort Myers Chamber of Commerce*

David Plummer, *David Plummer and Associates*

Johnny Limbaugh, *Florida Department of Transportation, District One*

Barrett Gensen, *Florida Gulf Coast University*

Glee Duff, *Good Wheels, Inc. Lee County's Community Transportation Coordinator*

Russell Schropp, *Henderson, Franklin, Starnes and Holt, PA*

Dr. Judith Hartner, *Lee County Health Department*

Matt Olivo, *LYNX Services*

Ron Tennant and Jeff Little (alternate), *Publix Supermarkets*

Russell Ringland, *Ringland Construction, Inc.*

Karen Anderson and Justin Schiff (alternate), *Shell Point Retirement Community*

Jeannine Joy and Cliff Smith (alternate), *United Way of Lee County*

Lee Ford, *21<sup>st</sup> Century Collaboration Economic Development*

Edd Weiner, *Lehigh Acres Economic Development*

Additionally, other interested parties participated in the process and are recognized for serving as a resource to the task force.

Don Scott, *Lee County Metropolitan Planning Organization*

Richard Shine and Julia Davis, *Florida Department of Transportation District One Office*

## **Task Force Recommendations**

### Recommendation 1

The LeeTran Transit Task Force recommends that the BOCC form the Transit Special Management Committee (TSMC) as described in the TSMC Overview and the Administrative Code for the TSMC. The TSMC Overview was prepared by the LeeTran Transit Task Force and the Administrative Code for the TSMC was prepared by the Lee County Attorney's Office.

### Recommendation 2

The LeeTran Transit Task Force recommends that the BOCC authorize the TSMC to finalize the Draft Charter for an Independent Transit Authority in Lee County by meeting with the municipalities in Lee County. The Draft Charter was prepared by the LeeTran Transit Task Force.

### Recommendation 3

The LeeTran Transit Task Force recommends that the BOCC schedule a workshop in the end of May 2013 for a presentation by the TSMC. The TSMC will present the Draft Charter for an Independent Transit Authority in Lee County and present the results of their meetings with the municipalities in Lee County concerning the Draft Charter.

### Recommendation 4

The LeeTran Transit Task Force recommends that the BOCC authorize the TSMC to develop a scope of work with a corresponding budget for a Public Education Plan on the value and benefits of an Independent Transit Authority in Lee County. The Public Education Plan will be brought back to the BOCC for formal approval.

### Recommendation 5

The LeeTran Transit Task Force recommends that the BOCC authorize the TSMC to develop a scope of work with a corresponding budget for a Marketing Plan on the value and benefits of an Independent Transit Authority in Lee County. The Marketing Plan will be brought back to the BOCC for formal approval.

## **Task Force Mission and Tasks**

At the direction of the Board of County Commissioners during the February 27, 2012 workshop, the Task Force set out to develop an implementation plan for recommendations developed in Phase II as follows.

- Recommendation 1 – Continue to meet to develop the concept of a Transit Authority, including funding sources, governance and responsibilities
  - Address formation of the charter and board composition.
  - Include representatives from municipalities and other interest groups not currently represented on the Task Force. The Task Force recommended precluding anyone in elected office, or running for elected office from service on the Task Force.
  - Continue working through the Office of the County Manager.
- Recommendation 2 – The Board should continue to fund LeeTran at current service levels or better, until such time as sustainable funding is in place.
- Recommendation 3 – Continue to allow the FCRC Consensus Center to facilitate the continued work of the Task Force.

On June 28, 2012 the Task Force reconvened to review its mission and task, creating a work plan that identified objectives for Phase II and developed an initial list of topics to further explore.

In previous work, the Task Force examined an extensive array of funding options. Analysis of various funding mechanisms including special taxing districts, gas and sales tax, millage rates increases, local option surtax, general fund allocation, local infrastructure surtax and legislatively created special funding districts were all examined in depth. During Phase II, the Task Force showed strong support for a sales surtax or the creation of a legislatively created Special Funding District to pay for the 10-Year Transit Development Plan.

The Task Force also supported the creation of a Transit Authority in Lee County to guide the process of establishing a stable funding source for transit. The Task Force acknowledged a substantive effort was necessary to build support for the effort and give voice and representation to other stakeholders.

With this charge, the Task Force set a series of six meetings and a work plan. Roles and guidelines were established for the facilitator, participants and county staff. A consensus and decision making process was adopted into the work plan. Meetings were scheduled and held on June 28, July 26, August 23, September 27, October 25 and November 29.

As part of the research necessary to make a fully informed decision, the Task Force called for a detailed presentation on the creation of transit authority boards, both dependent and independent. Various methodologies for appointing representatives to the authority board were reviewed, including some already in place around the state.

The Task Force considered the challenge of including municipalities on the board and how best to address effective representation on transit matters. Various examples of boards and representation mixes were examined. The Task Force included in their discussion various mechanisms for addressing appointments to the board and the need to allow for participation by the community. The Task Force felt strongly that the work and the goals of the committee going forward should be representative of the business community and the public. There was a strong appreciation for the political climate in which these recommendations were being developed. In response, the Task Force felt strongly that the leadership role in transit needed in part to remain with those who are non-elected officials.

As part of the charge under this phase, the Task Force prepared a draft charter as a starting point for discussions with the Commissioners, municipalities and the public at large. The Task Force considers the draft language as an invitation to partners who wish to be stakeholders and participate in the success of transit in Lee County. It is meant to create a dialogue and is open to change. The Task Force recognizes its success is based on its final adoption by a larger group.

In preparation for the future work needed in this effort, the Task Force worked diligently at creating a structure for the interim steps. The creation of a special management committee, similar to others already in operation in Lee County was recommended. A significant amount of thought and concern was invested in the proposed committee structure. The intent is to create a committee to provide additional oversight on transit matters and to make policy recommendations to the Board of County Commissioners. This includes annual reporting requirements that address transparency and accountability in the interest of the public trust.

The Transit Task Force also considered the greater effort needed to establish champions for transit. Champions should come not only from the political leadership, but also from private sector leaders in the community who work continually to improve the quality of life, long-term economic viability and be inclusive of the investments needed to build a resilient community for residents and visitors alike. The success of the effort must be grounded in a cohesive and inclusive effort which is shared, advanced and driven by all five municipalities and the county.

Finally, the Task Force members expressed strong interest in continuing their service. There is strong support for the continued education of public officials, the business community and the general public on the role of transit and the Task Force. Looking forward, the Task Force recognized the effort will have some cost associated with marketing, outreach and educational efforts. This recognition speaks to the additional work needed for this effort to be successful.

## The Process

Throughout the process, facilitators from the FCRC Consensus Center worked to maintain a cooperative climate for discussion, assisting the group with decision-making and goal setting. The facilitator sought to actively encourage open and balanced participation, providing various methods and opportunities for communication and feedback. Each meeting included an opportunity to discuss topics and issues not on the agenda and an opportunity to request additional information.

Lee County staff served to facilitate information, providing documents, resources and data as requested. Representatives from the County Manager's Office, Budget Services, Sustainability and LeeTran assisted with developing presentations, background information and with meeting logistics.

During Phase III, the Transit Task Force sought to build on the work completed during previous meetings. The members participating in this phase had acquired a substantive understanding of the transit department's guiding documents, operating analysis and various studies including access to the following documents.

- 2012 Transit Development Plan
- Florida Department of Transportation Transit Resource Guide 2005
- 2005 Transit Development Plan
- Lee Plan: New Horizon 2035 Evaluation and Appraisal Report
- LeeTran Comprehensive Operational Analysis, December 2010
- Lee County MPO Long Range Transportation Plan, December 2010
- Long Term Transit Funding and Governance Study, May 2002
- Pros and Cons of Local Funding Sources for Transit and Paratransit, June 2003
- Short Term Transit Funding Solutions for Lee County, July 2003
- Transit Authority Consensus Building Action Plan, January 2006
- Economic Benefits of Transit in Lee County, April 2006
- Lee County Bus Rapid Transit Feasibility Study, April 2008
- 3-day Public Opinion Survey on Mass Transit, December 2009

Members of the Transit Task Force were facilitated in refining recommendations for presentation to the County Manager's office and ultimately, to the Board of County Commissioners. The goal was to develop recommendations which represented unanimous approval by the Task Force membership.

Lee County contracted the services of Tindale Oliver and Associates which provided assistance in conducting research and technical support. In cooperation with Tindale Oliver and Associates, Cornerstone Solutions assisted in presenting.



## **Presentations Made to the Transit Task Force**

LeeTran staff presented an overview of Lee County Advisory Committees. This presentation included a review of Administrative Code AC-2-3. The Airport Special Management Committee was reviewed as an example of a functioning advisory committee. Other committees including the Tourist Development Council and Library Advisory Board were also discussed.

Tindale Oliver and Associates gave an overview of Transit Authorities, detailing regional transit authorities and special districts. The presentation explained the governance structure, funding source and board composition requirements necessary for a functional structure. Legislation adopted in the State of Florida including those created in Hillsborough, Polk, Pinellas, South Florida, Central Florida and Jacksonville was reviewed and discussed. The presentation included various methods of board composition including population-based representation. The presentation allowed for comparison of how different models of representation could potentially represent Lee County municipalities.

Tindale Oliver and Associates presented the Transit Authority Action Plan adopted by the Lee County MPO. The presentation included a review of some of the work already undertaken by LeeTran and the MPO. For discussion purposes, a copy of the legislation establishing the Polk Transit Authority was presented to the Task Force and reviewed as a possible model for Lee County.

In cooperation with Tindale Oliver and Associates, Cornerstone Solutions presented "Strategies for Winning at the Ballot Box on Transit Funding Issues." This presentation looked at successful ballot measures and outlined requirements for undertaking the process of bringing an initiative to the public.

## **Transit Special Management Committee (TSMC) Overview**

Key characteristics of the TSMC are summarized below.

- TSMC will serve as a Dependent Transit Authority and lead the transition to an Independent Transit Authority.
- TSMC will be a planning and oversight committee.
- TSMC will make recommendations to the BOCC on any transit matters.
- TSMC will have some similarities to the Airport Special Management Committee.
- Initial TSMC members will be appointed by BOCC from the Transit Task Force. Members will serve 3-year terms.

Duties of the LSMC will include the following.

- Adopt operating procedures for the TSMC.
- Lead the transition to an independent transit authority.
- Implement preferred funding for an independent transit authority.
- Implement a preferred governance structure for an independent transit authority.
- Continue the process of implementation of the independent transit authority charter.
- Draft the independent transit authority by-laws.
- Oversee the legislative approval process.
- Review local public transportation services plans.
- Serve as a forum for addressing and resolving countywide or regional public transportation issues.
- Make recommendations on policy and budget for transit operations.
- Oversee market research and voter education efforts to support a referendum campaign.
- Develop and implement strategies to include municipalities and the public in the process of transition to an independent transit authority.

Other Key Points

- The TSMC will be a separate body whose focus will be public transportation with primary emphasis on transit.
- All existing ad valorem transit funding will move to the TSMC (with final budget approval by the BOCC).
- The millage rate for transit will be listed separately on the tax bill.
- LeeTran and other Lee County Departments will provide staffing support to TSMC.
- The Lee County Transit Task Force has initiated several of the TSMC major duties and responsibilities.
  - Identification of a preferred funding source
  - Identification of a preferred governance structure
  - Development of the transit authority charter

- Development and/or review of local public transportation services plan including the TDP and the LRTP

### TSMC Membership

The Committee may have 13 members. The initial members of the Committee will be drawn from the LeeTran Transit Task Force. The Task Force members have shown commitment and dedication to the development of transit in Lee County by serving for 18 months on the Transit Task Force. They have become knowledgeable about transit and they have laid the groundwork for many of the responsibilities facing the TSMC.

### Representation

LeeTran Task Force members represent a broad spectrum of the community and are knowledgeable in areas of interest that will be beneficial to the future of transit. Committee members represent the following areas of interest: Chambers of Commerce, Business, Higher Education, Healthcare, Economic Development, Law, Engineering, Transportation Disadvantaged, Bicycles and Pedestrians, Transit Users, and Sustainability and Complete Streets. Committee members are geographically dispersed throughout the county.

### LeeTran Task Force Candidates

The following Lee County Transit Task Force members have volunteered to serve as the initial members of the LSMC: Colleen DePasquale, Lee Ford, Edd Weiner, Russell Schropp, David Plummer, Glee Duff, Ann Pierce, Matt Olivo, Dan Moser, Nicky Sheets and Jeff Little.

### Non-Voting Members

FDOT and MPO will each appoint a staff person to serve as an advisory member on the TSMC.

## **Administrative Code for TSMC**

ADMINISTRATIVE CODE BOARD OF COUNTY COMMISSIONERS

CATEGORY: Transportation and Traffic Management

CODE NUMBER: AC- 11-20

TITLE: Transit Special Management Committee

OPERATING DEPARTMENT: Transit

### **SECTION 1: Name**

The name of the Committee will be the Lee County Transit Special Management Committee (“Committee”).

### **SECTION 2: Intent/Purpose/Scope**

The intent of this Administrative Code is to establish procedures for the creation and function of the Committee. The primary purpose of the Committee is to make recommendations to the Board of County Commissioners in matters related to transit policy, issues, programs and plans for the establishment of a special district under Florida Statutes Chapter 189 to provide mass transit services to the citizens of Lee County, and to develop a sustainable funding source for the same. The scope of work to be performed by the Committee will include, but not be limited to, the following:

- A. To review and make recommendations to the Board of County Commissioners (by a majority vote at a public meeting) regarding transit policy, issues, programs and plans that will support the purpose as set forth herein.
- B. To evaluate established policies, procedures, ordinances and development regulations and make recommendations in support of efficient and effective public transit for the future.
- C. To serve as a forum for advancing countywide public transportation with the development of a regional transit authority.
- D. To annually report to the Board of County Commissioners a program plan as provided in the Transit Development Plan.
- E. To annually report to the Board of County Commissioners a work plan detailing the goals and objectives of the Committee to be undertaken for the following year.

### **SECTION 3: Governing Rules**

This is a standing committee. Except as otherwise provided herein, all meetings of the Committee will be governed by Roberts Rules of Order and Lee County Administrative Code AC 2-3.

### **SECTION 4: Membership**

- A. The Committee will consist of 13 (thirteen) members as follows:
  1. The Committee will have 11 (eleven) members appointed by the Board of County Commissioners, in the manner as set forth below.
  2. A staff member of the Lee County Metropolitan Planning Organization will serve on the Committee, holding a non-voting, advisory seat.
  3. A member of the Florida Department of Transportation will serve on the Committee, also holding a non-voting, advisory seat.
- B. Members will serve without compensation.
- C. Members must comply with the provisions of Chapters 112, 119 and 286 of the Florida Statutes. As such, no member of the Committee shall have any financial interest or conflict of interest in the outcome of any matter coming before such member in their official capacity. Any member must disclose on the record the existence of any interest and must disqualify himself from voting or taking

action on any such matters presented to the Committee. Members will be required to complete the annual financial disclosure forms required by County Code.

D. Appointments:

1. Initial appointments to the Committee will be nominated from the LeeTran Transit Task Force first seated by the County Manager in 2011. Thereafter, members will be appointed by the Board of County Commissioners in the manner as set forth below.
2. Members will represent a broad spectrum of the community and the private sector and who have demonstrated a commitment to future of public transit in Lee County. Members will represent the following sectors: Chambers of Commerce, private sector interests and businesses, higher education, health care, economic development, law, engineering, transportation disadvantaged, bicycle and pedestrian, transit users, Sustainability and Complete Streets or other closely related interests.
3. All geographic sectors of Lee County will be represented.

E. Terms:

1. Members will serve a 3 (three) year term at the pleasure of the Board of County Commissioners.
2. Members may be reappointed to consecutive terms. 3. Upon establishment, one-half of the Committee will be appointed for one-year and half will be appointed for two-years commencing with the Committee's anniversary month of establishment. Odd number members will be appointed for the term that will allow the expiration in an odd year.
4. All appointments after the Committee has functioned for one-year will be for a 3 (three) year term.

F. The anniversary month of the Committee shall be the month the Committee is first established.

G. The County Liaison will be the director of the Transit Department.

H. Attendance, Resignations and Vacancies:

1. A member who is absent from three meetings within a twelve (12) month period is deemed to have resigned.
2. A member desiring to resign should submit a written resignation to the Committee Chair, the Transit Director, or the Transit Staff member assigned to the Committee, for appropriate processing.
3. Vacancies in the membership of the Committee will be filled in the same manner provided for in their original appointment. A replacement for a resigned member will complete the unexpired portion of the resigning member's term.

## **SECTION 5. Officers**

To provide guidance and leadership for the Committee, a Chair, Vice-Chair and Secretary will be elected by a vote of the Committee and each will serve a term of one year commencing with the first regularly scheduled meeting. Thereafter, Officers will be elected annually on the Committee's anniversary month. Terms of office may not exceed two successive one-year terms for the Chair or Vice-Chair.

A. Officers of the Committee will have the following duties:

1. Chair: To chair all meetings. The Chair will sign meeting minutes, along with the Secretary, upon approval by the Committee, and will perform all other duties incidental to the office as proscribed by the Committee.
2. Vice-Chair: In the absence or inability of the Chair, the Vice-Chair will preside over the meeting and assume all other duties as may be necessary in the absence of the Chair.
3. Secretary: In the absence of the Chair and Vice-Chair the Secretary will preside over the meeting. The Secretary will ensure that the minutes are properly recorded and will sign them, along with the Chair, upon approval by the Committee.

B. If a vacancy exists in any of the above offices, the Committee will elect a new officer to fill the unexpired term of the vacated office.

## **SECTION 6: Meetings, Notice and Quorum**

- A. Meetings will be open to the public and held a public location accessible to public transportation.
- B. At a minimum, notice for each meeting will be provided by posting in the first floor lobby of the County Administration Building, 2115 Second Street, Fort Myers, Florida, and on the County's Website at [www.lee-county.com](http://www.lee-county.com). When necessary for a public hearing, notice will also be published in the appropriate media.
- C. All Committee records are public records.
- D. Meetings will be called by the Chair, by the Board of County Commissioners and/or the County Staff Liaison.
- E. The Committee will meet regularly, at least once per month. The Committee may meet at any other time as directed by the Committee Chair or upon request of three (3) or more of its members.
- F. Seven or more voting members of the Committee will constitute a quorum.
- G. A simple majority of votes is necessary for adoption. H. Voting by proxy is not permitted. Members must be physically present for purposes of determining a quorum and voting.

## **SECTION 7: Duties of the Committee**

- A. The Committee will be an advisory and review board to the Board of County Commissioners on those transit issues and matters to advance the Purpose/Scope of this Committee as set forth in Section 2 herein.
- B. The Committee will have a general advisory responsibility to the Board of County Commissioners, and provide recommendations, directions, plans, objective and/or comments to the Board of County Commissioners on a regular basis as determined by the Board.
- C. The Committee will review, analyze, evaluate and in a timely manner, recommend actions to the Board of County Commissioners on those transit issues and matters to advance the Purpose/Scope of this Committee as set forth in Section 2 herein.
- D. The Committee will provide the Board of County Commissioners with recommendations, plans, objectives, recommended actions and/or comments, in writing, for the Board of County Commissioners ratification or denial.

## **SECTION 8: Subcommittees**

- A. The Committee may create, from time to time, such subcommittees as it shall find be necessary or desirable to carry out the functions, purposes and objectives of the Committee.
- B. Members of such subcommittees will be appointed by the Committee for such term and will have qualifications as the Committee determines necessary. A Committee member's term on a subcommittee may not exceed their respective term on the Committee.
- C. A subcommittee must include at least one member of the Committee.
- D. Subcommittee meetings are also subject to Florida Statutes Section 286.11, Government in the Sunshine, and must be open to attendance by the public in the same manner as a meeting by the Committee, including notice.
- E. Any such subcommittee may be dissolved by a vote of the Committee.
- F. The Committee may remove any subcommittee member with or without cause by an affirmative vote.
- G. Any such subcommittee will be subordinate to the Committee.

## **SECTION 9: Staff Support**

Staff support will be provided by the Lee County Department of Transit (Lee Tran). Staff will be a liaison between the Committee and the Board of County Commissioners. Staff is responsible for advertising or posting notice for official Committee meetings. Staff will attend Committee meetings, assist in the

preparation of minutes and will ensure that the minutes are filed with the Lee County Public Resources Office and other offices prescribed by Lee County Administrative Code AC 2-3.

**SECTION 10: Sunset**

It is intended for this Committee to be sunset upon the formation of a Special District for the purpose of providing mass transit services to the citizens of Lee County or by vote of the Board of County Commissioners during a regularly scheduled Board meeting.

**Attachment 1 New Committee Checklist**

Established by

- Ordinance  Resolution  Board Action  Administrative Code  Interlocal Agreement  Florida Statute  Other

Category

- Standing  Special (with Sunset Date)

Committee Name

- Transit Special Management Committee

Number of Members

- 

How Appointed

- At Large  At Large/At Large by Category  Category  District Sensitive  District Sensitive/At Large by Category/At Large  District Sensitive/by Category  District Sensitive/District Rotating  At Large/City Rotating  Not Board appointed  Other

List Categories and District Specific Appointments

Length of Term

Form 1 Financial Disclosure Required

Anniversary Month

County Liaison

Lee County Transit Department Director 6035 Landing View Road Fort Myers, Florida 33907 (239)533-0322

Sunset Date

Purpose

## **Draft Charter for Lee County Transit Authority**

*(This parenthetical is an introduction to, but not part of, this draft charter. This charter was developed by the LeeTran Task Force. The LeeTran Task Force was comprised of citizens primarily from the private sector throughout Lee County and also from non-profits and government. Their charge from the Lee County Manager was to develop recommendations for a sustainable transit system to serve the citizens of Lee County. This draft charter offers a framework for a governance structure and sources for sustainable funding so that transit can continue to serve the citizens of Lee County well into the future. This draft charter was unanimously approved at the final meeting of the LeeTran Task Force on November 29, 2012.)*

### **Section 1 – Definitions**

As used in this act, unless otherwise specified:

- (1) “Authority” means the Lee Transit Authority.
- (2) “Board” and “board of directors” mean the Lee County Transit Authority Board of Directors.
- (3) “County” means Lee County.
- (4) “Director” means a member of the board of directors of and for the authority.
- (5) “Mass transit” means a system used for the transportation of people and goods by means of a street railway, an elevated railway, a commuter railroad, a subway, motor vehicles, motor buses, and other transportation facilities whether now or hereafter invented, and including a complete system of tracks, stations, rolling stock, and other facilities necessary to effectuate passenger and goods conveyance.

### **Section 2 - Authority, Creation, Boundaries, Charter Amendments**

(1) There is hereby created an independent special district for purposes of providing mass transit services to the citizens of Lee County, incorporating lands in Lee County described in subsection (2), which shall be a public corporation having the powers, duties, rights, obligations, and immunities herein set forth, under the name of the Lee Transit Authority. The authority is organized and exists for the purposes and shall hold all powers set forth in this act and chapter 189, Florida Statutes.

(2) The lands to be included within the authority are all lands in Lee County, whether incorporated or unincorporated.

(3) Subsequent to the activation of the authority, contiguous counties, municipalities, or other political subdivisions not participating initially may become members of the authority with the same benefits as the initial members, upon approval by a majority vote of the board.



### **Section 3 - Purpose**

The purpose of the authority shall be to plan, finance, acquire, construct, operate, and maintain mass transit facilities and systems, together with such supplementary transportation assistance as may be necessary or advisable to service the mass transit needs within the territorial boundaries of the authority and of such areas with which the authority may contract for service.

### **Section 4 - Governing Board**

#### **Membership and quorum**

(1) The business and affairs of the authority shall be conducted and administered by a board of fifteen voting directors and one advisory director. The presence of eight voting directors shall constitute a quorum for official business.

The fifteen members of the board of directors shall be appointed as follows: the Lee County Board of County Commissioners shall appoint two of its commissioners as members of the board and two non elected representatives from the community as members of the board; the Fort Myers City Council shall appoint one of its councilpersons as a member of the board and one non elected, representative from the city as a member of the board; the Fort Myers Beach Town Council shall appoint one of its councilpersons as a member of the board and one non elected, representative from the city as a member of the board; the Cape Coral City Council shall appoint one of its councilpersons as a member of the board and one non elected, representative from the city as a member of the board; the Sanibel City Council shall appoint one of its councilpersons as a member of the board and one non elected, representative from the city as a member of the board; and the Bonita Springs City Council shall appoint one of its councilpersons as a member of the board and one non elected, representative from the city as a member of the board; the Governor of the State of Florida shall appoint one non elected representative to serve as a member on the board.

In order to prevent all appointments from ending at the same time, the initial appointments shall be staggered: 5 members for one year, 5 members for 2 years, and 5 members for three years. After initial appointments, all appointments shall be 3 years.

Initial appointments shall be staggered as follows.

Lee County: one shall serve for one year, two shall serve for a 2-year term, and one shall serve for a 3-year term,

Cape Coral City: one shall serve for a 1-year term, and one shall serve for a 3-year term,

Fort Myers City: one shall serve for a 2-year term and one shall serve for a 3-year term,

Fort Myers Beach Town: one shall serve for a 1-year term and one shall serve for a 2-year term,

Sanibel City: one shall serve for a 1-year term and one shall serve for a 2-year term,

Bonita Springs City: one shall serve for a 1-year term and one shall serve for a 3-year term,

Governor: one shall serve for a 3-year term.

The Secretary of the Department of Transportation shall appoint the District One Secretary, or his or her designee, as an advisory member of the board.

### **Employment of personnel; compensation**

(2) The board may employ personnel as it deems necessary for the proper function and operation of the authority. The salaries of authority personnel, and any other wages, shall be determined by the board. The Director and staff of LeeTran will become the initial Director and staff of the authority.

### **Creation**

(3) Each appointed member of the board shall assume office 10 days following the member's appointment.

### **Compensation**

(4) The directors shall receive payment for actual expenses incurred while performing the duties of their office in accordance with general law governing per diem for public officials. The authority is empowered to adopt a resolution to exceed the state rates for per diem expenses. Directors may not receive compensation for their services.

### **Commissioners' bond**

(5) Each director, upon taking office and in accordance with chapter 189, Florida Statutes, shall execute to the Governor for the benefit of the authority a bond conditioned upon the faithful performance of the duties of the director's office. The premium for such bonds shall be paid from the funds of the authority.

### **Section 5 - Powers; functions; and duties**

(1) The authority shall have all powers to carry out the purposes of this act and the functions and duties provided for herein, including the following powers, which shall be in addition to and supplement any other privileges, benefits, and powers granted by this act or general law:

(a) To study, plan, design, establish, acquire, construct, own, lease, operate, manage, maintain, dispose of, improve, and expand the mass transit facilities and services within the boundaries of the authority.

(b) To execute all contracts and other documents, adopt all proceedings, and perform all acts determined by the board as necessary or advisable to carry out the purposes of this act. The chair, vice chair, or executive director shall execute contracts and other documentation on behalf of the authority.

(c) To fix, alter, levy, collect, and enforce rates, fares, fees, charges, penalties, and fines from persons or property, or both, for the provision and use of services, facilities, and products of the authority or to pay the operating or financing costs of the authority's facilities and services that are available to potential users.

(d) To contract for the service of engineers, accountants, attorneys, and other experts or consultants and such other agents as the board may require or deem appropriate from time to time.

(e) To acquire such lands and rights and interests therein; to acquire such personal property as the authority may deem necessary and appropriate in connection with the acquisition, ownership, expansion, improvement, operation, and maintenance of the authority's facilities; and to hold and dispose of all real and personal property under its control.

(f) To lease or rent any of its easements, real property interests, or facilities to other mass transit providers that are owned by a municipality, county, special district, or other government agency or that hold a franchise from a municipality or county, when such lease or rental is for joint use by the authority and the other provider.

(g) To exercise exclusive jurisdiction, control, and supervision over the authority's services and facilities and to make and enforce such rules and regulations for the maintenance, management, and operation of the authority and its facilities and services as may be, in the judgment of the board, necessary or desirable for the efficient operation of the authority in accomplishing the purposes of this act.

(h) To enter into Interlocal agreements or join with any other general or special purpose local governments, public agencies, or authorities in the exercise of common powers.

(i) To accomplish construction directly or by letting contracts to other entities, whether public or private, for all or any part of the construction of improvements to the authority's facilities as determined by the board in accordance with applicable law.

(j) To receive and accept from any federal or state agency grants or loans for or in the aid of the planning, construction, reconstruction, operation, promotion, or financing of the authority's facilities or services and to receive and accept aid, contributions, or loans from any other source of money, labor, or other things of value, to be held, used, and applied only for the purpose for which the grants, contributions, or loans may be made.

(k) To purchase or to assume ownership, lease, operation, management, or control of any publicly or privately owned mass transit facilities, including the assumption, defeasance, or payment of the financial liabilities associated with such facilities.

(l) To divide the authority facilities into separate units, benefit areas, or subsystems for the purpose of imposing special assessments; setting rates, fees, or charges; for accounting or financing improvements or additions; or for any other purpose.

(m) To appoint advisory boards and committees to assist the board in the exercise and performance of the powers and duties provided in this act.

(n) To sue and be sued in the name of the authority and to participate as a party in any civil, administrative, or other action.

(o) To adopt and use a seal and authorize the use of a facsimile thereof.

(p) To employ or contract with any public entity or person to manage and operate the authority and its facilities, or any portion thereof, upon such terms as the board deems appropriate.

(q) Subject to such provisions and restrictions as may be set forth in any financing documents, to sell or otherwise dispose of the authority's facilities, or any portion thereof, upon such terms as the board deems appropriate, and to enter into acquisition or other agreements to effect such dispositions.

(r) To acquire by purchase, gift, devise, or otherwise, and to dispose of, real or personal property or any estate therein.

(s) To provide such deferred compensation, retirement benefits, or other benefits and programs as the board deems appropriate.

(t) To maintain an office or offices at such place or places as the board may designate from time to time.

(u) To hold, control, and acquire by donation or purchase, or to dispose of any public easements, dedications to public use, platted reservations for public purposes, or any reservations for those purposes authorized by this act and to make use of such easements, dedications, and reservations for the purposes authorized in this act.

(v) To lease, as lessor or lessee, to or from any person, firm, corporation, association, or body, public or private, facilities or property of any nature to carry out the purposes authorized in this act.

(w) To borrow money and issue bonds, certificates, warrants, notes, obligations, or other evidence of indebtedness.

(x) To assess, levy, impose, collect, and enforce special assessments upon all or any portion of the lands located within the authority. Such special assessments may be apportioned among benefited property in a manner proportionate with the benefits received or commensurate with the burdens alleviated by the use of the property based upon such factors or combination of factors as determined by resolution of the board. Such special assessments may, in the discretion of the board, be imposed, collected, and enforced using any methods and procedures authorized by law, including section 197.3632, Florida Statutes; or the board may adopt by resolution its own method or procedures or use any

other method or means for levy, imposition, collection, and enforcement not inconsistent with law.

(y) To apply for and accept grants, loans, and subsidies from any governmental entity for the acquisition, construction, operation, and maintenance of the authority's facilities and services and to comply with all requirements and conditions imposed in connection therewith.

(z) To invest its moneys in such investments as directed by the board in accordance with state law. Such investments shall be consistent in all instances with the applicable provisions of the financing documents.

(aa) To purchase such insurance as the authority deems appropriate.

(bb) To develop transportation plans and to coordinate the authority's planning and programs with those of appropriate municipal, county, state, special district, and federal agencies and other political subdivisions of the state.

(cc) To prescribe and promulgate necessary rules and regulations consistent with the provisions of this act.

(dd) To market and promote the authority and its facilities and services.

(ee) To adopt a budget in accordance with applicable law and to appropriate and expend revenue in accordance with that budget.

(ff) To do all acts and to exercise all powers necessary, convenient, incidental, implied, or proper, both within and outside the boundaries of the authority, in connection with any of the powers, duties, obligations, or purposes authorized by this act, general law, or any Interlocal agreement entered into by the authority.

(2) In exercising the powers conferred by this act, the board shall act by resolution or motion made and adopted at a duly noticed and publicly held meetings in conformance with applicable law.

(3) The provisions of chapter 120, Florida Statutes, shall not apply to the authority.

(4) Nothing herein is intended to or shall be construed to limit the power of local self-government of a charter county or conflict with the Constitution of the State of Florida or the Lee County Home Rule Charter, which became effective on January 3, 1996.

(5) The authority's planning requirements shall be as set forth in this act and chapter 189, Florida Statutes.

(6) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for directors, officers, and employees shall be as set forth in this act and chapters 112, 119, 189, and 286, Florida Statutes.

## **Section 6 – Funding**

In order to provide funding for the purposes of the authority, the authority shall use ad valorem taxes and non-ad valorem assessments.

(1) The authority shall have the right, power, and authority to use proceeds from a sales tax within the boundaries of the authority, subject to approval by referendum of the qualified electors in the authority.

(2) The authority shall have the right, power, and authority to levy and assess an ad valorem tax on all taxable real property and tangible personal property within the boundaries of the authority, subject to approval by referendum of the qualified electors in the authority. The total amount of ad valorem taxes levied in any single year shall not exceed 3 mills. The authority shall set the annual millage up to 3 mills based on its annual budget. The authority shall levy and collect ad valorem taxes in accordance with chapter 200, Florida Statutes.

(3) The authority is authorized to levy and enforce the collection of fees for service and other non-ad valorem assessments in accordance with chapters 189 and 197, Florida Statutes.

## **Section 7 - Fiscal year**

The authority's fiscal year shall begin on October 1 and end on September 30.

## **Section 8 - Authority funds**

All funds of the authority shall be deposited in qualified public depositories in accordance with chapter 280, Florida Statutes.

## **Section 9 - Authority to borrow money; procedures and requirements for the issuance of bonds**

The board shall have the power and authority to borrow money or issue other evidences of indebtedness for the purposes of the authority in accordance with chapter 189, Florida Statutes. The board shall by resolution authorize the issuance of general obligation bonds payable from any lawful sources for construction of capital improvements or expansion purposes of the transit services that the authority exists to provide, subject to a referendum of the qualified electors of the authority in accordance with the requirements of general law.

(2) The authority is prohibited from lending its credit to corporations, associations, partnerships, or persons.

(3) The authority may finance or refinance the acquisition, construction, expansion, and improvement of such facilities relating to a governmental function or purpose through the issuance of its bonds, notes, or other obligations under this section or as otherwise authorized by law. The authority has all the powers that are necessary to finance, own, operate, or manage the public facility, including, without limitation, the power to establish rates, charges, and fees for products or services provided by it, the power to levy special assessments, the power to sell or finance all or a portion of such facility, and the power to contract with a public or private entity to manage and operate such facilities or to provide or receive facilities, services, or products.

(4) The authority may also issue bond anticipation notes in connection with the authorization, issuance, and sale of bonds. The bonds may be issued as serial bonds or as term bonds or both. The authority may issue capital appreciation bonds or variable rate bonds. Any bonds, notes, or other obligations must be authorized by resolution of the authority and bear the date; mature at the time, not exceeding 40 years from their respective dates; bear interest at the rate; be payable at the time; be in the denomination; be in the form; carry the registration privileges; be executed in the manner; be payable from the sources and in the medium or payment and at the place; and be subject to the terms of redemption, including redemption prior to maturity, as the resolution may provide. If any officer whose signature, or a facsimile of whose signature, appears on any bonds, notes, or other obligations ceases to be an officer before the delivery of the bonds, notes, or other obligations, the signature or facsimile is valid and sufficient for all purposes as if he or she had remained in office until the delivery. The bonds, notes, or other obligations may be sold at public or private sale for such price as the authority shall determine in accordance with chapter 189, Florida Statutes. Pending preparation of the definitive bonds, the authority may issue interim certificates, which shall be exchanged for the definitive bonds. The bonds may be secured by a form of credit enhancement, if any, as the authority deems appropriate. The bonds may be secured by an indenture of trust or trust agreement. In addition, the authority may delegate to an officer, official, or agent of the authority as the governing body of the authority may select, the power to determine the time; manner of sale, public or private; maturities; rate of interest, which may be fixed or may vary at the time and in accordance with a specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the governing body of the authority. However, the amount and maturity of the bonds, notes, or other obligations and the interest rate of the bonds, notes, or other obligations must be within the limits prescribed by the governing body of the authority and its resolution delegating to an officer, official, or agent the power to authorize the issuance and sale of the bonds, notes, or other obligations.

(5) Bonds, notes, or other obligations issued under this section may be validated as provided in chapter 75, Florida Statutes.

(6) The accomplishment of the authorized purposes of the authority is in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. Since the authority will perform essential governmental functions in accomplishing its purposes, the authority is not

required to pay any taxes or assessments of any kind whatsoever upon any property acquired or used by it for such purposes or upon any revenues at any time received by it. The bonds, notes, and other obligations of the authority, their transfer, and the income therefrom, including any profits made on the sale thereof, are at all times free from taxation of any kind by the state or by any political subdivision or other agency or instrumentality thereof. The exemption granted in this paragraph is not applicable to any tax imposed by chapter 220, Florida Statutes, on interest, income, or profits on debt obligations owned by corporations.

**Section 10. Board action; compliance with open government laws and public records laws; authority to adopt policies and regulations**

(1) A record shall be kept of all meetings of the board and in such meetings a majority vote of the directors, providing that a quorum is present, shall be necessary for any affirmative action by the board.

(2) The board shall comply with chapter 286, Florida Statutes, to preserve the right of the people to attend public meetings.

(3) The board shall comply with the public records laws set forth in chapter 119, Florida Statutes, to preserve the right of the people to access public records.

(4) The board may adopt policies and regulations not inconsistent with any portion of this act or chapter 189, Florida Statutes, as it may deem necessary for the transaction of its business and in implementing and carrying out the provisions of this act. The board shall have authority to provide all things necessary for the operation of transit services in the authority.

**Section 11.** This act shall be liberally construed to promote the purpose for which it is intended.

**Section 12.** In the event that any part of this act should be held void for any reason, such holding shall not affect any other part thereof.

**Section 13.** This act shall take effect upon becoming a law, except that the provisions of subsection (1) and subsection (2) of section 6 shall take effect only upon express approval by a majority vote of those qualified electors of the area described in subsection (2) of section 2 voting in a referendum to be called by the Lee Transit Authority and held in accordance with the provisions of law currently in force.



## **Public Comment**

The Transit Task Force and the facilitators recognized the importance of providing for public comment. A process was provided for soliciting public comment which included calls at each meeting for anyone wishing to speak or address the group. Published agendas included on the first page information for providing comment through LeeTran's website [www.rideleetrans.com](http://www.rideleetrans.com) or through LeeTran's customer service line. Further, each meeting provided written comment cards which allowed for either written comment or contact information for providing public comment. All scheduled meetings were also noticed on Lee County's Official Web Site and on social media.

All meeting materials including agendas, meeting notes, facilitator's summary, presentations and handouts were made available on LeeTran's website.

## **Contact Information**

This report was prepared in coordination with Lee County staff. For more information about this process and this report visit [www.rideleetrans.com](http://www.rideleetrans.com) or contact the following individuals.

### **FCRC Consensus Center Facilitator**

Christian Pedersen, Program Director  
FCRC Consensus Center  
(850) 694-1577  
[cpedersen@fsu.edu](mailto:cpedersen@fsu.edu)

### **Lee County Government**

Doug Meurer, Interim County Manager  
Lee County Administration  
P O Box 398  
Fort Myers, Florida 33902  
Telephone (239) 533-2221

Holly Schwartz, Assistant County Manager  
Lee County Administration  
P O Box 398  
Fort Myers, Florida 33902  
Telephone (239) 533-2221

### **Lee County Transit Department - LeeTran**

Steven L. Myers, Transit Director  
LeeTran  
6035 Landing View Road  
Fort Myers, Florida 33907  
Telephone (239) 533-8726

*Note – the complete report includes several exhibits including copies of meeting agendas, summary documents prepared by the FCRC, meeting notes prepared by staff, sign-in sheets and copies of presentations prepared for each meeting.*



**BOARD MANAGEMENT AND PLANNING AGENDA**  
**MONDAY – JANUARY 14, 2013**  
**1:30 – 4:00 PM**  
**COMMISSION CHAMBERS**

- 1. BURNT STORE ROAD WIDENING PROJECT**  
**PRESENTER:** David Loveland, Department of Transportation  
Council Member Kevin McGrail, Cape Coral City Council, District 6  
**TIME REQUIRED:** 40 Minutes
  
- 2. EXPARTE COMMUNICATIONS ON ZONING CASES**  
**PRESENTER:** County Attorney with Board Discussion  
**TIME REQUIRED:** 30 Minutes
  
- 3. FORMAT, TIMING AND TOPICS OF FUTURE BOARD WORKSHOPS**  
**PRESENTER:** Board Discussion  
**TIME REQUIRED:** 15 Minutes
  
- 4. LEE ENERGY EFFICIENCY FINANCE (LEEF) PROGRAM DEVELOPMENT/PACE (PROPERTY ASSESSED CLEAN ENERGY) UPDATE**  
**PRESENTER:** Tessa LeSage, Sustainability  
**TIME REQUIRED:** 30 Minutes
  
- 5. NPDES PERMIT RELATED ISSUES CONCERNING INTERLOCAL AGREEMENTS AND LAND DEVELOPMENT CODE MODIFICATION**  
**PRESENTER:** Roland Ottolini, Natural Resources  
**TIME REQUIRED:** 30 Minutes
  
- 6. TRANSIT TASK FORCE – PHASE III FINAL REPORT**  
**PRESENTER:** Steven L. Myers, Transit  
**TIME REQUIRED:** 25 Minutes
  
- 7. IMPACT FEE DISCUSSION**  
**PRESENTER:** Board Discussion  
**TIME REQUIRED:** 15 Minutes

**BOARD COMMENTS/DISCUSSION**

**ADJOURN**

This agenda and backup may be obtained from [www.lee-county.com](http://www.lee-county.com) or from  
Lee County Public Resources (239) 533-2737.  
The Management and Planning Meeting is televised live on Comcast cable channel 97.

**MANAGEMENT & PLANNING COMMITTEE  
AGENDA REQUEST FORM  
COMMISSION DISTRICT # ALL**

**PRESENTED BY:**  
Steven L. Myers, Director, Transit Department

**REQUESTED BY:**  
Steven L. Myers, Director, Transit Department

**TITLE OF ITEM FOR THE AGENDA:**  
Transit Task Force – Phase III Final Report

**1. DESCRIPTION AND OBJECTIVE OF THE ISSUE**

At the direction of the Board, the County Manager invited members of the private sector to participate in a task force focused on transit issues. The Task Force met during 2011, studying long-range transit planning, reviewing financial goals and participating in the development of a long term vision for the role of transit in Lee County. The Task Force issued a Phase II Final Report in October 2011 with recommendations to Commissioners.

In February 2012, Commissioners met with the Task Force in a workshop to discuss the recommendations. At the workshop, the Task Force was directed to continue working towards the creation of a transit authority with a dedicated funding source and return with recommendations towards implementation.

The Transit Task Force Phase III Final Report is attached. A complete list of Task Force reports, meeting summaries and presentations can be viewed at [www.rideLeeTran.com](http://www.rideLeeTran.com)

Objective: The objective of this M&P item is to update the Commissioners on the current work of the Task Force, to present an action plan based on the recommendation to create an independent authority with a dedicated funding source for Transit in Lee County and receive further direction on this initiative.

**2. PROPOSE POLICY, PROCEDURE OR PLAN OF ACTION**

Work towards the creation of a independent authority with a dedicated funding source for transit through the following work plan:

- Create a Transit Special Management Committee (TSMC) in the Lee County Administrative Code
- Finalize a draft Charter for the creation and formation of a Transit Authority, with input from the municipalities
- Schedule a Board Workshop in May, 2013 for a presentation by the TSMC of the draft Charter
- Develop an education plan and budget to instruct the public about the authority and the need for a dedicated funding source
- Develop a marketing plan and budget to facilitate passage of the tax referendum
- Direct staff to continue working with the Task Force to implement recommendations

**3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)**

Pro

- Continues the work of the Transit Task Force
- Works towards creating a dedicated funding source for transit which includes the formation of an authority

Cons

- Requires funding to commence outreach efforts to the community

**4. FINANCIAL IMPACTS/FUNDING SOURCE**

5. **STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS**

Create the Transit Special Management Committee with the aforementioned action plan.

6. Mandated: Y N

BY WHAT AUTHORITY?

DEPARTMENT DIRECTOR SIGNATURE

COUNTY MANAGER SIGNATURE

MEETING DATE

TIME REQUIRED

*Stam V My*

*[Handwritten Signature]*

1-14-13

25 min.

# Lee County Transit Task Force

History & Phase 3  
Recommendations

Jan. 14, 2013

Steve Myers, Transit Director

# Background History

Over a 10-year period (2000-2009), the MPO:

- Completed a Long-Term Transit Funding & Governance Study
- Conducted a Short-Term Transit Funding Solutions Study
- Formed a Transit Authority Oversight Committee
- Executed interlocal agreements between all 5 municipalities and the county in support of an Independent Transit Authority

# Background History

2010:

- The MPO voted to discontinue its effort to create a transit authority, and
- The BOCC directed county management to establish a Transit Task Force with private sector representatives to address transit funding and service levels

2011:

- The Transit Task Force was seated with the dual goals of presenting short-term budget recommendations and a long-term vision for transit in Lee County



# Task Force Composition

## Entities represented:

Alorica

BikeWalkLee

Chico's

Greater FM Chamber

David Plummer & Assoc.

FDOT

FGCU

Henderson Franklin et al.

Good Wheels

Lee County Health Dept.

LYNX Services

Publix

Ringland Construction

Shell Point Retirement Comm.

United Way

21<sup>st</sup> Century Collaboration

Lehigh Economic Development

# Task Force Phase 1

Phase 1 recommendation submitted in May 2011:

Implement all recommendations from the Comprehensive Operations Analysis to achieve operating efficiencies while continuing to fund transit at its current level.

Approved by the BOCC in June 2011 and enacted by LeeTran in FY11-12

# Task Force Phase 2

Phase 2 recommendations presented at a Board workshop in February 2012:

- The task force should continue to meet to develop the concept of a Transit Authority, including funding sources, governance and responsibilities.
- The county should continue to fund LeeTran at current service levels or better until sustainable funding is in place.

# Task Force Phase 3

Phase 3 studied examples of advisory committees, transit authority boards and charters, and learned how other municipalities had handled tax referenda. The group drafted language for an administrative code and a charter for an Independent Transit Authority

# Task Force Phase 3

## Phase 3 recommendations:

- **Form a Transit Special Management Committee composed of 13 members from the present Task Force, appointed by the BOCC and authorized by Administrative Code, to complete the work required to form a transit authority and establish a stable funding source**

(continued)

## Recommendations (cont.)

- Finalize a draft Transit Authority charter and gain approval from the municipalities
- Develop an education plan and budget to instruct the public about the authority and the need for a dedicated funding source
- Develop a marketing plan and budget to facilitate passage of the tax referendum.

The group plans to present these documents to the Board in late May 2013.

**All research documents and work products of the Transit Task Force are available at:**

**<http://www.rideleetrans.com>**

**Click on the Transit Task Force button**

# Questions?



# Chronology:

**2000:** The MPO's 2020 Transportation Plan recommends:

- A dedicated source of funding for transit
- That the revenue source must grow with inflation
- The municipalities receiving service should participate in funding

**2002:** The MPO's *Long-Term Transit Funding & Governance Study* recommends:

- Establishment of a Transit Authority with ad valorem taxing authority

**2003:** The MPO's *Short-Term Transit Funding Solutions Study* recommends:

- Fast track the Transit Authority
- That the county continue to fund existing transit service

# Chronology:

**2006:** The MPO formed a Transit Authority Oversight Committee (TAOC) as a subcommittee of the MPO board

**2007-9:** The TAOC developed an interlocal agreement for participation in the Transit Authority which was adopted by all 5 municipalities and the county

**2010:**

*January:* The TAOC recommends that the MPO create a Transit Authority and place a 1-cent sales tax referendum on the 2012 ballot

*September:* The TAOC recommends that the MPO not pursue a transit authority

*October:* The BOCC directs staff to create a work plan to address transit funding and service levels



# Board of County Commissioners Meeting Agenda

**District #1**  
John E. Manning

**District #2**  
Cecil L Pendergrass  
Chair

**District #3**  
Larry Kiker  
Vice Chair

**District #4**  
Tammy Hall

**District #5**  
Frank Mann

Doug Meurer  
Interim County Manager

Andrea R. Fraser  
Interim County Attorney

**April 23, 2013**

If you plan to address the Board, please complete a blue "Request for Comment" card (located on the table outside the Chamber entrance) or you can submit your comment electronically by clicking [here](#).

Completed cards should be returned to the Staff table at the right of the podium prior to the start of the meeting.

All back up for this agenda is available on the Internet at <http://www.lee-county.com>. Additional information is available in the **Public Resources Office**, 1<sup>st</sup> Floor, Administration Building, 2115 Second St., Fort Myers, FL

**PLEASE NOTE:** The Board may take action in its capacity as the Port Authority or Government Leasing Corporation.

**COMMISSION CHAMBERS, 2120 MAIN STREET, FORT MYERS, FLORIDA  
9:30 AM**

Invocation: Pastor John Daugherty, First Baptist Church of Florida

Pledge of Allegiance

Ceremonial Presentations

Recap

Public Comment on the Consent and Administrative Agenda

Consent Agenda

- Items to be pulled for discussion by the Board
- Motion to approve balance of items
- Consideration of items pulled for discussion

Administrative Agenda *A7B*

Public Hearings

Walk-ons and Carry-overs

Commissioners' Items/Committee Appointments

County Manager Items

County Attorney Items

Public Presentation of Matters by Citizens

Adjourn

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

**Blue Sheet No. 20130351**

**1. ACTION REQUESTED/PURPOSE:**

- 1) Adopt the Administrative Code establishing the Transit Special Management Committee, and
- 2) Establish the Transit Special Management Committee with an effective date, and
- 3) Appoint the initial members of the Transit Special Management Committee

**2. FUNDING SOURCE:**

No funding source is required at this time. It is anticipated that Management of the Transit Special Management Committee will continue to be included in the Transit Operating Budget.

**3. WHAT ACTION ACCOMPLISHES:**

Establishes the Transit Special Management Committee per the Board's directive

**4. MANAGEMENT RECOMMENDATION:** Approve

**5. Departmental Category:** C7B

**6. Meeting Date:** 4/23/2013

**7. Agenda:**

Consent

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

- Statute Ch 125, F.S.
- Ordinance 97-23, 96-01
- Admin Code
- Other

**9. Request Initiated**

**Commissioner:** All  
**Department:** TRANSIT  
**Division:** No Divisions  
**By:** Steve Myers

**10. Background:**

At the January 14, 2013 Management and Planning meeting, staff presented the Phase III Final Report of the Transit Task Force. The Phase III Final Report contained the following recommendations.

- Establish a Transit Special Management Committee by Administrative Code based on the draft contained in the report
- Authorize the Transit Special Management Committee to finalize a draft charter for the creation of an independent transit authority in Lee County.
- Authorize the Transit Special Management Committee to schedule a workshop in May 2013 to present the draft charter and the results of meetings with the municipalities
- Authorize the Transit Special Management Committee to develop for Board review and approval, a scope of work and corresponding budget for a public education plan on the benefits of an independent transit authority in Lee County
- Authorize the Transit Special Management Committee to develop for Board review and approval, a scope of work and corresponding budget for a marketing plan on the benefits of an independent transit authority in Lee County

At the January 14, 2013 Management and Planning meeting, the Board directed staff to prepare an agenda item establishing the Transit Special Management Committee.

An Administrative Code has been drafted for adoption by the Board which establishes the Transit Special Management Committee with the primary function to make recommendations to the Board in matters related to transit policy, issues, programs and plans for the establishment of a special district under Florida Statutes to provide mass transit service to the citizens of Lee County and to develop a sustainable funding source for transit. This

**11. Required Review:**

<i>Steve Myers</i>	<i>Anne Henkel</i>	<i>David Harris</i>	<i>John Fredyma</i>	<i>Pam Keyes</i>	
TRANSIT	Budget Analyst	Budget Services	County Attorney	Public Works Director	

**12. Commission Action:**

directive includes serving as a forum for advancing countywide public transportation with the development of a transit authority, reporting annually on the transit development plan and providing goals and objectives to be undertaken by the Committee in the following year.

The Administrative Code further establishes membership and participation in the Transit Special Management Committee consisting of 15 members, 13 of which will be appointed by the Board based on membership on Transit Task Force, one representative appointed by the Lee County Metropolitan Planning Organization and one representative appointed by the Florida Department of Health will serve in an advisory capacity.

The Board is asked to approve the following actions.

- 1) Adopt the Administrative Code establishing the Transit Special Management Committee, and
- 2) Establish the Transit Special Management Committee with an effective date, and
- 3) Appoint the initial members of the Transit Special Management Committee as follows

1. Tamera Baughman
2. David Cato
3. Colleen DePasquale
4. Glee Duff
5. Lee Ford
6. Robert Morgan
7. Dan Moser
8. Matt Olivo
9. David Plummer
10. Russell Schropp
11. Nichelle Sheets
12. Marjorie Starnes-Bilotti
13. Edd Weiner
14. Don Scott, Non-voting member
15. Dr. Judith Hartner, Non-voting member

Attachments:

1. Administrative Code
2. Task Force Phase III Final Report

APRIL 23, 2013

The Regular Meeting of the Board of Lee County Commissioners was held on this date with the following Commissioners present:

Cecil L Pendergrass, Chairman  
 Larry Kiker, Vice-Chairman  
 John E. Manning  
 Tammara Hall  
 Frank B. Mann

The Chairman called the meeting to order at 9:30 a.m. Commissioner Kiker requested a moment of silence for the late Roxie Smith. The Invocation was given by Pastor John Daugherty, of First Baptist Church of Florida, followed by the Pledge of Allegiance to the flag.

### **PRESENTATIONS**

The Length of Service Awards for the 1st Quarter of 2013 were presented by Human Resources (HR) Coordinator/Employee Relations Stephanie Figueroa, assisted by HR Employee Relations Lee Elkins. See the Agenda back-up material for a listing of the employees recognized. ([#20130281](#)-Human Resources)

Commissioner Mann read and presented a Ceremonial Resolution recognizing the Lee County Trauma Services District for its accomplishments and contributions to improve public welfare by providing quality trauma care for all residents and visitors; injury prevention outreach, education, and research; disaster preparedness and response; and demonstrating that an effective trauma center saves the lives of our residents and visitors. The Board extends their greetings and best wishes to those observing Trauma Awareness Month during the month of May 2013. Mother of a Trauma Survivor Ellen Meyer accepted the Resolution and thanked the Board. ([#20130261](#)-Commissioner Mann)

Commissioner Pendergrass read and presented a Ceremonial Resolution urging all citizens to join in the local and national efforts to raise awareness of the importance of parents and teens talking together about alcohol in order to reduce the risks and dangers posed to teens and communities by proclaiming Sunday, April 21, 2013 as POWER TALK 21 DAY in Lee County. SWFL Mother Against Drunk Driving (MADD) Program Specialist Lori Burke accepted the Resolution and thanked the Board. ([#20130262](#)-Commissioner Pendergrass)

### **ANNOUNCEMENTS**

Referring to the [Agenda Recap Sheet](#) dated April 23, 2013 the Chairman announced that:

Carry Over No. 1 should be deferred to the May 14, 2013 Board meeting as staff has not received an executed contract from the company. Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried.

Consent Agenda Item 7(b) should be moved to the Administrative Agenda to allow discussion by the Board.

Two (2) Walk-ons and two (2) Carry-overs would be taken at the appropriate time.

**9:30 A.M. AGENDA ITEM** - Public Comment on Agenda Items  
 Consent (C) and Administrative (A)

The Chairman called for public comment and the following citizens came forward:

C14(b) – Lee County Farm Bureau representative Bill Wright  
 A7(a) – Bike Walk Lee representative Ann Pierce

THERE WERE NO CONSENT AGENDA ITEMS PULLED FOR DISCUSSION BY THE INDIVIDUAL COMMISSIONERS.

### **CONSENT AGENDA**

#### **1. COUNTY ADMINISTRATION**

No requests received.

2. **COMMUNITY DEVELOPMENT**

No requests received.

3. **CONSTRUCTION AND DESIGN**

No requests received.

4. **COUNTY COMMISSIONERS**

No requests received.

5. **COUNTY LANDS**

No requests received.

6. **HUMAN SERVICES**

No requests received.

7. **INDEPENDENT**

A) **ACTION REQUESTED/PURPOSE:**

Approve \$9,300 change order from [Professional Steel Erection, LLC](#) to complete the replacement of the Fleet Administration/Garage roof. (#20130329-FACILITIES SERVICES)

**FUNDING SOURCE:**

Fund - Vehicle Equipment Maintenance; Program - Major Maintenance Project; Project - Fleet Re-Roofing Project. Included in the approved FY 12/13 major maintenance budget.

**WHAT ACTION ACCOMPLISHES:**

Allows for the completion of the replacement of the roof on the Fleet Maintenance building.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

B) **ACTION REQUESTED/PURPOSE:**

- 1) Adopt the Administrative Code establishing the Transit Special Management Committee, and
- 2) Establish the Transit Special Management Committee with an effective date, and
- 3) Appoint the initial members of the Transit Special Management Committee. (#20130351-TRANSIT)

**FUNDING SOURCE:**

No funding source is required at this time. It is anticipated that Management of the Transit Special Management Committee will continue to be included in the Transit Operating Budget.

**WHAT ACTION ACCOMPLISHES:**

Establishes the Transit Special Management Committee per the Board’s directive.

**MANAGEMENT RECOMMENDATION:**

Approve.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT:

Consent Agenda item 7(b) should be moved to the Administrative Agenda.

8. **NATURAL RESOURCES/SOLID WASTE**

A) **ACTION REQUESTED/PURPOSE:**

(A) Approve the award of Formal Bid No. B-130220 Yard Waste Grinding and Processing Services to the lowest qualified bidder, [Belcorp/Prolime Joint Venture LLC](#) at the prices

listed on the attached Lee County Tabulation Sheet for a period of one-year with the option to renew for four additional one-year terms.

(B) Authorize the Chairman to execute the Service Provider Agreement.

(C) Grant the Procurement Director the authority to renew the Service Provider Agreement annually for the remaining four additional one-year periods at the same terms and conditions, if doing so is in the best interest of Lee County.

(D) Approve an annual estimated expenditure of \$590,000. ([#20130346-SOLID WASTE](#))

**FUNDING SOURCE:**

Funds are budgeted in: Fund – Solid Waste System Ops; Program – Solid Waste Disposal facilities; Project – Other Contracted Services.

**WHAT ACTION ACCOMPLISHES:**

Provides the Solid Waste Division with a qualified, economical vendor to grind and process all of their yard waste.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

**9. PARKS AND RECREATION**

No requests received.

**10. PUBLIC SAFETY**

No requests received.

**11. PUBLIC WORKS ADMINISTRATION**

No requests received.

**12. TRANSPORTATION**

No requests received.

**13. UTILITIES**

**A) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset - Walgreens #11535 at Sanibel Blvd. (BS 20130321/26631, MMM/SDG): Approve final acceptance, by Resolution and recording of [two \(2\) utility easements](#), as a donation of a water main extension, one potable water service, one 6" diameter fire line and one force main connection, to provide potable water service, fire protection and sanitary sewer service to the recently constructed "WALGREENS #11535 AT SANIBEL BLVD". This is a Developer contributed asset project located at the southwest corner of US 41 South and Sanibel Boulevard. ([#20130321-UTILITIES](#))

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Provides adequate utility infrastructure to support development of the subject property and complies with the Lee County Utilities Design Manual.

**MANAGEMENT RECOMMENDATION:**

Approval.

Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION NO. 13-04-15](#)

**B) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset - Bella Terra, Phase 8D (BS 20130323/26633, THO/SDG): Approve final acceptance, by Resolution, as a donation of water and gravity main extensions to provide potable water service, fire protection and sanitary sewer service to "BELLA TERRA, PHASE 8D", a recently constructed phase of this residential development. This is a Developer contributed asset project located on the south side of Corkscrew Road approximately 2 miles east of Ben Hill Griffin Parkway.

([#20130323-UTILITIES](#))

**FUNDING SOURCE:**

N/A.



**WHAT ACTION ACCOMPLISHES:**

Provides adequate utility infrastructure to support development of this phase of the subject property and complies with the Lee County Utilities Design Manual.

**MANAGEMENT RECOMMENDATION:**

Approval.

Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION NO. 13-04-16](#)

**C) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset - The Preserve at Corkscrew, Phase 4 (BS 20130324/26634, THO/SDG): Approve construction of water and gravity main extensions to provide potable water service, fire protection and sanitary sewer service to "THE PRESERVE AT CORKSCREW, PHASE 4", a phased residential development. This is a Developer contributed asset project located on the south side of Corkscrew Road approximately 2 miles east of Ben Hill Griffin Parkway. ([#20130324-UTILITIES](#))

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Provides adequate utility infrastructure to support development of this phase of the subject property and complies with the Lee County Utilities Design Manual.

**MANAGEMENT RECOMMENDATION:**

Approval.

Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

**D) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset - Verwest Dental Office, Phase 2 (BS 20130325/26635, THO/SDG): Approve construction of water and gravity main extensions serving "VERWEST DENTAL OFFICE, PHASE 2", to provide potable water service, fire protection, and sanitary sewer service to this proposed commercial development. This is a Developer contributed asset project located along the east side of Summerlin Road approximately ¼ mile south of Cypress Lake Drive. ([#20130325-UTILITIES](#))

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Provides adequate utility infrastructure to support development of this phase of the subject property and complies with the Lee County Utilities Design Manual.

**MANAGEMENT RECOMMENDATION:**

Approval.

Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

**14. COUNTY ATTORNEY**

**A) ACTION REQUESTED/PURPOSE:**

Approve the "[Lee County Multi Jurisdictional Mutual Aid Agreement](#) between the Sheriff, the County and each municipal police department, the Port Authority; and the public college and university police departments. ([#20130331-COUNTY ATTORNEY](#))

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Approves Lee County’s participation as funding entity, for the Lee County Sheriff and the county jail in a mutual aid agreement between the participating law enforcement agencies.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

**B) ACTION REQUESTED/PURPOSE:**

Direct the proposed amendments to the Land Development Code to two public hearings as follows:

First Public Hearing: May 14, 2013 at 5:05 p.m.

Second Public Hearing: May 28, 2013 at 9:30 a.m.

(#20130342-COUNTY ATTORNEY)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Satisfies the Board policy to hold two public hearings to amend the LDC when a change to permitted or prohibited uses are proposed. If adopted, the regulations will establish and amend the Land Development Code Chapters 2, 6, 10, 12, 14, 22, 26, 30, 33, and 34.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

**15. HEARING EXAMINER**

No requests received.

**16. CONSTITUTIONAL OFFICERS**

**A) ACTION REQUESTED/PURPOSE:**

Approve and accept grant monies from the 2012 Paul Coverdell Forensic Sciences Improvement Grant in the amount of \$2,011.01 from the Florida Department of Law Enforcement through the US Department of Justice, National Institute of Justice program. Approve Budget Resolution in the amount of \$2,011.01.

(#20130335-MEDICAL EXAMINER)

**FUNDING SOURCE:**

Paul Coverdell Forensic Sciences Improvement Grant. Through General Fund; Program - Medical Examiner; Project - Paul Coverdell Forensic Grant. No county match required.

**WHAT ACTION ACCOMPLISHES:**

The action allows the District 21 Medical Examiner’s Office and Lee County to accept grant monies in the amount of \$2,011.01 from the Florida Department of Law Enforcement.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION NOS. 13-04-17](#) , [13-04-18](#) AND [13-04-20](#)

**B) ACTION REQUESTED/PURPOSE:**

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of April 8 thru April 12, 2013:

April 9, 2013 (Regular)

April 12, 2013 (Joint Meeting Cape Coral).

(#20130358-MINUTES)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Approval of the Board Minutes, pursuant to Florida Statute 286.011.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

**C) ACTION REQUESTED/PURPOSE:**

Request Board approves [disbursements](#). The check and wire registers can now be viewed on the Clerk’s website, [www.leeclerk.org](http://www.leeclerk.org) by accessing the BoCC Minutes and Documents link. (#20130359-FINANCE)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Florida Statute Chapter 136.06(1) requires that all County disbursements be recorded in the

Minutes of the Board.

**MANAGEMENT RECOMMENDATION:**

Compliance with the requirements of FS 136.06(1).

Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

**17. PORT AUTHORITY AND OTHER GOVERNING BOARDS**

No requests received.

**ADMINISTRATIVE AGENDA**

**1. COUNTY ADMINISTRATION**

No requests received.

**2. COMMUNITY DEVELOPMENT**

No requests received.

**3. CONSTRUCTION AND DESIGN**

No requests received.

**4. COUNTY COMMISSIONERS**

No requests received.

**5. COUNTY LANDS**

No requests received.

**6. HUMAN SERVICES**

No requests received.

**7. INDEPENDENT**

**A) ACTION REQUESTED/PURPOSE:**

- 1) Adopt the Administrative Code establishing the Transit Special Management Committee, and
  - 2) Establish the Transit Special Management Committee with an effective date, and
  - 3) Appoint the initial members of the Transit Special Management Committee.
- (#20130351-TRANSIT)

**FUNDING SOURCE:**

No funding source is required at this time. It is anticipated that Management of the Transit Special Management Committee will continue to be included in the Transit Operating Budget.

**WHAT ACTION ACCOMPLISHES:**

Establishes the Transit Special Management Committee per the Board’s directive.

**MANAGEMENT RECOMMENDATION:**

Approve.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT:

Consent Agenda item 7(b) should be moved to the Administrative Agenda.

Commissioner Hall noted the many issues and moved to defer this item indefinitely and asked the Board to authorize her to work with staff, the County Attorney’s office, Utilities Director Pam Keyes, and Transit Director Steve Myers, seconded by Commissioner Pendergrass, called and carried.

**8. NATURAL RESOURCES/ SOLID WASTE**

A) **ACTION REQUESTED/PURPOSE:**

Approve and execute a [Waiver of Conflict](#) in response to Johnson Engineering's disclosure of potential conflicts arising from representing the County and the Brooks of Bonita Springs II (Brooks) Community Development District (CDD). Approve Supplemental Task Authorization No. 3 under Miscellaneous Professional Services Contract No. 6223 for Johnson Engineering to perform design and permitting of the Three Oaks Parkway Drainage Conveyance Improvements in the amount of \$97,700. With approval of STA 3, the contract total will be \$127,050 requiring Board level authorization. ([#20130327](#)-NATURAL RESOURCES)

**FUNDING SOURCE:**

Fund – Capital Improvement Fund (FDOT Reimbursement); Program – Water Resources Projects; Project – Halfway Creek Filter Marsh. Funds were made available with approval of FDOT JPA Contract No. AQW95 approved by the Board on January 22, 2013 and FDOT on February 18, 2013.

**WHAT ACTION ACCOMPLISHES:**

Johnson Engineering provides engineering services to the Brooks CDD. Lee County Division of Natural Resources seeks to retain the services of Johnson Engineering, Inc. to provide design and permit services. Lee County's acknowledgement and Waiver of Conflicts will allow Johnson Engineering to provide consulting services to the County for the design and permitting of Three Oaks Parkway Drainage Conveyance Improvements while the firm is also under contract with the Brooks CDD for engineering services involving the same or similar issues. Johnson Engineering has indicated while they cannot not advocate for either client, there are mutual benefits that may derived from having one engineering firm handle this drainage project.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Manning moved approval, seconded by Commissioner Kiker. Responding to Commissioner Hall's inquiry, Natural Resources Director Roland Ottolini stated that, because Johnson Engineering provides services to Brooks of Bonita Springs II (Brooks) Community Development District (CDD); and Brooks CDD as water management provides quality water, it would be cost saving for the county. After brief Board discussion, the motion was called and carried, with Commissioner Hall voting nay.

9. **PARKS AND RECREATION**

No requests received.

10. **PUBLIC SAFETY**

No requests received.

11. **PUBLIC WORKS ADMINISTRATION**

No requests received.

12. **TRANSPORTATION**

No requests received.

13. **UTILITIES**

No requests received.

14. **COUNTY ATTORNEY**

No requests received.

15. **HEARING EXAMINER**

No requests received.

16. **CONSTITUTIONAL OFFICERS**

A) **ACTION REQUESTED/PURPOSE:**

Appoint two members of the Board of County Commissioners and one citizen representative to serve on the 2013 Value Adjustment Board (VAB). The organizational meeting of the VAB will be held on a date yet to be determined. ([#20130360-MINUTES](#))

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Provides a citizen representative for the 2013 Value Adjustment Board, and identifies the two Board of County Commissioners representatives for the VAB as required by Florida Statute §194.015.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Manning noted that he had been privileged to serve on the VAB Board for the last two cycles and believed that there should be a fresh start. Following discussion, Commissioner Manning moved to appoint Commissioners Hall and Kiker to the VAB Board, seconded by Commissioner Mann, called and carried.

**17. PORT AUTHORITY AND OTHER GOVERNING BOARDS**

No requests received.

**9:30 A.M. AGENDA ITEM** – Public Hearing

**1. ACTION REQUESTED/PURPOSE:**

Adopt proposed Pine Island Golf Cart Ordinance. ([#20130340-COUNTY ATTORNEY](#))

**FUNDING SOURCE:**

Fund – Transportation Trust; Program – DOT Traffic – Signs & Markings Section; Project – Sign Placement and Maintenance. DOT did not plan on implementing this Ordinance when developing the FY 2012/13 budget so funds were not specifically programmed.

**WHAT ACTION ACCOMPLISHES:**

Satisfies the Statutory requirement to hold a public hearing to adopt an Ordinance. If adopted, the Ordinance will permit the operation of Golf Carts on specific County roads on Pine Island.

**MANAGEMENT RECOMMENDATION:**

Approve.

Chief Assistant County Attorney Donna Marie Collins, approved as to legal form and sufficiency, the [Affidavit of Publication](#), and briefly reviewed the request. The Chairman called for public comment; and the following citizens came forward:

Bike Walk Lee representative [Ann Pierce](#)

Lehigh Acres resident representing Bokeelia [Nathan Stout](#)

St. James resident [Charles Farinetti](#)

Greater Pine Island Civic Association representative [Phil Buchanan](#) ([handout](#))

St. James resident [Frank Galardi](#)

Commissioner Manning thanked the folks in Pine Island who worked on this proposal for quite sometime now and moved approval of the Ordinance, seconded by Commissioner Hall for discussion. Board discussion ensued with Attorney Collins recommending adoption of the Ordinance today, and bringing it back for an amendment. Following further Board discussion, the motion was called and carried, with Commissioner Mann voting nay. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 13-08 ENTITLED:](#)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA, PROVIDING FOR THE USE OF GOLF  
CARTS UPON DESIGNATED COUNTY ROADS ON PINE ISLAND.

**WALK ON AGENDA**

**1. ACTION REQUESTED/PURPOSE:**

A) Waive the formal bid process and accept informal bid #IT130389, obtained by Natural Resources, to approve the lowest responsive bid from [Strickler Brothers, Inc.](#), in the lump sum amount of \$103,422, for Popash Creek Box Culvert Improvements Area 2 Alternative Project.

B) Authorize the Chairman to execute the construction contract.

C) Waive the requirement for a construction bond.

D) Grant the Natural Resources Director the authority to approve additional expenditures in an amount not-to-exceed \$15,513 (15% of the lump sum amount) for contingencies.

(#20130366-NATURAL RESOURCES)

**FUNDING SOURCE:**

Fund – Capital Improvement Fund; Program – Water Resources Projects; Project – Culvert Replacement. Funds are available in the FY12/13 Capital Improvement Program.

**WHAT ACTION ACCOMPLISHES:**

Waiver of the formal bid process and approval of lowest informal bid received allows re-construction of a collapsed private culvert within Popash Creek in an expedited manner in order to improve flood protection in the area. Given the recent collapse of the private culvert, this project was raised to high priority status to protect the public from the flooding that will otherwise occur if the work is not completed before June 1, 2013.

**MANAGEMENT RECOMMENDATION:**

Approve.

**REASON FOR WALK ON:**

The reason for the walk-on is public safety. If we don't replace the failed culvert as soon as practicable, upstream homeowners and residents may be flooded during the upcoming rainy season.

Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried.

**2. ACTION REQUESTED/PURPOSE:**

A) Select the method in which to conduct the recruitment for the contracted position of Hearing Examiner. (#20130375-HUMAN RESOURCES)

**FUNDING SOURCE:**

Fund – General Fund; Program – Non-Departmental; Project - Hearing Examiner Recruitment. This was not included in the FY12/13 Budget; however there is sufficient budget to cover this expense. No transfer from reserves is necessary.

**WHAT ACTION ACCOMPLISHES:**

Allows the Hearing Examiner recruitment process to formally begin.

**MANAGEMENT RECOMMENDATION:**

A) For purposes of consistency with the recruitment process currently utilized for the contracted positions of County Manager and County Attorney, authorize staff to negotiate and execute a service provider agreement with Bob Murray & Associates to conduct the Hearing Examiner recruitment.

B) Authorize Chair to execute service provider agreement on behalf of the Board.

**REASON FOR WALK ON:**

Board directed at the April 16, 2013 meeting.

Commissioner Manning noted that he has no problem with Bob Murray & Associates, and suggested that it would be cheaper and easier to advertise this internally and asked Human Resources Director Christine Brady to narrow it to three candidates; however, he would go with the Board's consensus. Board discussion ensued with Commissioner Hall making a motion to advertise internally, seconded by Commissioner Manning. Following further Board discussion, the motion was called and carried.

**CARRY OVER AGENDA**

**1. ACTION REQUESTED/PURPOSE:**

Replace existing FIRST Incentive Award Agreement with Source Interlink Companies, Inc. with a new agreement with revised deliverables. (#20130276-ECONOMIC DEVELOPMENT)

**FUNDING SOURCE:**

Not applicable. No additional funds will be disbursed under the revised agreement.

**WHAT ACTION ACCOMPLISHES:**

Agreement revises the deliverables for job creation, average wage and caps incentive award at monies disbursed to date.

**MANAGEMENT RECOMMENDATION:**

Approve.

**REASON FOR CARRYOVER:**

This item was deferred by the Board for two weeks at the April 9, 2013 Board meeting.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT:

Carry Over No. 1, should be deferred to the May 14, 2013 Board meeting as staff has not received an executed contract from the company. Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried.

**2. ACTION REQUESTED/PURPOSE:**

Authorize the Chair or Vice Chair to sign a delegating resolution in an aggregate principal amount not to exceed \$45,000,000 for the authorization, execution and delivery of a [Bond Purchase Agreement](#) that meets certain specific criteria in connection with the Tourist Development Tax Revenue Bonds, Series 2013. Authorize other approvals as necessary contained in the attached resolution. (#20130318-COUNTY MANAGER)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Allows greater flexibility in marketing the Tourist Development Tax Revenue Bonds, Series 2013 by authorizing the Bond Purchase Agreement to be signed without reconvening the Board of County Commissioners.

**MANAGEMENT RECOMMENDATION:**

Approve.

**REASON FOR CARRY OVER:**

Deferred for one week at the April 16, 2013 board meeting.

Commissioner Manning moved approval, seconded by Commissioner Pendergrass for discussion. Assistant County Manager Pete Winton briefed the Board on the different bonds. A lengthy Board discussion ensued with Mr. Winton, Acting County Attorney Andrea Fraser, and Utilities Director Pam Keyes responding to Board questions. Following further Board discussion, the motion was called and carried, with Commissioners Kiker and Pendergrass voting nay.

[RESOLUTION NO. 13-04-19](#)

**3. ACTION REQUESTED/PURPOSE:**

a. Approve the [Spring Training Facility Funding Agreement](#) between the State of Florida, Department of Economic Opportunity and Lee County Board of County Commissioners. The Agreement authorizes the distribution by the State to the County of \$15 Million funding over 30 years in monthly payments of \$41,667.00, to defray expenses from conducting spring training baseball with the Minnesota Twins renovation.

b. Authorize Chair to execute the Spring Training Facility Funding Agreement between State of Florida Department of Economic Opportunity (DEO) and Lee County.

(#20130337-COUNTY ATTORNEY)

**FUNDING SOURCE:**

**WHAT ACTION ACCOMPLISHES:**

Allows the County to accept from the State \$15 Million in funding over 30 years in monthly payments of \$41,667.00 to defray expenses from conducting spring training baseball with the Minnesota Twins Renovation.

**MANAGEMENT RECOMMENDATION:**

Approve.

**REASON FOR CARRY OVER:**

Deferred for one week at the April 16, 2013 Board meeting.

Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried.

**COMMISSIONER ITEMS**

**BUDGET PROCESS** – Commissioner Kiker asked to schedule the process of budgeting for discussion in an M & P meeting on May 6, 2013.

**THE LATE MS. ROXIE SMITH** – Commissioner Kiker shared information on Ms. Smith’s viewing on Wednesday, from 5:00 – 7:00 p.m. at the Harvey-Engelhart Funeral Home, and on Thursday, Fellowship at the Beach Baptist Church at 4:00 p.m. followed by a reception at a local restaurant.

**LETTER TO TALLAHASSEE** – Commissioner Mann thanked the Board for sending a letter to Tallahassee, including the Commissioner of Agriculture regarding the issue of shifting responsibilities at the Babcock Ranch, including a “sunset” clause that would dissolve the Advisory Committee in five (5) years. After noting that the letter was well received, and thanking Commissioner Hall for her involvement in setting up discussions with State officials, he announced that both major concerns had been addressed: The Advisory Committee will not “sunset”, and Lee County will be specifically authorized to appoint the Committee.

REQUEST FOR REMINDER– Commissioner Mann stated that on a personal note, his aide will be out, next Thursday will be his wife’s birthday. He asked the Board to remind him so he will not forget.

AIR RIGHTS FOR AREA IN VENICE - Commissioner Hall mentioned that a request had been received from Sarasota County for assistance in obtaining air rights for an area in Venice, and asked for Board authorization to send a letter on the Chairman’s letterhead. After mentioning that she will also request endorsement from MPO Executive Director Don Scott, she explained that Sarasota had been waiting 14 years to get air rights for access to the public safety docks used by the Sarasota Sheriff’s Office and Emergency Management. Commissioner Mann seconded, and the motion was called and carried.

**COMMITTEE APPOINTMENTS**

Commissioner Hall moved to appoint Ismail Hernandez to the **COMMUNITY ACTION AGENCY/NEIGHBORHOOD DISTRICT**, seconded by Commissioner Manning, called and carried.

**COUNTY MANAGER ITEMS**

Interim County Manager Doug Meurer had no items to be discussed.

**COUNTY ATTORNEY ITEMS**

Acting County Attorney Andrea Fraser had no items to be discussed.

Public Presentation of Matters by Citizens

The Chairman called for public presentation of matters by citizens; however, no citizens came forward.

The Chairman adjourned the meeting at 11:02 a.m.

ATTEST:  
LINDA DOGGETT, CLERK

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chairman, Lee County Commission



## **UPDATE ON MPO PROJECTS**

### **DISCUSSION ITEM:**

Staff will provide an update on currently ongoing projects and studies that includes the TIGER grant construction project, the Round-a-bout study and the Cape Coral Bicycle Pedestrian Master Plan study.