



MEMORANDUM

DATE: February 17, 2006

TO: Sanibel City Council

FROM: Judie Zimomra, City Manager 

SUBJECT: Supplemental Packet Information February 21, 2006 Council Meeting

Please find the following supplemental material attached for the February 21, 2006 City Council Meeting:

- Agenda Item 7(a) 3a
 - Regional Planning Commission Report (Vice-Mayor Denham)
- Agenda Item 7(a) 3c
 - Presentation on Potential Health Impacts of the Water Releases. (Councilman Steve Brown)
- Agenda Item 7(a) 4
 - Update on Pending Water Quality Legislation
- Agenda Item 7(b) 1
 - Proposed Recreation Center Brochure regarding expenditure cap and policy on Users' Fees.

Please feel free to contact me if you have any questions regarding the above items.

JAZ/cjm

Xc: Kenneth Cuyler, City Attorney
Pamela Smith, City Clerk



MEMORANDUM

DATE: February 17, 2006

TO: Sanibel City Council

FROM: Judie Zimomra, City Manager

SUBJECT: Presentation on Potential Health Impacts of the Water Releases

Per Councilmember Brown he will be referring to the attached article regarding the Chesapeake Bay recovery during his presentation on potential health impacts of the water releases.

JAZ/cjm

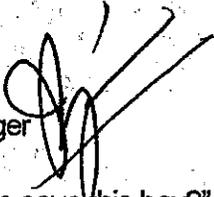
Xc: Kenneth Cuyler, City Attorney
Dr. Robert K. Loflin, Natural Resources Director
Merribeth Farnham, Farnham & Associates, Inc.



MEMORANDUM

DATE: February 14, 2006

TO: City Council

FROM: Judie Zimomra, City Manager 

SUBJECT: Article titled "Why can't we save this bay?"

Councilman Steve Brown requested all members of Council receive this article in advance of Wednesday, February 15, 2006.

JAZ/ps

to Rob Loflin & James Evans

Why can't we

Into the mist, a waterman works a trotline for crabs on Maryland's Patuxent River. Yet another push to clean such tributaries may be the bay's best hope.



Chesa

save the bay?

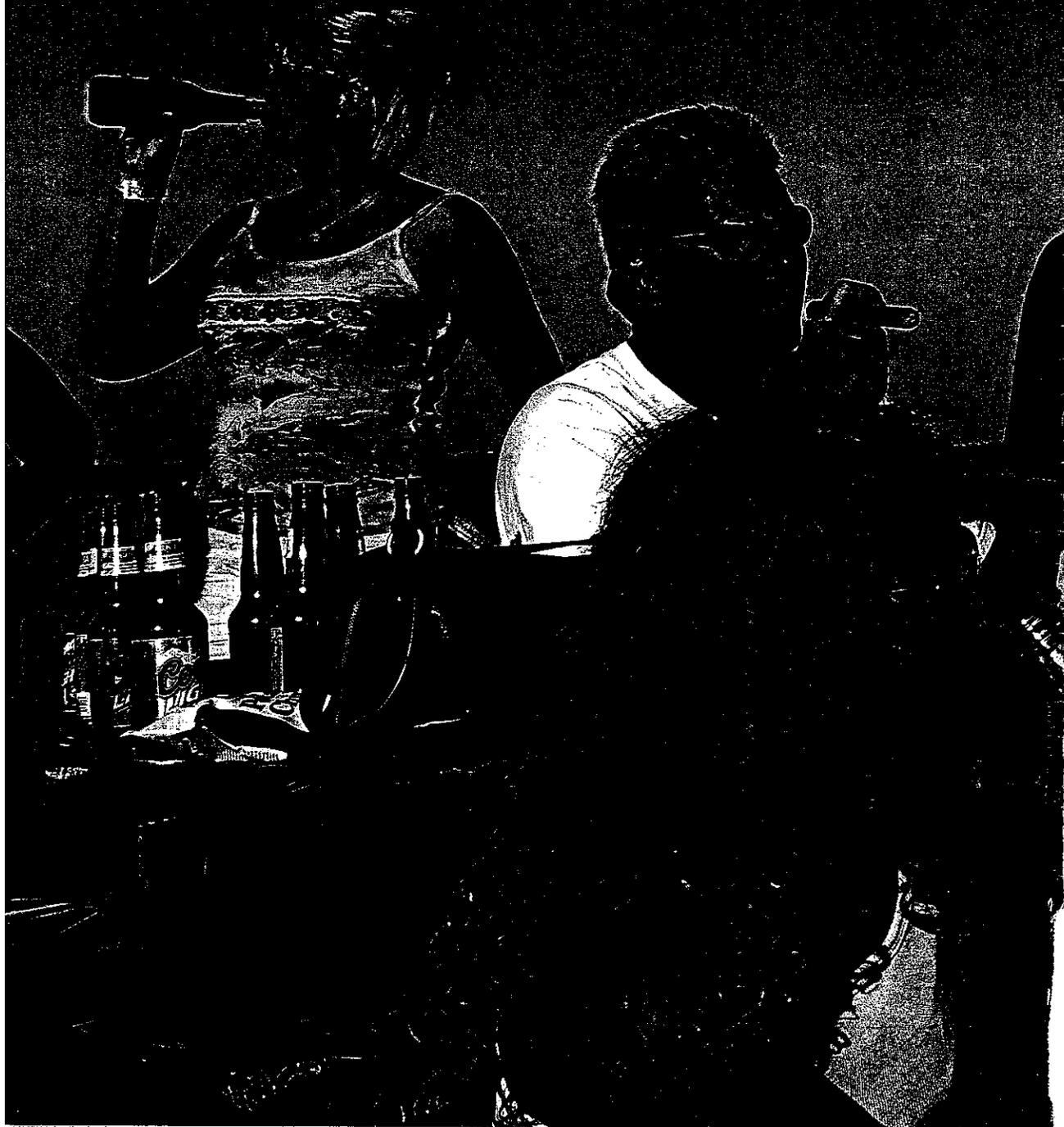
By TOM HORTON Photographs by PETER ESSICK



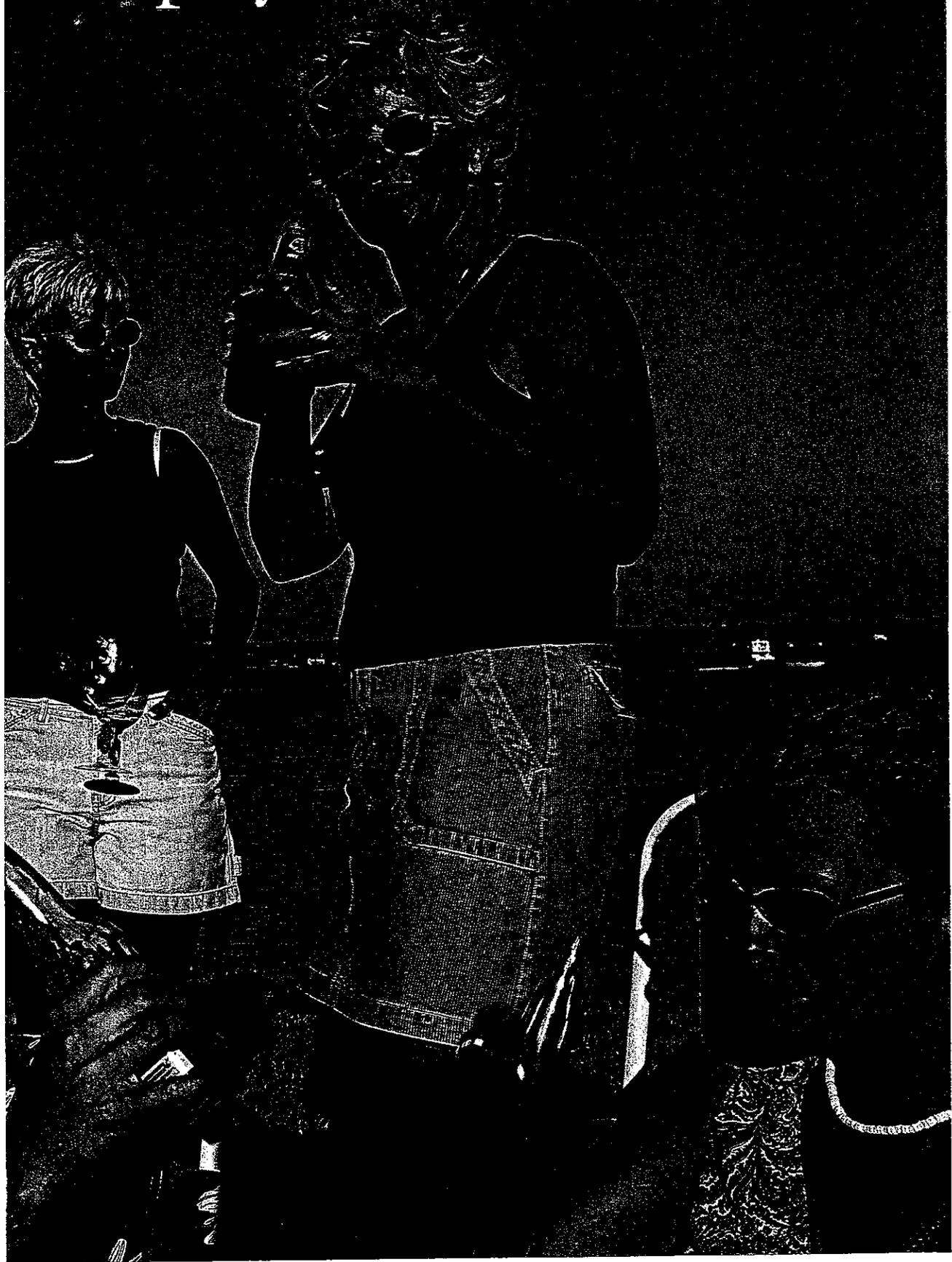
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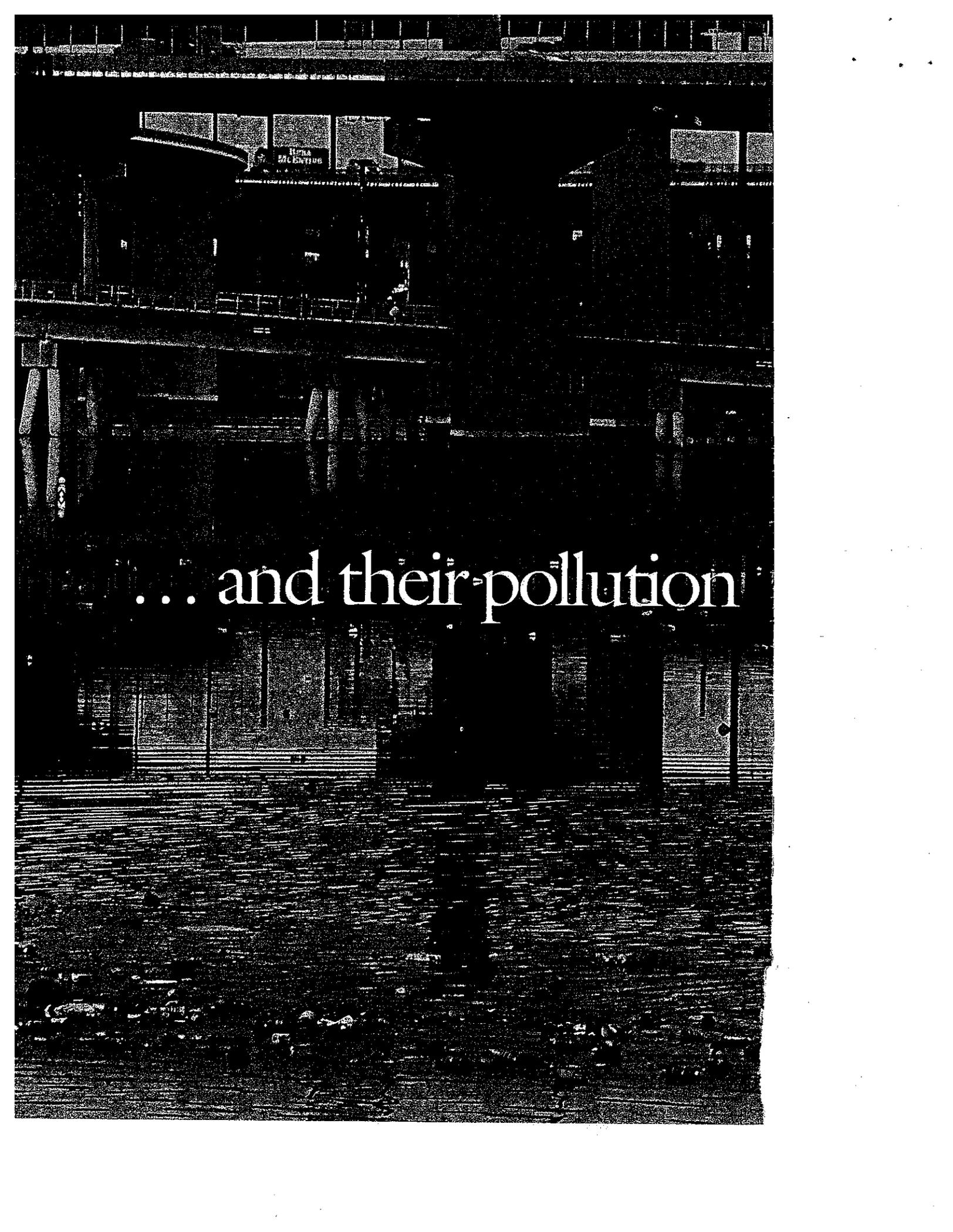
Twice as many people live

Even as commercial fisheries plummet, the bay and its tributaries have grown into major playgrounds for area residents. Recreational boaters like the Battle Creek Gang (below), here on the bank of the Patuxent River, spend an estimated two billion dollars a year in Maryland alone.

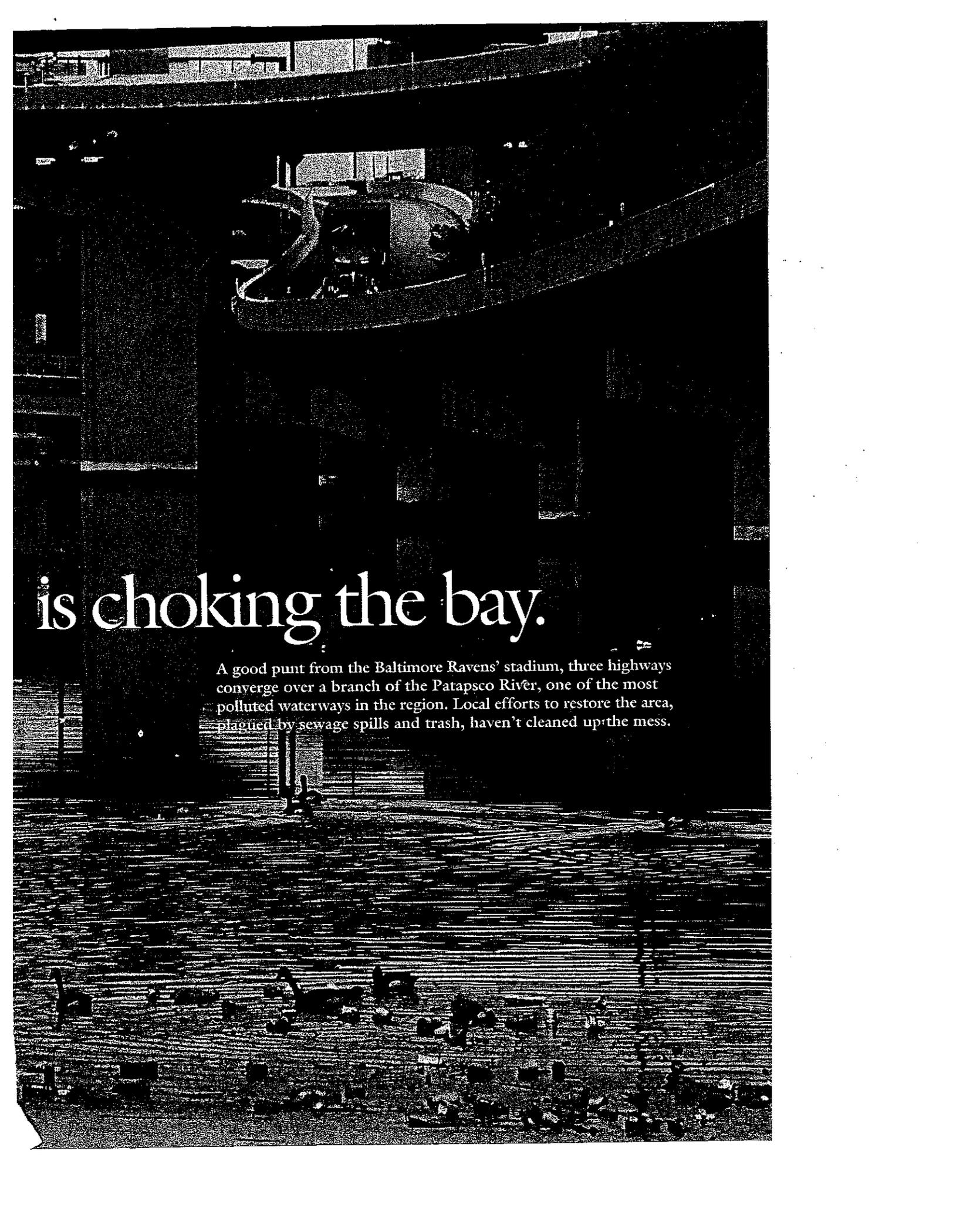


and play here as in 1950 ...





... and their pollution



is choking the bay.

A good punt from the Baltimore Ravens' stadium, three highways converge over a branch of the Patapsco River, one of the most polluted waterways in the region. Local efforts to restore the area, plagued by sewage spills and trash, haven't cleaned up the mess.

It's a moonless February evening, heavy sleet and snow on the way, winds 15 knots and gusting, building a sharp chop on Chesapeake Bay. "Looks good to go," says my friend Don Baugh, meaning it's time to pull on fleece insulation and dry suits, and kayak for an hour to our roost for this long winter's night. We're headed for an uninhabited dab of marsh and dune, miles from the nearest mainland, with just enough lee from the oncoming blow to shelter a campfire. Waves slap a glaze of ice on our foredecks as we paddle through the splash and black.

Soon, under a tarp staked in the wind shadow of a dune, we've got chunks of glowing oak, stashed in balmy times, throwing off luxurious heat, popping open fat, locally tonged oysters on a grate. The evening's musical entertainment features a nearby band of wintering tundra swans, flown in from Alaska's North Slope. Sleet rattles the tarp as the storm blots the lights of fishing villages that sparkle from the mainland.

There are comfier ways to experience Chesapeake Bay, but no truer ones for us. In the nighttime, in wintertime, we find refuge and renewal in these shrinking vestiges of the wilder Ches-

and North Seas, from Hong Kong to Chile to Australia, dozens of coastal regions are showing similar declines. Not one has yet fully recovered.

"If the richest, most powerful nation on Earth can't clean up this mess on the very doorstep of the nation's capital, what message do we send for the future of the planet?" asks William C. Baker, president of the nonprofit Chesapeake Bay Foundation (CBF). Founded in 1967, and one of the largest regional environmental groups in the U.S., CBF is the voice of the Chesapeake; in its latest ecological report card CBF gave Chesapeake Bay a failing grade of 27 out of 100.

It's a time of soul-searching for people like Baugh and me, who have dedicated our careers to reversing the decline—I as a journalist, he as an environmental educator. I've known the bay for six decades, through its health and decline, blithely gloried in it as a young hunter, fisherman, and marsh mucker; worried professionally about it for 30 years as an environmental writer for the *Baltimore Sun*; and written about it "hanging in the balance" 12 years ago in this magazine.

During the past year I've been traveling the approximately 200-mile-long estuary by kayak, skiff, and back road. Call it a farewell to old

Slamming gears and sorting crabs, he

peake we knew many years ago. It was much easier then to lose oneself in the countless creeks and rivers that vein the tidal bay's more than 11,600 miles of coastline, to jump black ducks from the marshes, pluck soft crabs and oysters from the clear, grassy shallows, and float on waters not constantly churned by the wake of high-speed sport boats. So much has changed—oysters nearly gone, crabs near historic lows, waterman towns dying out, buildings and roads fracturing the countryside. Population in the estuary's watershed, which includes parts of six states and the District of Columbia, has doubled in our lifetime, from 8 million to 16 million, compromising solitude as well as water quality.

No one had illusions that the work of the Chesapeake Bay Program, a massive federal-state restoration effort, begun in 1983 and unmatched anywhere in the world, would be quick or easy. But no one anticipated that 22 years later we'd still be struggling. Chesapeake Bay is not alone. From the Gulf of Mexico to Europe's Baltic

haunts, or maybe a search for hope. Or maybe it's the bay writer at 60 trying to come to terms with what was supposed to happen on his watch, but may not; may never.

This thought weighed on me one June weekend in the fishing village of Tilghman Island on Maryland's Eastern Shore. The graceful old oyster skipjack *Rebecca T. Ruark* was ready to sail from Dogwood Harbor. I've spent cold, blowy winter days watching tons of muddy oysters being hauled aboard her battle-scarred decks. Now freshly painted, with lounge chairs on her deck, *Rebecca* never looked prettier—or more out of her element. In the decades after she was launched in 1886, a thousand wooden sailcraft worked the bay. Now she's a national historic landmark, one of a handful of surviving skipjacks largely relegated to use for recreational charters, museum exhibits, or sailing at festivals.

"I do marryin's and buryin's—scatter your ashes—I do sunset cruises, special charters, whatever people want,"

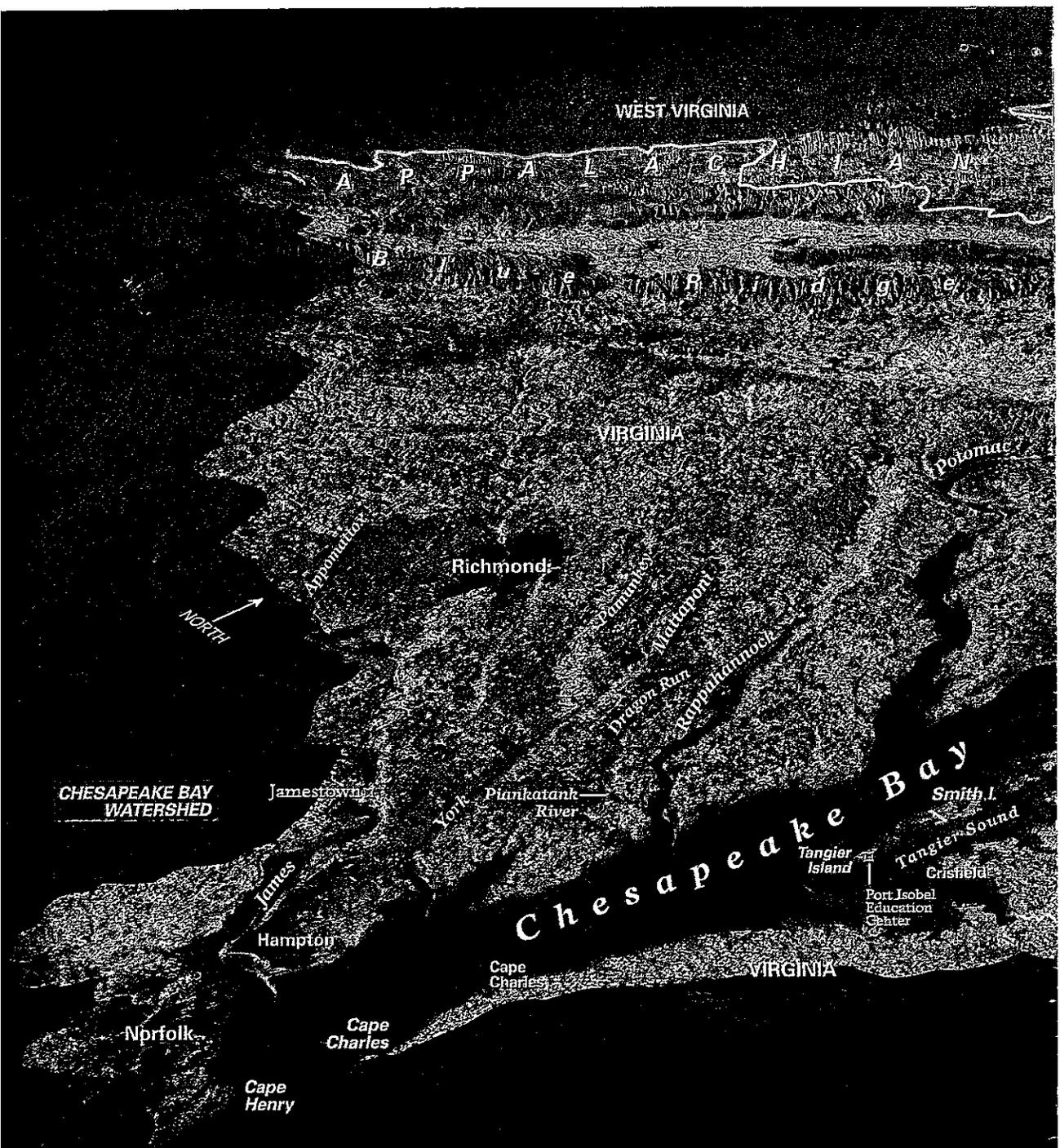
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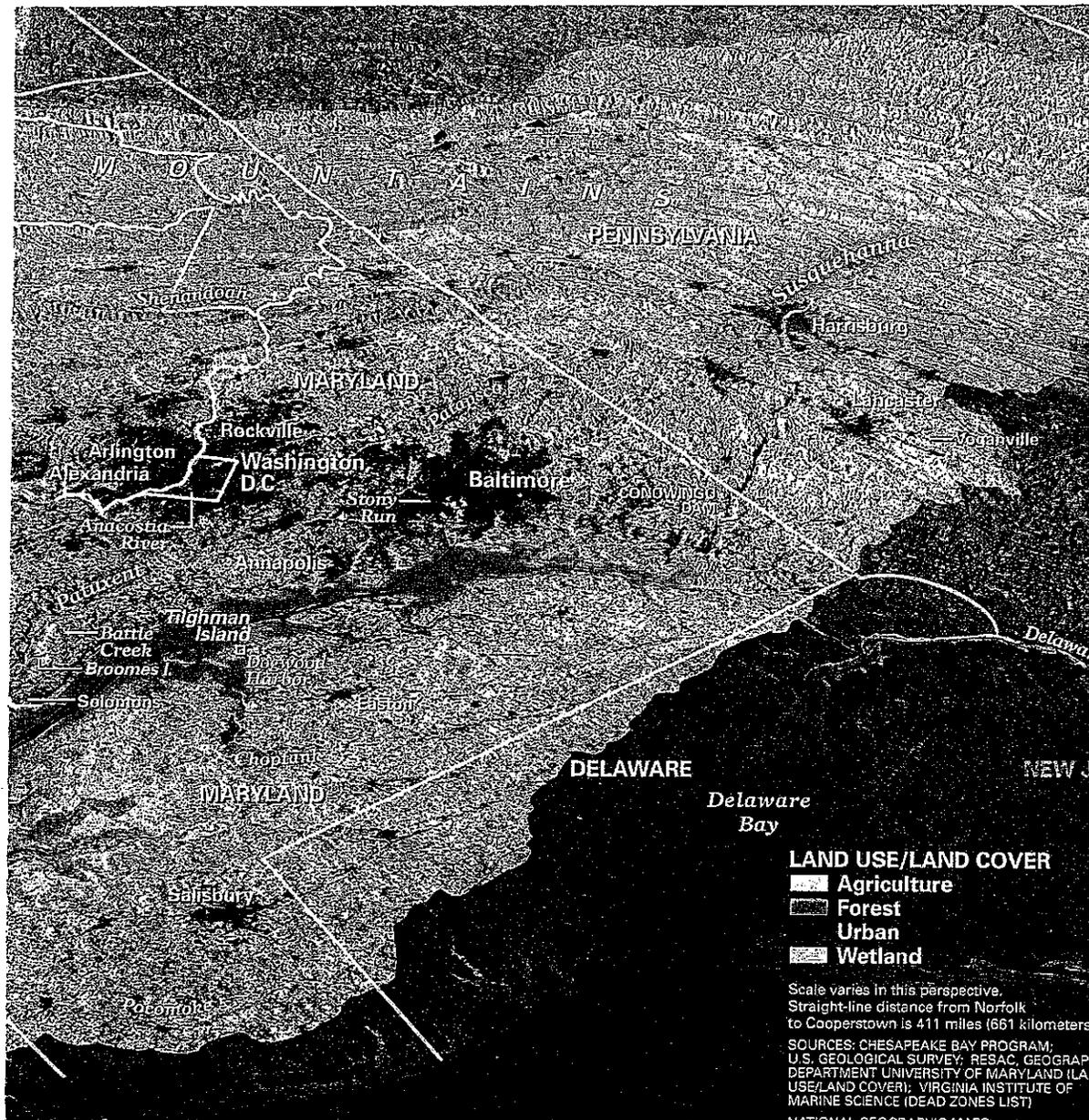
moves with the precision of a prizefighter.

"When the crab season starts, I'm as excited as a little boy on Christmas," says James Eskridge, Jr., of Tangier Island, Virginia, at 26 one of the few young watermen betting their futures on the bay. His future, as well as that of the bay's blue crabs, is tied to eelgrass (right) and other plants that help trap sediment and provide habitat for many species. Despite a partial comeback, bay grasses cover less than half the area they did decades ago.





What's flushing into
Chesapeake Bay?



LAND USE/LAND COVER

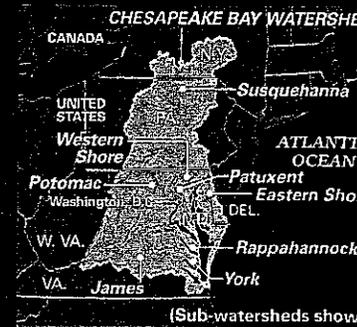
-  Agriculture
-  Forest
-  Urban
-  Wetland

Scale varies in this perspective.
 Straight-line distance from Norfolk to Cooperstown is 411 miles (661 kilometers)

SOURCES: CHESAPEAKE BAY PROGRAM; U.S. GEOLOGICAL SURVEY; RESAC, GEORAP DEPARTMENT UNIVERSITY OF MARYLAND (LAND USE/LAND COVER); VIRGINIA INSTITUTE OF MARINE SCIENCE (DEAD ZONES LIST) NATIONAL GEOGRAPHIC MAPS

ATLANTIC OCEAN

Born after the last glacial period, when rising sea levels flooded the Susquehanna River Valley, Chesapeake Bay is the largest estuary in the United States—and one of the most troubled. For centuries inflows of fresh water mixed with seawater through meadows of underwater grass to nurture millions of pounds of crabs, oysters, and fish each year. But the same geography that helped make the bay so productive also makes it that much harder to fix. Nutrient and sediment loads in tributaries have risen dramatically over the past half century, clouding the once clear water and fueling massive algae blooms. Scientists pin the blame on suburban sprawl and chemical-intensive agriculture in this 64,000-square-mile watershed—drainage basin for six states and the District of Columbia—as well as on a car-loving population growing by more than 100,000 people each year.

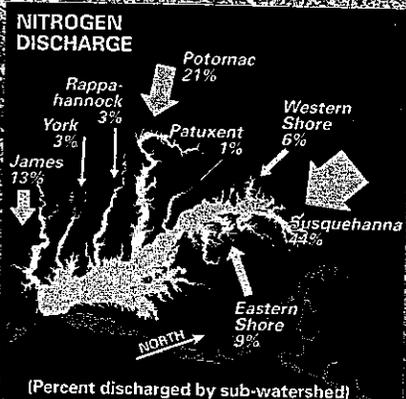


(Sub-watersheds show)

The price of population growth

As runoff rises

Nitrogen and phosphorus, the nutrients that spur algae growth, are by-products of modern life. Agricultural runoff, sewage plants, storm water runoff, and air pollution now pump about 16 times as much nitrogen and 30 times as much phosphorus into the bay as when John Smith explored it during the 1600s. Farms kick in nearly half the problem. Parking lots, roads, and other impervious surfaces in the watershed have grown by 41 percent over the past decade, while natural buffers like forests and wetlands are falling at more than 100 acres a day.

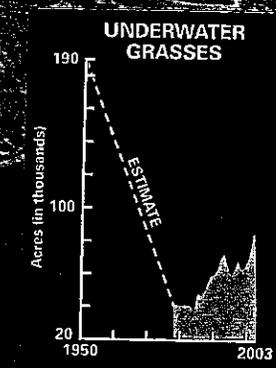
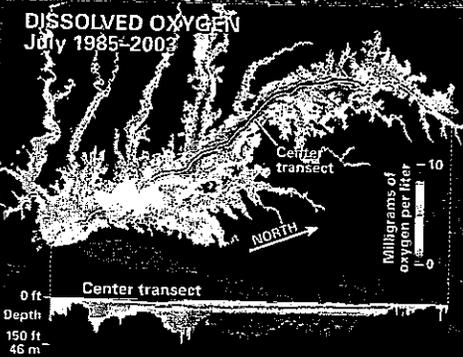


Troubled waters around the globe: If a nation as rich as the U.S. can't keep waterways clean around its capital, what does that mean for other countries struggling with polluted bays and estuaries? A short list of the worst cases:

World's largest dead zones

- Baltic Sea (27,027 sq mi, 70,000 sq km)
- Northwestern Black Sea (15,414 sq mi, 40,000 sq km)
- Northern Gulf of Mexico (6,564 sq mi, 17,000 sq km)

water quality declines

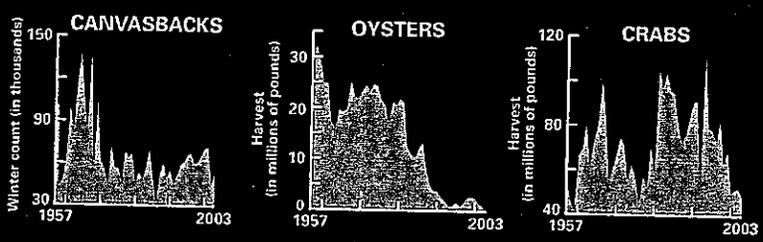


Nutrients turn algae into time bombs that explode each summer. As algae die, bacteria that feed on the algae suck oxygen from the water, making about 20 percent of the bay a deepwater dead zone. Algae and sediment also block sunlight needed for underwater grasses that provide crucial nurseries. Young crabs are up to 30 times more abundant in grass beds than on barren bottom.

Other degraded estuaries

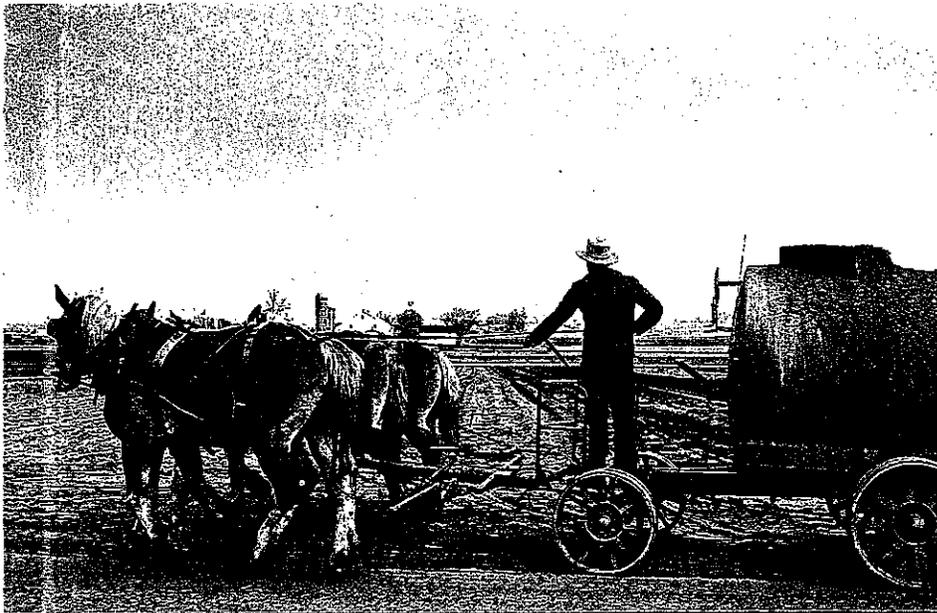
- Mecklenburg Bay, Germany
- Long Island Sound, U.S.
- Hakata Bay, Japan
- Gironde Estuary, France
- Nichupte Lagoon, Mexico
- Bilbao Estuary, Spain
- Guanabara Bay, Brazil
- Venice Lagoon, Italy
- Tanshui Estuary, Taiwan
- Mobile Bay, U.S.
- Western Gulf of St. Lawrence, Canada
- Big Glory Bay, New Zealand

and native species struggle.



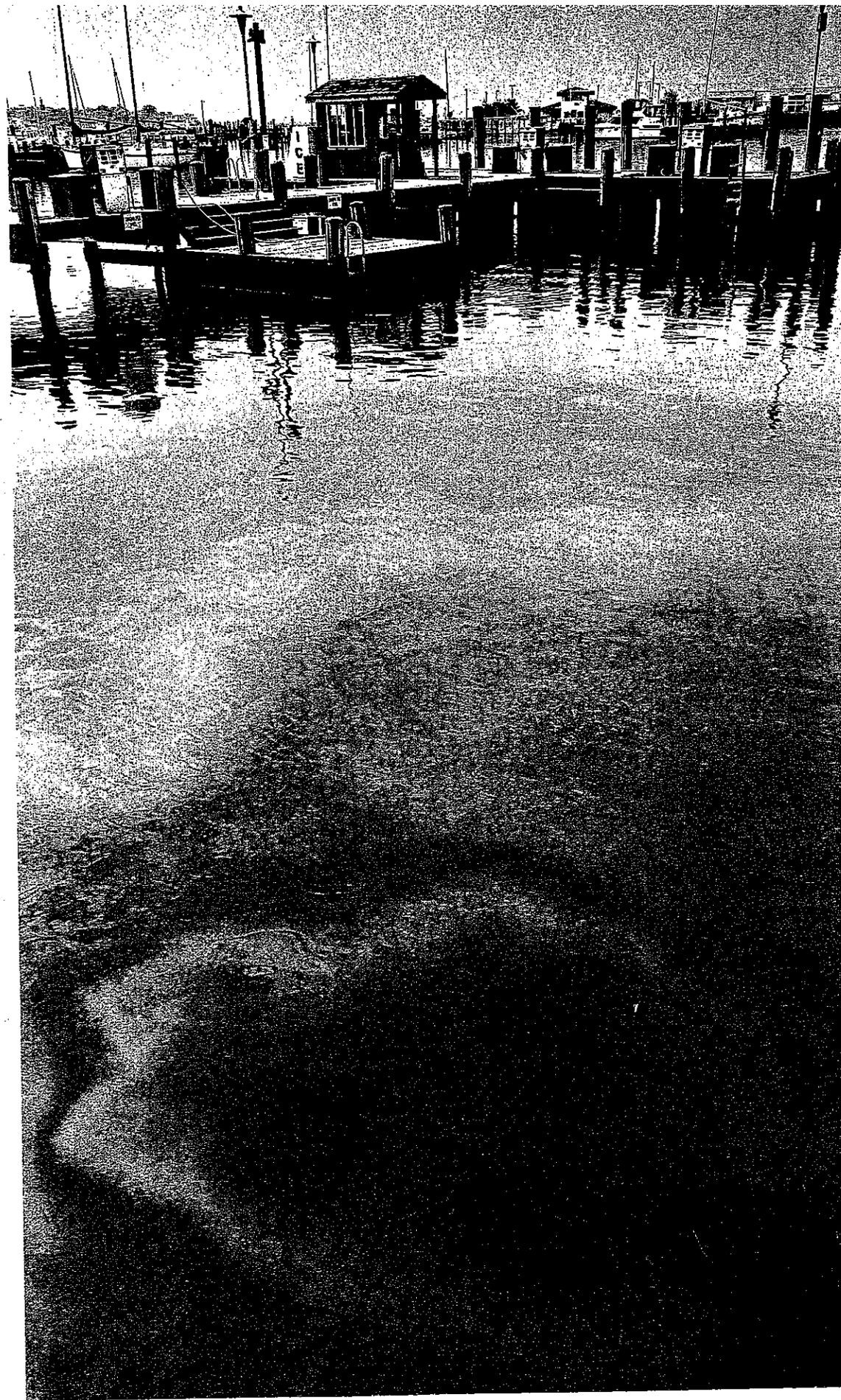
Disease, loss of habitat, and water quality have hit native bay species hard. Canvasback ducks, which once depended on aquatic plants for winter survival, have declined by about half since 1957. Oysters, once able to filter the bay's entire water volume in less than a week, are now at one percent of 1950s levels, and blue crabs, the legendary bay delicacy, face continuing threats.

► For more data on environmental conditions in Chesapeake Bay, visit nationalgeographic.com/magazine/0506.



Virtually everything finds its way into the bay, from leaked fuel at a Maryland dock (left) to dairy manure spread on an Amish farmer's fields in Pennsylvania (above). An 80-year-old pipe spews sewage into Baltimore's Stony Run (below), and proliferating parking lots (right) shed 40 times as much rain—laced with car drippings—as the forests they often replace. Toxic runoff is so rife in Washington, D.C.'s Anacostia River that nearly half of its brown bullhead catfish (below right) have liver cancer.







The bay today has become the ecological equivalent of a morbidly obese person, force-fed nitrogen and phosphorus.



(Continued from page 28) said Wade H. "Wadey" Murphy, Jr., her captain and a fifth-generation waterman. "I loved drudgin' for oysters like . . . life," Wadey said. "But tourism's coming, oysters are going."

He showed me a photograph taken in 1948 near where a new gated resort community now stands. The late Bill Page, a waterman, was in his skiff, grappling oysters from the clear shallows with scissor-like tongs. A stranger onshore, A. Aubrey Bodine, had orchestrated the moment, motioning Page to move a few yards. "Ain't no oysters there," Page had replied. Humor me, Bodine had said, and he snapped a shot that has become a bay classic. Wadey said Page always told people it was a fine picture, but he invariably added: "Where he had me pose, there weren't no oysters."

Baywide, oysters were abundant in 1948, with harvests of several million bushels a year in Maryland. But within the past two decades the catch has plummeted, hit by disease, from around a million bushels to 26,500 last year.

No one's feeling any pain, however, at Harrison's Chesapeake House, down the harbor from Wadey. The sportfishing fleet's back from a charity tournament with a haul of striped bass. At

through remote marshes, passing close to ospreys, herons, pelicans, and bald eagles on their nests. The bay scene is changing, though, and there's an air of finality to it now. Crisfield, Maryland, which once proclaimed itself Seafood Capital of the World, is knocking down the old oyster houses for condos. Commercial clam growers in Cape Charles, Virginia, are struggling against pollution from upscale clusters of several thousand homes. And Solomons, Maryland, a thriving fishing village not long ago, is trying hard to become a sailing center like Annapolis, the capital of Maryland.

Another sign of the times: "Chesapeake style" crab dishes are still on local menus, but many are full of imported Asian crabmeat. Plump fried oysters, lightly breaded and crisped a golden brown, are widely available too—but they're trucked in from Louisiana and Texas for the most part. That a local seafood culture can prosper without being supplied locally worries me. It implies less urgency to make the bay healthy.

From Crisfield it's a three-hour kayak crossing to Tangier Island, a windswept marsh encompassing three slender ridges of barely dry land. It lies at the bay's center, just south of the Maryland-Virginia line. The persistence here,

The bay scene is changing—and

the waterfront bar, the country music's cranking and the beer's flowing. Striped bass—also called rockfish or just plain stripers—are great fighters and good eating, a firm white meat that needs no help from any sauce. Now managed under strict quotas, the stock has come roaring back.

The crowd of tourists at the weigh-in oohed and aahed as a handsome 33-pounder made the scales creak. The overall catch was sparse, but contestants said they were happy just for the chance to snag a big one. Suddenly people began pointing their cameras toward the water. There, perfectly accentuating a Chesapeake scene of cotton-puff clouds floating in a clean blue sky across sparkling waters, were Wadey and Rebecca T. Ruark on their final cruise of the day.

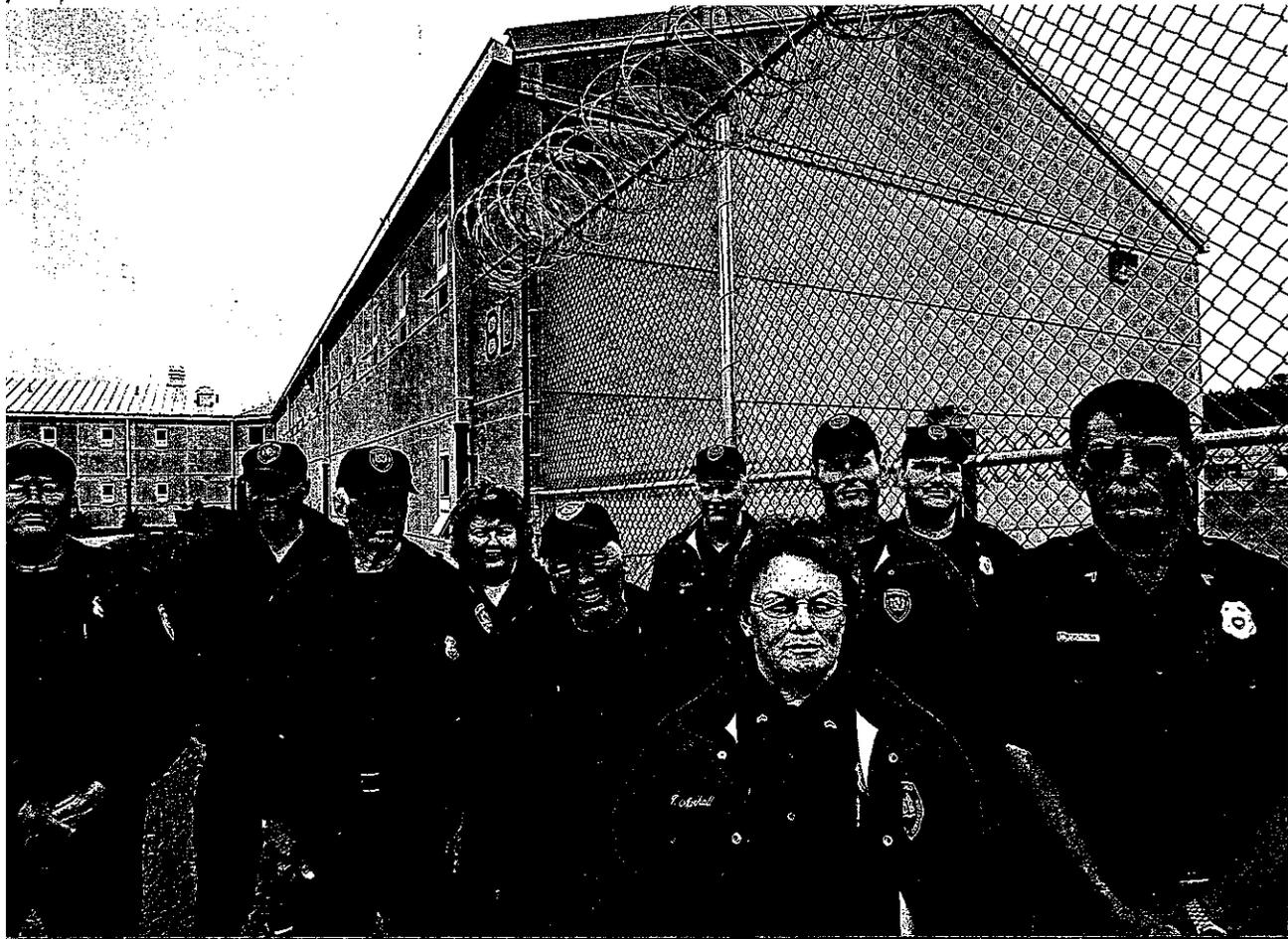
And I wanted to holler to the happy skipjack-watchers and easily satisfied fishermen: *But there aren't any oysters out there anymore!*

Yet as the stripers indicate, Chesapeake Bay is far from dead. During my kayak journeys I could still feed from it—belly and soul—as I paddled

after more than two centuries, of what can still be described as a thriving waterman culture defies logic. But then no place I know works—or prays—harder than Tangier. In 1989 townspeople quadrupled property taxes to help finance a seawall to stave off erosion. In 1998, swayed by an environmentalist who shared their evangelical beliefs, around half the island's watermen stood in church to make a "covenant with God." They pledged to observe fishing and pollution rules, "to protect our heritage and ensure a future for the next generation."

A new school serving the island's 99 kids boasts one of the lowest dropout rates in Virginia. On the wall of his office, Tangier native and principal Denny Crockett has one clock showing 10 a.m., another establishing that it's two hours to high tide. "Tides sometimes cover the whole island," Denny said, "so I need to know when to let kids out early so they won't be wadin'."

When I told him I was going crabbing with one of his graduates, Denny said: "James



there's an air of finality to it now.

Growing up where no one ever locked a door, former watermen and women from Smith Island, Maryland, now lay down the law at a mainland prison. "If it weren't for God and Tylenol, I'd never have got through the academy," says Janice Marshall (above, at front), aka Grandma Dynamite, who used to pick crabs for a living. Oysters, once the bay's other money crop, have been decimated by disease, closing shucking houses (right) and a way of life.



Eskridge, I'll bet. He's got the get-up-and-go, and he hates anyone to beat him. If James doesn't make it, we might as well all pack up and leave."

It was 3:15 a.m. when James's dad, James Sr., known about town as Ooker, met me at the Double Six coffee shop. "James says, d'ye get seasick?" Ooker asked. "'Cause he's not comin' in till he's done, and it's gonna be blowin'."

Ooker delivered me aboard James's 37-foot workboat, *Rebecca Jean*. James, 26, who's been crabbing since he was old enough to walk, briefly acknowledged me as he arranged baskets, bait, and crab pots in the glare of deck lights. Soon we were roaring out the channel with the rest of the Tangier fleet, churning the water to froth, spotlights stabbing the night sky. The east was barely gray when he located his first line of pots, a series of mesh-wire cubes tethered to a yellow-and-red cork marker on the surface.

just them. It's also pollution, which is killing the crab's underwater grass habitat. But so far it's been easier to regulate watermen than pollution.

Has James considered leaving home for weeks to work on tugboats like nearly 20 other young Tangiermen? "NO!" he replied, adding, "well, never say never, but it would have to get real bad before I'd give this up." He said he'd wanted this life since he was six, when his grandmother made him a miniature set of waterman oilskins.

James may be the exception, as I learned from Cindy Parks, the state's commercial fishing license agent on Tangier Island. Parks estimates that out of some 170 licensed watermen on Tangier, maybe 100 crab for the entire summer. And only a few of those are young men, Parks said. "We're losing our young people. We had seven babies last year, and that was a big crop."

All across the bay there may be no more than

The latest ecological report card gave

"Guess you want me to act normal, like I'm by myself?" James asked. With that, he flicked a switch to two big all-weather radio speakers: "HalleLUUUyah! HalleLUUUyah! JOY MAKES ME SING! You're listening to praise music, 102.5." Backing in full reverse and simultaneously wielding a long pole, James hooked his first cork and in the same instant fed its line into a hydraulic pulley that shrieked as it rocketed each pot, with a dozen or so trapped crabs, to the surface. Hoist the pot aboard, dump the crabs, bait with another fish, full throttle ahead another 30 yards or so to the next pot.

Hook, pull, hoist, dump, bait. Pumped by the beat, slamming gears then sorting crabs by sex and by size, James ruled the deck with the power and precision of a prizefighter. He would fish 300 pots before the day was over—he was fishing about four pots to the song.

Although he opposes their recommendations, James is well aware of scientists' concerns about the steep downward trend in the bay's blue crab population since 1990. Spawning females are at historic low levels. To reverse the decline, Maryland and Virginia have restricted the hours crabbers can work. Maryland has also increased size limits, and Virginia has put an additional 270 square miles of bay off-limits to summertime crabbers. Watermen say the problem isn't

Middle schoolers from Rockville, Maryland, head out to hunt for arrowheads and other marsh treasures during a three-day field trip to Port Isobel, an education center on Tangier Sound run by the Chesapeake Bay Foundation, a non-profit environmental group. Educators and local watermen teach kids how to catch crabs, dredge for oysters, and appreciate the bay's natural bounty. The take-home message: Everyone lives upstream.



2,500 watermen crabbing full-time now, down from an estimated 10,000 baywide a few decades ago. Tangier has held on better than many other waterman communities, but one has to wonder whether a generation from now, with or without their covenant, James Eskridge and others will still be out on the water hoisting crabs.

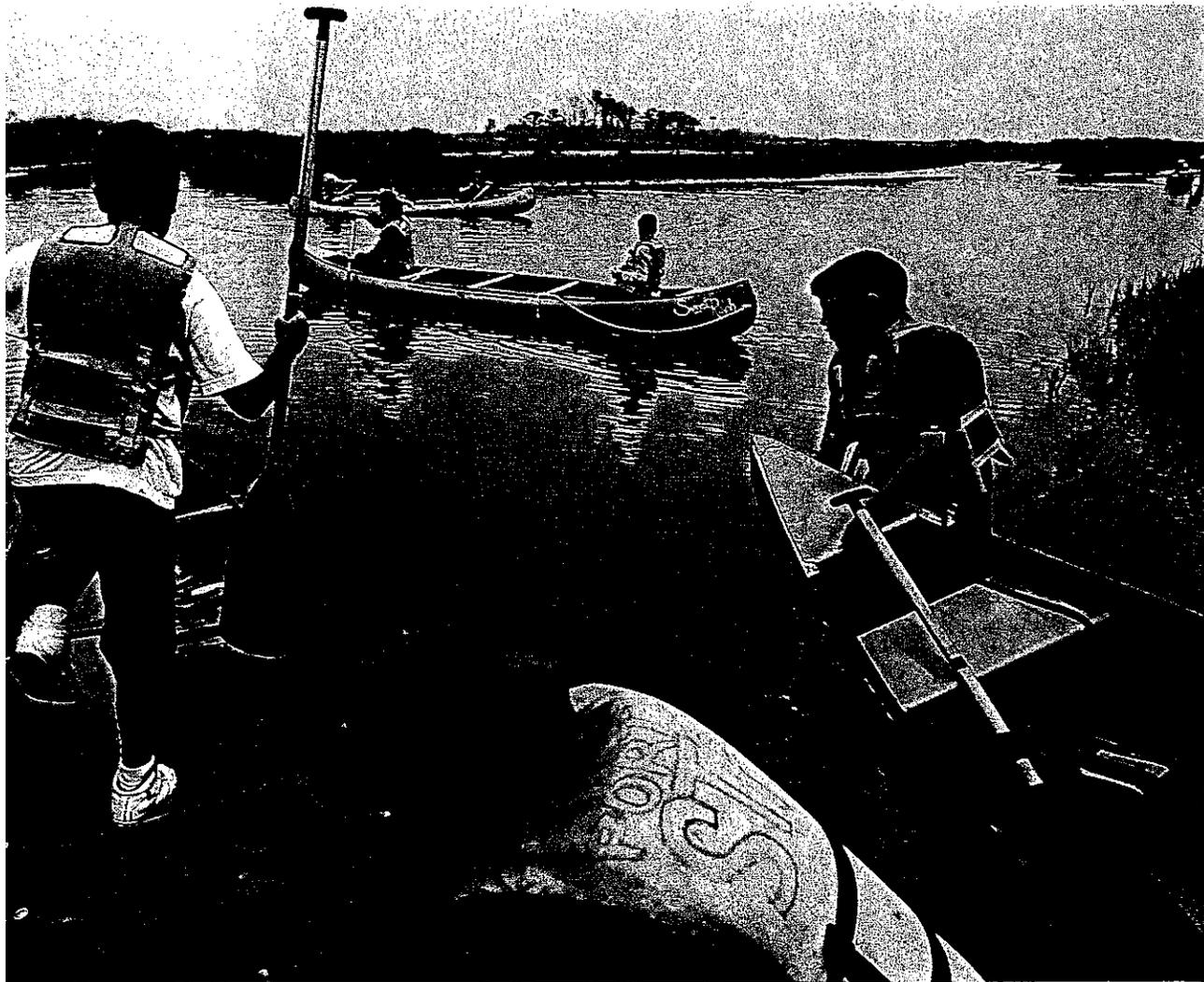
A couple of hundred miles north of Tangier Island, I parked my car beside the barn on Harold Wissler's neatly kept farm in Voganville, Pennsylvania. If he and Eskridge met, they'd probably get on well: Farmers and watermen share a natural sympathy born of their independent lifestyles and wariness of government intrusion.

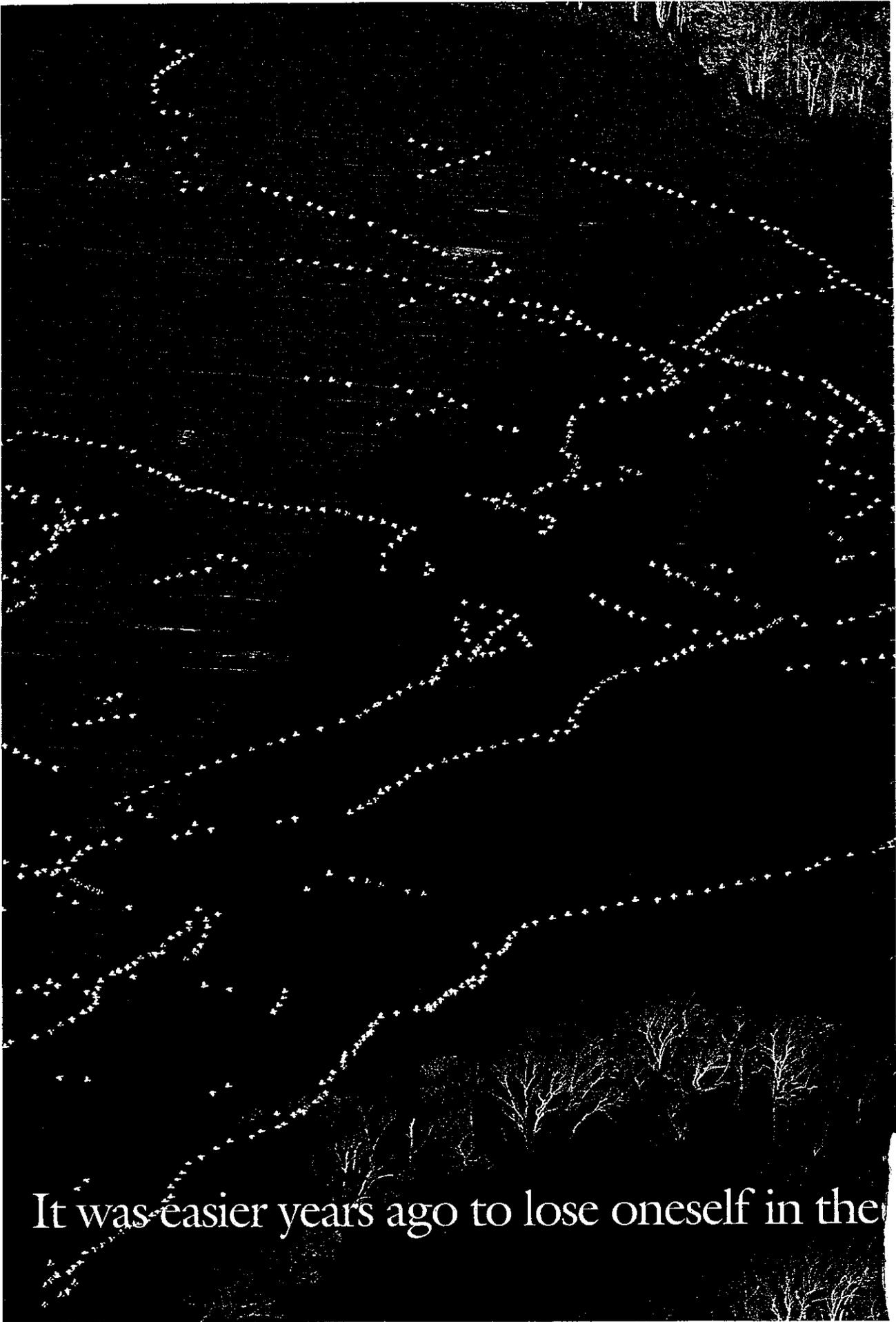
But farming intrudes heavily on the ability of places like Tangier to make a living. For more than a decade, agricultural researchers around the bay have been documenting how farming—even with the best controls—still “leaks” far too

much pollution. The bay today has become the ecological equivalent of a morbidly obese person, force-fed nitrogen and phosphorus. Excessive amounts of these nutrients and sediments have depleted the water's oxygen and killed about two-thirds of underwater grass beds vital to crabs, fish, and waterfowl.

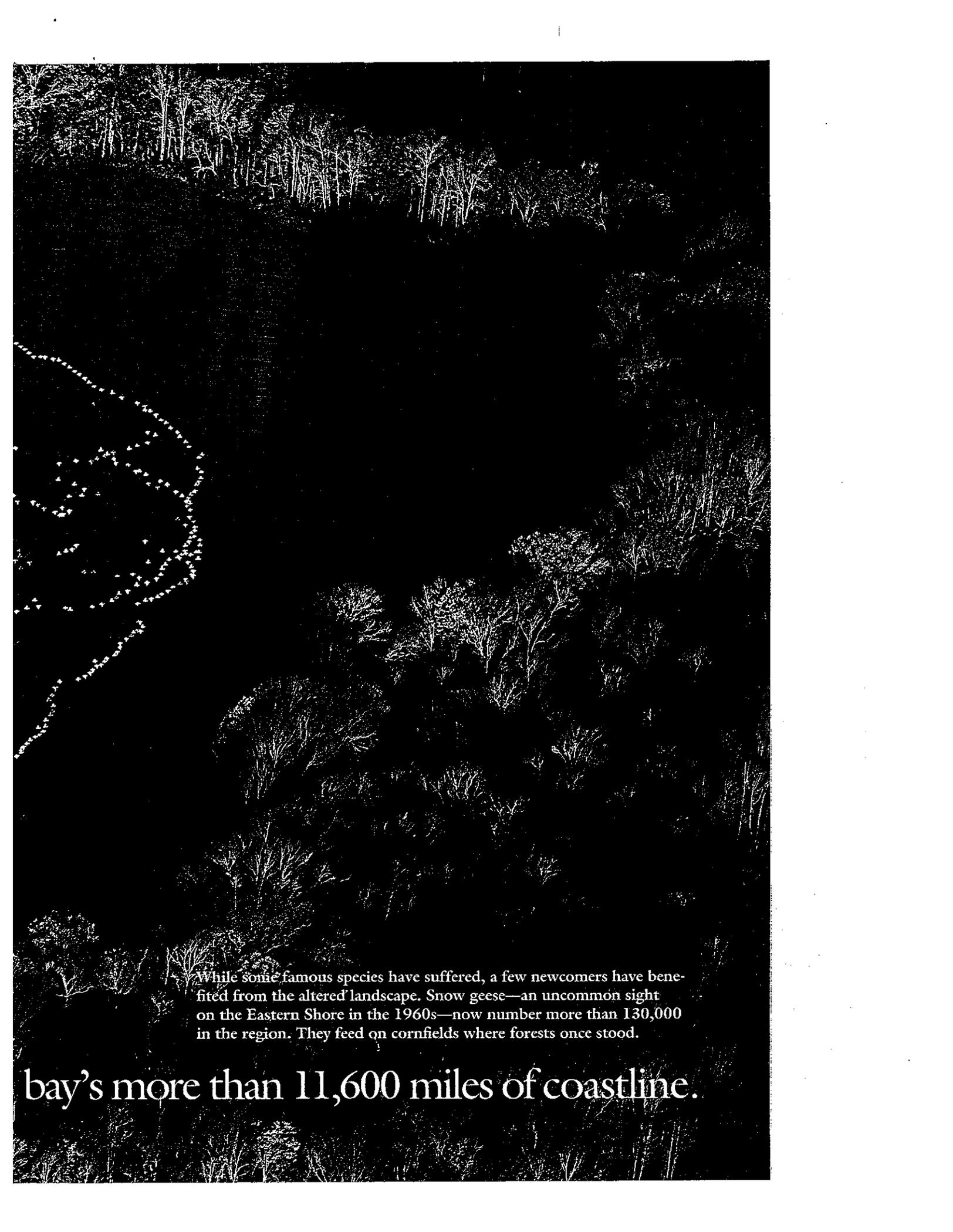
“You have to use the land so intensively now to make it on these small acres,” said Wissler, 62, who raises corn, barley, soybeans, beef cattle, and a quarter million chickens a year, all on his modest 97-acre Lancaster County farm. Farmers here have doubled their use of manure in the past several decades, adding more crops and animals to increase their profits. Such productivity is why Lancaster County alone yields enough meat, milk, and eggs to feed more than half the people living in the bay's watershed. But this “fat of the land” translates directly to an over-fatted bay,

the bay a failing grade of 27 out of 100.





It was easier years ago to lose oneself in the



While some famous species have suffered, a few newcomers have benefited from the altered landscape. Snow geese—an uncommon sight on the Eastern Shore in the 1960s—now number more than 130,000 in the region. They feed on cornfields where forests once stood.

bay's more than 11,600 miles of coastline.

as excess fertilizers wash into the Susquehanna River, which provides about half of the Chesapeake's fresh water.

Agricultural pollution control is largely voluntary in Lancaster County and throughout the bay's watershed. "I'm regulating 240 farms out of more than 5,000 here—the rest don't come under any state or federal standards," said Kevin Seibert, nutrient program manager for the county's conservation district. "We've been working here with farmers for decades, and most of those willing to be educated *have* been educated."

According to Seibert, Harold Wissler is doing more than most Pennsylvania farmers to control runoff. He spreads only as much manure as he needs to grow his crops, shipping the excess to a broker for mushroom growers, who pays him seven dollars a ton. But farmers must do a lot more to reach the approximately 40 percent cuts in nutrient pollution needed to restore the bay. An experiment on farms in Maryland went well beyond anything Wissler does, eliminating manure and planting special crops in the fall to absorb excess fertilizer. Pollution was cut by 25 percent, while maintaining yields. State officials in Pennsylvania, Maryland, and Virginia now

Chesapeake. There, for the 17th year in a row, we're going to wade into the river, up to our shoulders, hoping to see our toes. It's been decades since the bay was clear enough to do that.

A former state senator and native of Broomes Island on the lower Patuxent, Fowler, now 81, has spent nearly half his life fighting to make it possible to see clear water again. He's prayed and politicked, begged and sued: Led by Fowler in 1977, three counties along the lower part of the river sued the state and federal government and won, leading to a commitment of hundreds of millions of dollars to reduce nitrogen and phosphorus from sewage-treatment plants.

For a time the Patuxent looked like a model for bay-wide restoration, but even its cleanup hasn't been enough. "A lot's been done, a whole lot," Fowler allowed. "But we still don't have a lot of underwater grasses, crabs, or oysters. We don't have as many fish. This river and this bay are still a disgrace."

In 2003, for the first time, University of Maryland scientists graded the Patuxent's water quality, fisheries habitat, and abundance of algae. They gave it a D plus.

"I tell my grown son about when 60 oyster

"If we do right by water quality...

have plans to dramatically cut farm pollution, but they're still mostly just that—plans on paper—and may remain so until the states find the hundreds of millions of dollars needed to help farmers meet the new standards.

What more could Wissler do now to help the bay? Seibert ticked off a list of added measures like building more manure storage containers and planting the fall crops used in the Maryland experiment. When I suggested them to Wissler, he responded patiently. "Well, it would be very difficult. It would move up my retirement pretty fast." If so, he'd have no trouble selling his farm: Land-hungry developers are paying up to \$20,000 an acre in Lancaster County.

No one said cleaning up the bay would be easy. Bernie Fowler knows that better than anyone. He's my inspiration for paddling some 55 miles in four days down Maryland's Patuxent River, from its upper reaches amid the Baltimore-Washington megalopolis, to where it broadens majestically between rural shores near its meeting with the

boats were working out of Broomes Island, and 12 commercial fishing operations, and about catching six sugar barrels of crabs a day, and he can't believe it," said Fowler. "And that's my fear—we're coming to accept the river as it is."

By now a good-size crowd had assembled to hear speeches before the testing of the waters. Once the bay is put on a healthy, reduced-nutrient diet, explained Walter Boynton, a top bay scientist who lives and works on the Patuxent, it will respond "in a year or two." Indeed, when a recent drought cut polluted runoff, water clarity and underwater grasses rebounded, and the bay's dead zone, where dissolved oxygen is too low to sustain life (less than one milligram per liter) shrank. "If we do right by water quality—cut nutrient pollution by about half—we won't pay for the sins of the past."

Anson Hines, a marine ecologist at the Smithsonian Environmental Research Center near Annapolis, had a similar message about the bay's crabs, which are incredibly fecund and mature



we won't pay for the sins of the past.”

“It was wham, bam, left and right!” says angler David Waldsmith (above) of his morning fishing for American shad in the Susquehanna River below Conowingo Dam. Intensive stocking and improved fish passage on spawning streams have helped shad come back from near extinction. New technologies to reduce the impact of development, like storm-water-thirsty median strips in Maryland (right), may also improve stream health.



and reproduce quickly. With a combination of conservation and restored environmental quality, Hines said, "it may be possible they could rebound fairly quickly."

Oysters are another matter. A debate is now raging over introducing an Asian species that reportedly grows fast and resists the native oyster's diseases. Even if officials decide that the benefits of bringing in an exotic oyster outweigh the risks, "we may be looking at decades before we have significant stocks of non-native oysters," said Ken Paynter, a University of Maryland biologist.

The moment had come for Fowler and me, and into the Patuxent we went. But a stiff wind had churned the water, and I made it to around knee-deep before my size 15 sneakers vanished, nearly a yard short of our shoulder-high goal.

Why isn't the Chesapeake in better shape?

make the puzzle of bay restoration work. Under the federal Clean Water Act, if the bay states aren't making real progress in reducing excess nutrients by 2010, federally mandated pollution controls could usurp the states' efforts. To avoid this, the states have produced detailed lists of actions to achieve 1950s-grade water quality. These include everything from less polluting types of agriculture to cleaner technologies for septic tanks and reduced use of lawn fertilizer. A panel of businesspeople, politicians, and environmental leaders is seeking some 15 billion dollars in federal and state restoration funding.

Cleaning up the bay by 2010 seems highly unlikely. A recent report co-authored by Donald Boesch, head of the University of Maryland's environmental research laboratories, suggests restoration will be possible by 2030—but only if

Public support is like the estuary itself,

Two decades ago the hope was that by reducing excess nutrients by 40 percent, we would have returned the bay's water quality to 1950s levels by now. Yet efforts have focused mainly on sewage treatment, the easiest target politically and financially because laws were already in place. Unquestionably, dealing with sewage is important—Maryland just passed a law that will generate another billion dollars to further upgrade treatment—but sewage contributes only about 60 million of the estimated 275 million pounds of nitrogen entering the bay every year. The Environmental Protection Agency calculates that restoration will at minimum require cutting excess nitrogen by 110 million pounds a year.

A lack of both political will and enforcement has slowed progress in tackling the other big pollution sources—agriculture, cars, power plants, and urban storm water. We've been similarly lax in containing the sprawl consuming forests and wetlands—vegetation that absorbs millions of pounds of nutrients from polluted air and runoff—at the rate of more than 100 acres a day. And the demise of oysters, which once filtered and cleansed huge volumes of bay water as they fed on algae, has been an ecological disaster. "It's like someone removed 99 percent of the filter in your aquarium," said Bill Goldsborough, a fisheries scientist with the Chesapeake Bay Foundation.

In theory we're now assembling the pieces to

Anglers on Tangier Island enjoy the bay's simple—and fragile—pleasures. Virginia and Maryland officials met here last year to discuss how to restart a cleanup hamstrung by politics, protest, and inertia. "It's going from science to social science," says Scott Phillips, Chesapeake Bay coordinator for the U.S. Geological Survey. "You're going to have to change people's values to improve this ecosystem."



we pursue our goals aggressively.

Paddling down the Patuxent last summer, reflecting on the slow progress of voluntary clean-up, I began to think the best recourse now is to heed the advice Bernie Fowler got years ago from a mentor: "Sue the bastards." At least two environmental groups have recently taken legal action against polluters and enforcement agencies. But no amount of lawsuits can be expected to turn the water-quality clock back half a century if more than a million people are added to the region every decade. Controlling growth may be a national issue, but what better place to begin than in the bay's watershed, where the U.S. government resides?

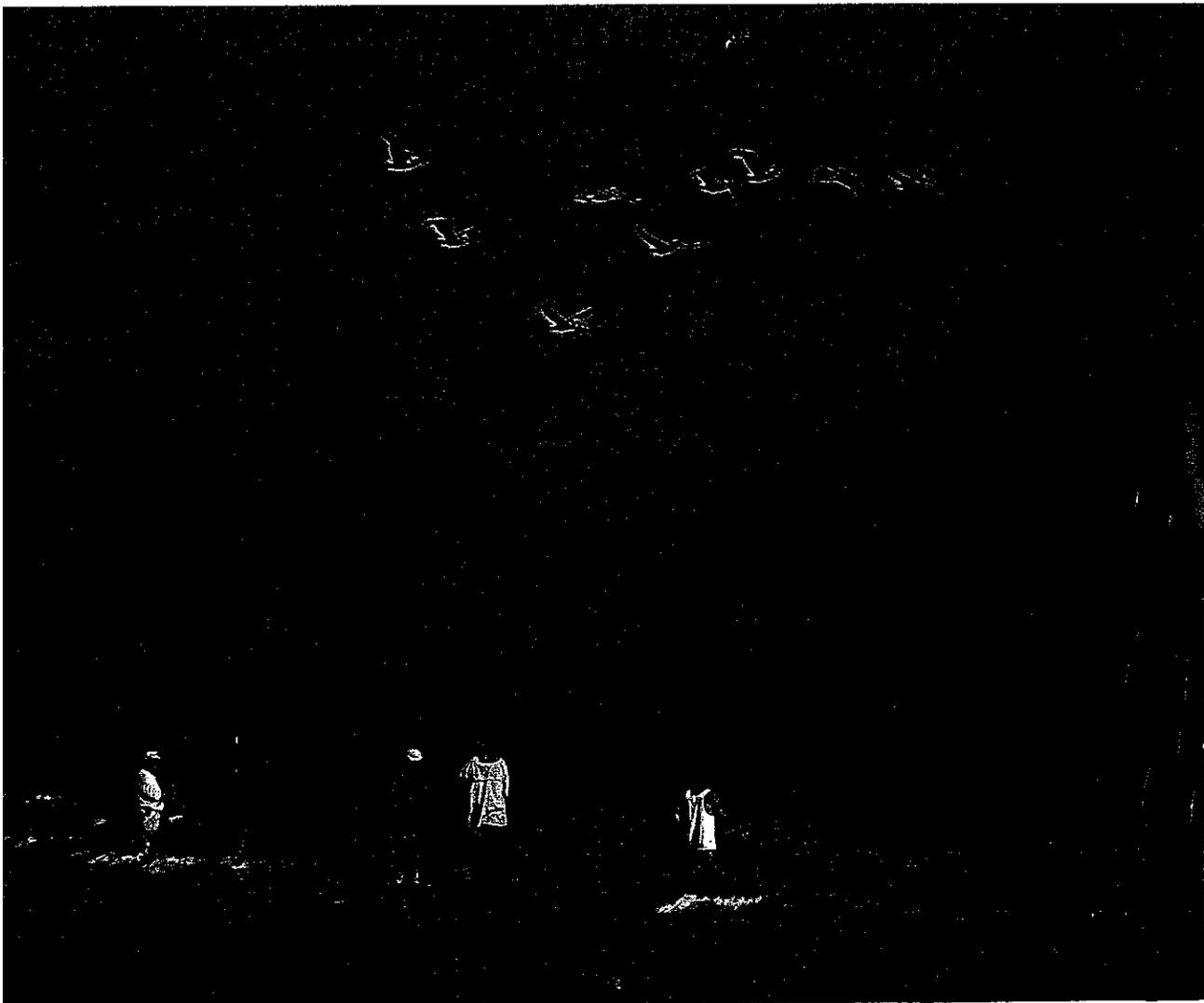
Do we have the will to restore the Chesapeake? Public support often seems like the estuary itself, impressively broad but deceptively shallow.

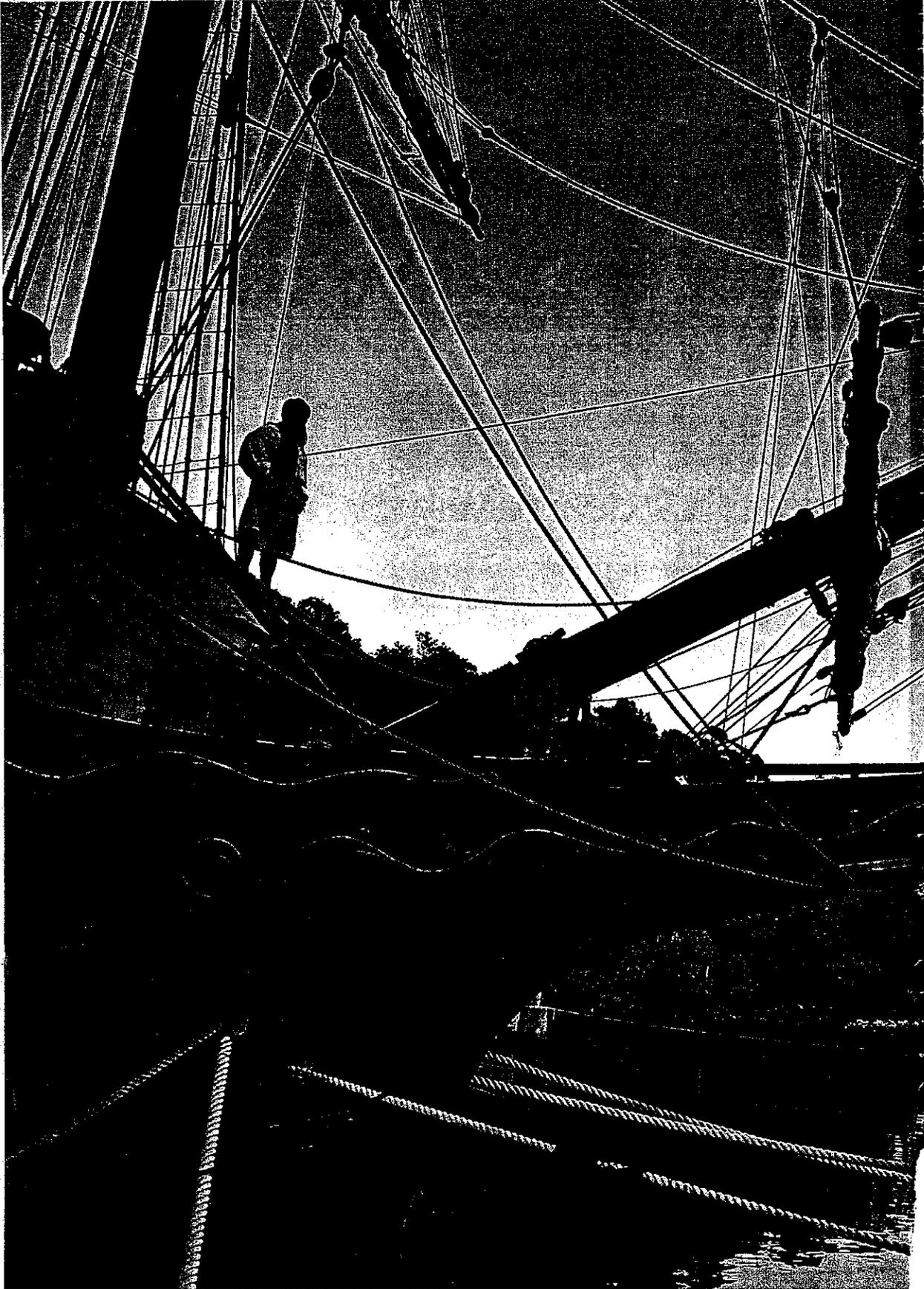
Walter Boynton, the Patuxent scientist, recalls how when he arrived on the Chesapeake nearly 40 years ago, oysters were "an essential food, part of the culture—and now they're an hors d'oeuvre. I wonder if the bay has become like that for many people, from being essential to an hors d'oeuvre."

I only hope he's wrong. As Fran Flanigan, who organized the original bay restoration summit meeting in 1983, said in a recent speech, "Ultimately we're confronted with a question of values, which no amount of money can fix." □

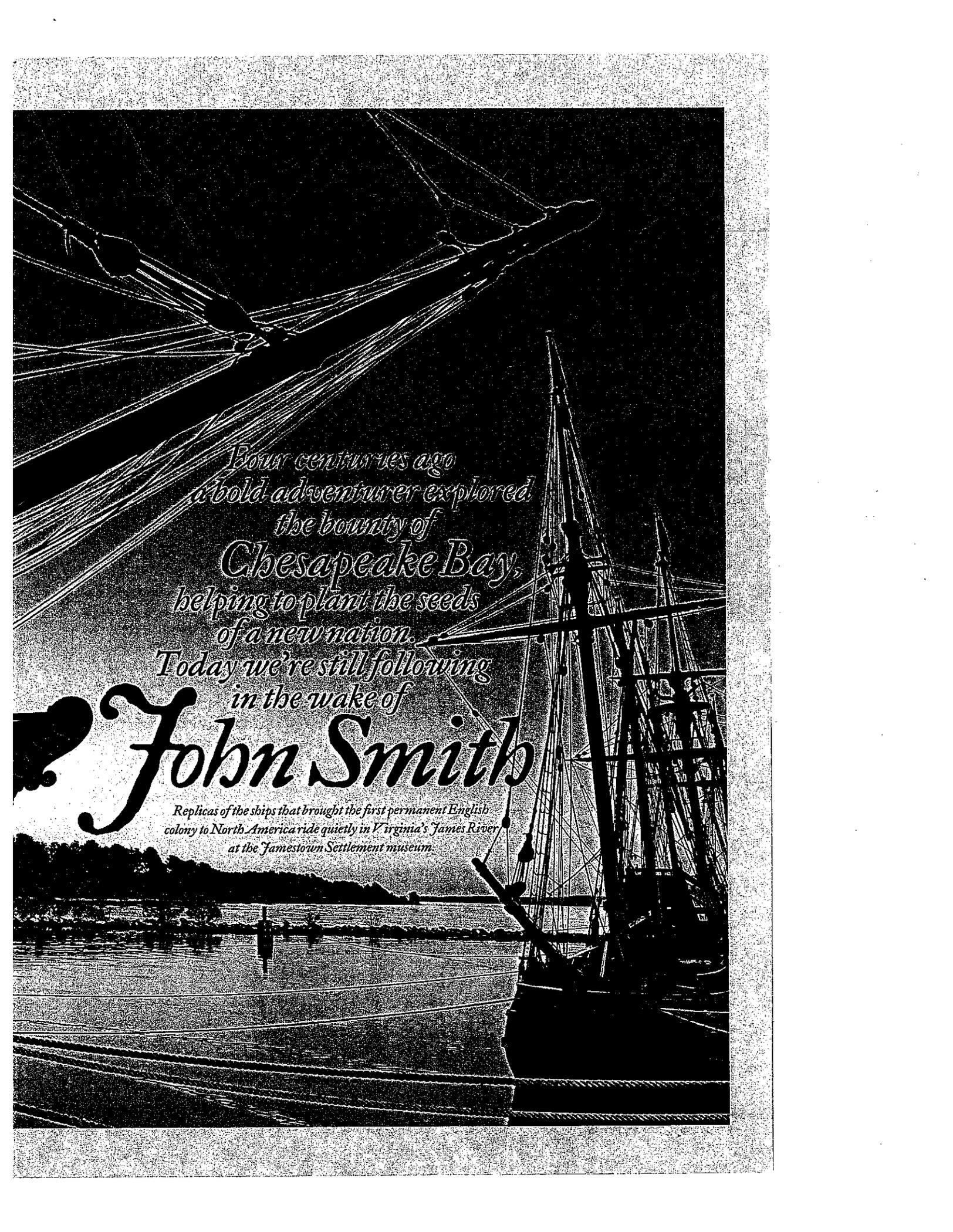
WHAT WILL IT TAKE? Will billions of dollars be enough to clean up Chesapeake Bay? Share your thoughts in a forum, then listen to a Tangier Island waterman describe a vanishing way of life, or zoom in on a high-resolution map of the bay at nationalgeographic.com/magazine/0506.

impressively broad but deceptively shallow.





PETER ESSICK



*Four centuries ago
a bold adventurer explored
the bounty of
Chesapeake Bay,
helping to plant the seeds
of a new nation.
Today we're still following
in the wake of*

John Smith

Replicas of the ships that brought the first permanent English colony to North America ride quietly in Virginia's James River at the Jamestown Settlement museum.

“Neither better fish, more plenty, nor more variety... had any of us ever seen.”

—John Smith



Helmet in hand, Jay Templin [above] describes the life of a colonist at Jamestown Settlement's re-created fort. Colonial history is still alive at nearby Berkeley Plantation for dancer Glenn Canaday [right] of the Chickahominy tribe, with which Smith traded for vital corn.

He was the kind of man historians either love or hate. A self-promoting chronicler of his own daring exploits, he has been celebrated as a hero and attacked as a liar. He arrived in the New World under arrest for treason and left two years later badly injured in an explosion. Yet if it were not for Capt. John Smith, says scholar Edward Wright Haile, “We might all be speaking French or Dutch.”

Few explorers have left as controversial a wake as the young soldier of fortune who landed on a marshy peninsula in the James River in May 1607 with about a hundred gold-hungry Englishmen. By most accounts they were ill-prepared for this strange new land where they were surrounded by powerful Indian tribes that at times greeted them warmly, at times tried to fill them full of arrows. While many of the upper-class gentlemen rarely left the safety of the settlement, Smith was in his element catching massive sturgeon in nearby rivers or trading with the tribes for the corn, meat, and furs that sustained settlers the first lean winter. He learned enough of their language to write an early guide to Algonquian words. More than once he returned to find his colleagues dispirited, even preparing to flee back to England. He dissuaded them with food supplies, loaded muskets, or his impeccable charm. On a trip to find the source of the Chickahominy River, Smith was captured, frog-marched before various tribes, and brought before Powhatan, the chief of the federation that dominated the bay's shores. Smith later wrote that his head was thrust upon a stone as club-wielding warriors stood ready to

bash in his brains. Only when Powhatan's young daughter Pocahontas laid her own head upon Smith's and pleaded for his life was he spared. Or so he said.

Whether or not it happened, no one will ever know. What is indisputable is that Smith was the first Englishman to explore and accurately chart the great estuary he called a “faire bay.” In two expeditions, with a dozen or so men in a small open boat, he traveled nearly 2,500 miles, venturing as far as he could up the major tributaries in search of gold, silver, or that elusive route to Asia. Instead he discovered natural riches unlike any that modern inhabitants of the region can likely conceive: Endless forests full of bears, wolves, and deer. Massive oyster reefs, with shells up to a foot long. Schools of rockfish, bluefish, and menhaden so thick that Smith once tried to catch them in a frying pan. And “more plenty of swans, cranes, geese, ducks and mallards, and divers sorts of fowls none would desire.” Smith soon grasped that this wasn't a place of quick riches, but of hard toil to reap nature's bounty—a task as daunting as efforts today to restore that bounty to the bay. □

—Joel K. Bourne, Jr.

NATIONAL GEOGRAPHIC SENIOR WRITER



Safe weekly amounts of mercury in fish

Florida testing for mercury in a variety of fish is helpful for calculating the amount of seafood a person can eat, and still stay within the EPA Reference Dose for mercury — the amount of mercury a person can consume on a continuing basis without fear of ill effects.

Safe amounts of fish are calculated by weekly doses. Amounts are cumulative; each meal must be counted against the weekly reference dose. Mercury amounts vary from fish to fish, and the averages below should serve only as guidelines.

How to use the chart

When calculating weekly allowances of fish, refer to the box closest to your weight and see the safe amount in ounces (a typical serving of fish is about 6 ounces). For instance, if you weigh 150 pounds you should limit yourself to 4.6 ounces per week of red grouper. For snook you could eat no more than 4.2 ounces per week. To eat more than one kind of fish or more than one fish meal per week, you would want to select species with high allowances, such as mullet (72.4 ounces per week) or sand bream (22.4 ounces).

COMMON NAME	PPM MERCURY	WEIGHT OF INDIVIDUAL				
		50 LBS	100 LBS	150 LBS	200 LBS	250 LBS
Smoked Salmon (Unspecified species)	0.039	14.8 oz	29.6	44.4	59.2	73.0
Salmon (Unspecified species)	0.04	14.3	28.6	42.9	57.1	70.5
Vermilion Snapper	0.051	11.2	22.4	33.6	44.8	55.3
Crabmeat (lump)	0.066	8.7	17.3	26.0	34.6	42.7
Yellowtail Snapper	0.078	7.3	14.7	22.0	29.4	36.3
Crabmeat (claw)	0.092	6.2	12.4	18.6	24.8	30.7
Lane Snapper	0.182	2.8	5.6	8.4	11.2	13.8
Canned Tuna (Light)	0.205	2.5	5.0	7.5	10.0	12.5
Alligator	0.267	1.9	3.8	5.7	7.6	9.5
Gag Grouper	0.271	1.9	3.8	5.7	7.6	9.5
Canned Tuna (White)	0.345	1.5	3.0	4.5	6.0	7.5
Red Grouper	0.373	1.4	2.8	4.2	5.6	7.0
Dolphin (Mahi)	0.379	1.4	2.8	4.2	5.6	7.0
Red Snapper	0.415	1.3	2.6	3.9	5.2	6.5
Tuna steak or fillet	0.463	1.1	2.2	3.3	4.4	5.5
Barracuda	0.497	1.0	2.0	3.0	4.0	5.0
King Mackerel	0.644	0.8	1.6	2.4	3.2	4.0
Yellowfin Tuna	0.691	0.7	1.4	2.1	2.8	3.5
Swordfish	1.51	0.3	0.6	0.9	1.2	1.5
Shark (Unspecified species)	2.577	0.2	0.4	0.6	0.8	1.0
Striped mullet	0.024	21.3 oz	42.6	63.9	85.2	106.5
Striped mojarra (Sand bream)	0.077	7.5	14.9	22.4	29.9	36.9
Black drum	0.078	7.3	14.7	22.0	29.3	36.2
Parrish	0.12	4.8	9.5	14.3	19.0	23.5
Gray snapper	0.075	7.7	15.4	23.1	30.8	38.5
Sheepshead	0.193	3.1	6.2	9.3	12.4	15.5
Gag grouper	0.2	3.0	6.0	9.0	12.0	15.0
Red drum (redfish)	0.222	2.7	5.4	8.1	10.8	13.5
Hardhead catfish	0.224	2.7	5.4	8.1	10.8	13.5
Yellowedge grouper	0.234	2.6	5.2	7.8	10.4	13.0
Pompano	0.275	2.2	4.4	6.6	8.8	11.0
Silver perch	0.29	2.1	4.2	6.3	8.4	10.5
Atlantic spadehead	0.334	1.8	3.6	5.4	7.2	9.0
Bonnethead	0.337	1.8	3.6	5.4	7.2	9.0
Ladyfish	0.345	1.7	3.4	5.1	6.8	8.5
Gulf flounder	0.348	1.7	3.4	5.1	6.8	8.5
Blacknose shark	0.35	1.7	3.4	5.1	6.8	8.5
Barracuda (one 11-inch fish)	0.36	1.7	3.4	5.1	6.8	8.5
Southern kingfish (whiting)	0.361	1.7	3.4	5.1	6.8	8.5
Mutton snapper	0.4	1.5	3.0	4.5	6.0	7.5
Snook	0.41	1.5	3.0	4.5	6.0	7.5
Spotted seatrout	0.434	1.4	2.8	4.2	5.6	7.0
White crout	0.444	1.4	2.8	4.2	5.6	7.0
Creville jack	0.515	1.2	2.4	3.6	4.8	6.0
Spanish mackerel	0.516	1.2	2.4	3.6	4.8	6.0
Bluefish	0.572	1.1	2.2	3.3	4.4	5.5
Cobia	0.683	0.9	1.8	2.7	3.6	4.5
Lemon shark	0.697	0.9	1.8	2.7	3.6	4.5
Gaitropical catfish	0.774	0.8	1.6	2.4	3.2	4.0
Blacktip shark	0.789	0.8	1.6	2.4	3.2	4.0
Sand seatrout	0.815	0.8	1.6	2.4	3.2	4.0
Bull shark	0.973	0.7	1.4	2.1	2.8	3.5

SOURCES: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

THE NEWS-PRESS

MILLS MAGIC



long time line
TUMOR BOARD - counties along River
& Bay vs inland

epidemiologists S.W FL
NO. + central FLA

Request EPA to monitor (SCCFOPUR)

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MEMORANDUM

DATE: February 17, 2006
TO: City Council Members
FROM: Vice Mayor Mick Denham
SUBJECT: Water Quality Issues

Fellow Council Members:

Please find attached the recent materials from the South West Regional Planning Commission relating to the "Water Issues".

Mick Denham/cjr

A handwritten signature in black ink, appearing to read "Mick Denham", is written over the typed name "Mick Denham/cjr".

CALOOSAHATCHEE RIVER BASIN COORDINATION EFFORT

The Lee County representatives on the SWFRPC asked the Council to review management options for the Caloosahatchee River basin, given the success of the Big Cypress Basin Board, the experience of SWFWMD with basins, and the continually deteriorating condition of the River, and the dependent estuary, since 2000. To that end staff was directed by the Council to perform that task, reimbursed by Lee County. Results of these efforts were presented to the Council at their January 2006 meeting.

While these efforts were underway, the deteriorating condition of the Lake due to the stirred sediments and wet dry season was becoming apparent. The apparent nature was emphasized in the Caloosahatchee River by the unusual and continuous exceedences of the maximum flow and level established for the River and estuary.

Also during this period, serious disagreements arose between the Corps and District, and area interests over the Acceler8 proposal for C-43 Reservoir Phase I, water quality target. As an outcome of that, there was a two day meeting ("Consultation") on August 15-16 between Lee County and the US Army Corps of Engineers and the South Florida Water Management District. The outcome of that meeting was to be a short term effort to develop interim water quality targets, (commenced) to cover the time until the Southwest Florida Feasibility Study (SWFFS) is complete by District/Corps (2008), and the Total Maximum Daily Load Plan (TMDL) by Florida Department of Environmental Protection (2009). Also as part of the outcome was a reemphasized Basin Water Quality Initiative.

Recently the needs of the Lake and Estuary have gotten greater attention from State Government. The announcement made in Okeechobee contained a time sequence of actions. It also contained land use, stormwater, and operational components that involve a refocused commitment from existing Land and Water managers. A great number of the details are understood to need more involvement from area local governments.

At the January 2006 Council meeting three efforts were presented within Agenda Item #4(b):

- A. An executive summary of the basin assessment.
- B. The draft Water Quality Basin Initiative prepared by Lee County and reviewed by the SFWMD.
- C. The Governor's announced Lake Okeechobee and Estuary Recovery Plan. (LOER)

To summarize the bottom line of these three efforts is (a) that there is a need for the Caloosahatchee River basin to have in place an ad hoc or interim coordination tool that effectuates the LOER proposal for that part of the Plan; (b) fleshes out the coordination tool by adding discussion points contained in the Water Quality Initiative; and (3) recognizes the fiscal tools and funding arrangements that currently exist in the basin. More details on the issues and

strategy are presented in the attached "White Paper", prepared by Lee County. This has also been a point of the County/Mayors' meetings in Lee County on the estuaries.

The request is that the SWFRPC establish a subcommittee (for one year or as appropriate). The subcommittee could include as a minimum one Commissioner from each County (maximum 4); a representative of each affected and interested City (maximum 8); FDEP (1), and SFWMD (2—West Palm Beach and Area Office), as well as other pertinent public entities. The Subcommittee's purpose would be four fold:

- A. Review existing plans to a 5 year horizon, and identify sequences proposed and needed to effectuate LOER.
- B. Identify gaps needed to be filled in order to have an effective basin water quality initiative.
- C. Make recommendations to member entities that would act to improve sequencing and fill gaps.
- D. Propose a successor coordination tool/entity to implement the emerging recommendations of the SWFFS and the TMDL plan.

The subcommittee would get administrative support from SWFRPC, funded by voluntary contributions of members. The subcommittee would receive technical support through SFWMD and RPC staff from either an ad hoc committee of participating entities and private stakeholder groups, or an existing arrangement that would have to expand its scope.

It should also be noted that Representative Trudi Williams has also proposed the establishment of a St. Lucie/Caloosahatchee River Management Committee within proposed Legislation. The structure of this committee could also be used in this proposal.

Recommended Action: Should discussion be favorable, establish a subcommittee, with appointments and staffing arrangements to be presented at a future meeting of the SWFRPC. For the River to recover, all local governments need to have complementary goals that make recovery possible. That is currently not the case.

02/2006

Caloosahatchee River Basin Coordination Effort

Subcommittee of SWRPC

Collier -- Tom Henning

Lee -- John Albion

Hendry -- Darrell Harris

Glades -- Paul Beck

Cape Coral -- Mickey Rosado

Bonita Springs -- Jay Arend

Sanibel -- Mick Denham

Monthly following the regular Planning Council meeting

1911
The following is a list of the names of the persons who were present at the meeting held on the 15th day of June 1911.

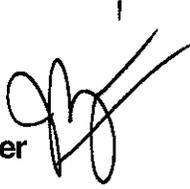
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MEMORANDUM

DATE: February 17, 2006

TO: Sanibel City Council

FROM: Judie Zimomra, City Manager 

SUBJECT: Update on Water Quality Legislation

Please find attached an updated matrix, "Pending Water Quality Legislation," based upon two additional pieces of water related legislation introduced yesterday in Tallahassee. Copies of each of the bills are also attached. The first is a Senate Companion Bill to House Bill 559, which calls for the direct election of water board members rather than gubernatorial appointment. Secondly is Senate Bill 2120, which amends the East County Water Control District in Lee and Hendry Counties and amends the boundaries of the district.

JAZ/cjm

Xc: Kenneth Cuyler, City Attorney
Dr. Robert K. Löffin, Natural Resources Director
Meribeth Farnham, Farnham & Associates, Inc.

PENDING WATER QUALITY LEGISLATION

STATE

LEGIS. #	CONTENT	STATUS	CITY POSITION	COMMENTS
HM 539	A memorial (resolution) to the President of the US and Congress, urging the prompt enactment of legislation to authorize funding...to the development of a comprehensive plan to assist in the implementation of the Lake Okeechobee and Estuary Recovery Plan.			Copy Attached
SB 1416	Provides legislative intent that restoration programs for Lake Okeechobee be reviewed to assess their potential to assist in implementing certain projects to develop alternative water supplies.	2/13/06 - Senate referred to Environmental Preservation; Agriculture; General Govt. Appropriations; Rules and Calendar		Copy Attached
HB 559	Eliminates provisions for the appointment of members to water management district governing boards; requires board members to be elected; provides for staggered terms in office.....	Currently in Water & Natural Resources Committee. Senate Companion Bill #2148 filed on 2/16/06.		Copy Attached
SB 2148	Eliminates provisions for appointment of members to the water management districts governing boards; requires board members to be elected; requires vacancies to be filled by gubernatorial appointment; directs governing board of each district to create residence areas of equal population within district for purpose of electing members; provides for inclusion of board members in Senior Management Service, etc.	Filed 2/16/06. Not currently assigned to a Committee. This is a companion bill to HB 0559.		Copy Attached
SB 2120	Amends special act re East County Water Control District in Lee & Hendry counties; amends boundaries of district.			Copy Attached

PENDING WATER QUALITY LEGISLATION

FEDERAL

LEGIS. #	CONTENT	STATUS	CITY POSITION	COMMENTS
HR2864	To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.	Congressman Mack supports this Legislation and is a sponsor. Per Mack's office, bill currently stalled in Senate.		Copy Attached. Congressman Mack's office strongly recommends contacting Senators' Nelson and Martinez to push legislation.

Crystal Mansell

From: Crystal Barber [Crystal.Barber@dutkoworldwide.com]
Sent: Friday, February 17, 2006 10:59 AM
To: Crystal Mansell
Cc: Jamie Wilson; Van Poole
Subject: One more to add ...

Crystal just noticed this one as well...

It is a bill filed yesterday by Aronberg that changes the boundaries of the Lee and Hendry county Water control districts. Rep. Kreegle has filed this bill in the House. I have attached the bill. The boundary changes are detailed in the bill.

Crystal Barber

SB 2120 - Water Control Dist./Lee & Hendry Co.

LOCAL BILL by Aronberg

Water Control Dist./Lee & Hendry Co.: amends special act re East County Water Control District in Lee & Hendry counties; amends boundaries of district.

Effective Date: Upon becoming law

Last Event: 02/16/06 S Filed on Thursday, February 16, 2006 10:51 AM

Related Bills:

Bill #	Subject	Relationship
HB 547	East County Water Control District, Lee and Hendry Counties	Identical

Bill Text:

[Original Filed Version](#)

Staff Analysis:

(None Available)

Vote History:

(no votes recorded)

Bill History:

Event	Time	Member	Committee
02/16/06 S Filed	Thursday, February 16, 2006 10:51 AM		

By Senator Aronberg

27-574-06

See HB 547

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A bill to be entitled
An act relating to the East County Water
Control District, Lee and Hendry Counties;
amending ch. 2000-423, Laws of Florida;
amending the boundaries of the district;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 1 of section 3 of
chapter 2000-423, Laws of Florida, is amended to read:

Section 1. Creation; Status; Charter amendments;
District boundaries.--

(2) The boundaries of the District are hereby declared
to be as follows:

LANDS IN LEE COUNTY, FLORIDA

TOWNSHIP 43 SOUTH, RANGE 26 EAST

SECTION 25:

The following portions of Section 25;

The East 1/2 of the Northeast 1/4 of the
Northeast 1/4, together with

The Northeast 1/4 of the Southeast 1/4 of the
Northeast 1/4.

TOWNSHIP 43 SOUTH, RANGE 27 EAST

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SECTION 19:

Commencing at the Southeast corner of Government Lot 5 of said Section 19, said point also being the South 1/4 Section Corner of said Section 19; thence North 89° 32' 09" West along the South line of said Section 19, a distance of 941.16 feet to the POINT OF BEGINNING of this description; thence North 00° 33' 49" West, a distance of 961.01 feet to the Southerly United States Government Easement line of the Caloosahatchee River; thence continuing North 00° 33' 48" West, a distance of 90 feet, more or less, to the Southerly waters edge of the said Caloosahatchee River; thence Southwesterly along the meanders of said Southerly waters edge of the Caloosahatchee River, a distance of 780 feet, more or less; thence South 00° 33' 48" East, a distance of 50 feet, more or less, to the said Southerly United States Government Easement line of the Caloosahatchee River; thence continuing South 00° 33' 48" East, a distance of 578.75 feet to the said South line of Section 19; thence South 89° 32' 09" East along the said South line of Section 19 to the POINT OF BEGINNING, LESS the Easterly 35.80 feet of the above described parcel.

SECTION 30:

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The following portions of Section 30;

That portion of the West 1/2 of said Section 30 lying North of State Road 80, LESS the West 118.40 feet thereof.

That portion of the Northwest 1/4 of the Northeast ~~Northwest~~ 1/4 of Section 30 lying North of State Road 80.

That portion of Section 30 lying South of the Southerly Right-of-Way line of State Road 80, LESS the West 200.00 feet of said Section 30 lying South of Hickey's Creek,

AND LESS lots 18 thru 28, Lots 31 and 32, Lots 37 and 38, Lots 41 thru 44 all as shown on Pine Creek Acres, Unit No. 1 as recorded in Plat Book 10, Page 13 of the Public Records of Lee County, Florida.

AND LESS Lot 1, Lots 23 and 24, Lots 27 and 28, the 50 foot Right-of-Way for Dixie Lane and that portion of the 50 foot Right-of-Way for Pine Boulevard lying Easterly of a line connecting the Northeast corner of Lot 92 with the Southeast corner of Lot 35 all as shown on Pine Creek Acres, Unit No. 2 as recorded in Plat Book 10, Page 74 of the said Public Records;

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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AND LESS the following described parcel;

BEGINNING at the Northeast corner of Pine Creek Acres, Unit No. 1 as recorded in Plat Book 10, Page 13 of the said Public Records; thence South 00° 56' 00" East along the East line of said Pine Creek Acres, Unit No. 1 and the Southerly projection thereof, a distance of 223.86 feet; thence North 89° 35' 20" East, a distance of 166.20 feet; thence North 00° 24' 40" West, a distance of 203.00 feet to the said Southerly Right-of-Way line of State Road 80; thence North 82° 54' 00" West along the said Southerly Right-of-Way line of State Road 80 to the POINT OF BEGINNING,

AND LESS the following described parcel;

Commencing at the said Northeast corner of Pine Creek Acres, Unit No. 1; thence South 00° 56' 00" East along the said East line of Pine Creek Acres, Unit No. 1 and the Southerly projection thereof, a distance of 223.86 feet; thence North 89° 35' 20" East, a distance of 166.20 feet; thence North 00° 24' 40" West, a distance of 203.00 feet to the said Southerly Right-of-Way line of State Road 80, thence South 82° 54' 00" East along the said Southerly Right-of-Way line of State Road 80, a distance of 137.61 feet to the POINT OF BEGINNING of

1 this description; thence South 00° 24' 40"
2 East, a distance of 237.58 feet; thence North
3 89° 35' 20" East, a distance of 209.19 feet;
4 thence South 00° 24' 40" East, a distance of
5 918.16 feet; thence North 89° 35' 20" East, a
6 distance of 420.00 feet; thence North 00° 24"
7 40" West, a distance of 1069.39 feet to the
8 said Southerly Right-of-Way line of State Road
9 80; thence Northwesterly along the said
10 Southerly Right-of-Way line of State Road 80 to
11 the POINT OF BEGINNING,
12

13 AND LESS the following described parcel;
14

15 BEGINNING at the intersection of the East line
16 of the Northwest 1/4 of the Northeast 1/4 of
17 said Section 30 and the said Southerly
18 Right-of-Way line of State Road 80; thence
19 South 00° 24' 40" East along the East line of
20 the West 1/2 of the Northeast 1/4 of said
21 Section 30 to a point which is South 00° 24'
22 40" East, a distance of 129.00 feet from the
23 Northwest corner of the Southeast 1/4 of the
24 Northeast 1/4 of said Section 30; thence South
25 89° 41' 55" East along a line parallel with the
26 North line of the said Southeast 1/4 of the
27 Northeast 1/4, a distance of 337.00 feet;
28 thence North 00° 24' 40" West to the said
29 Southerly Right-of-Way line of State Road 80;
30 thence North 81° 08' 00" West along the said
31

1 Southerly Right-of-Way line of State Road 80 to
2 the POINT OF BEGINNING.
3
4 SECTION 31:
5
6 The following portions of Section 31;
7
8 The West 1/2, together with
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10 The West 1/2 of the Southeast 1/4, together
11 with
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13 The Southeast 1/4 of the Southeast 1/4,
14 together with
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16 The Southwest 1/4 of the Northeast 1/4,
17 together with
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19 The Southwest 1/4 of the Northwest 1/4 of the
20 Northeast 1/4, together with
21
22 The Northeast 1/4 of the Northeast 1/4 of the
23 Northeast 1/4.
24
25 SECTION 36:
26
27 The East 1/2 of Section 36, LESS the Northwest
28 1/4 of the Northeast 1/4 thereof.
29
30 TOWNSHIP 44 SOUTH, RANGE 26 EAST
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1 SECTION 1-3:
2
3 All of Sections 1, 2 and 3.
4
5 SECTION 4:
6
7 The East 1/2 of Section 4.
8
9 SECTION 10:
10
11 The following portions of Section 10;
12
13 The East 1/2 of the Southeast 1/4, together
14 with
15
16 The Northwest 1/4 of the Southeast 1/4.
17
18 SECTIONS 11-14:
19
20 All of Sections 11, 12, 13 and 14.
21
22 SECTION 15:
23
24 The East 1/2 of the East 1/2 of Section 15.
25
26 SECTION 16:
27
28 The following portions of Section 16;
29
30 All of Units 1 through 5 of "Lehigh Acres" as
31 recorded in Plat Book 27, Page 186 of the

1 Public Records of Lee County, Florida together
2 with,
3
4 Lot 16, Block 36 of "Buckingham Park, Northwest
5 Section" as recorded in Plat Book 9, Page 92 of
6 the said Public Records.
7
8 SECTION 19:
9
10 The following portions of Section 19;
11
12 The Southeast 1/4, together with
13
14 That portion of the Northeast 1/4 of said
15 Section 19 lying South of Buckingham Road.
16
17 SECTION 20:
18
19 The following portions of Section 20;
20
21 The South 1/2, together with
22
23 That portion of the North 1/2 of said Section
24 20 lying South of Buckingham Road.
25
26 SECTION 21:
27
28 The following portions of "Buckingham Park,
29 South Section" as recorded in Plat Book 9, Page
30 99 of the said Public Records being in Section
31 21;

1
2 Lots 3 through 10 of Block 40,
3
4 Lots 1 and 3 of Block 38,
5
6 Lot 28 of Block 29,
7
8 The North 40 feet of Lot 29 of Block 29,
9
10 All of Tract "D",
11
12 All of Block "E"
13
14 together with,
15
16 the Re-subdivision of that portion of Block "E"
17 of said "Buckingham Park, South Section" as
18 replatted on "Plat of Unit 3 Lehigh Park, a
19 Subdivision of Lehigh Acres" as recorded in
20 Plat Book 15, Page 66 of the said Public
21 Records, together with
22
23 That portion of said Section 21 lying
24 Southwesterly of the centerline of a 60 foot
25 easement as described in Miscellaneous Book 32,
26 Page 335 of the said Public Records.
27
28 SECTION 22:
29
30 That portion of Section 22 lying South and
31 Southwesterly of Homestead Road as shown on

1 Plat of "Buckingham Park Entrance Roads" as
2 recorded in Plat Book 9, Page 97 of the said
3 Public Records.
4
5 SECTIONS 23-29:
6
7 All of Sections 23, 24, 25, 26, 27, 28 and 29.
8
9 SECTION 30:
10
11 The following portions of Section 30;
12
13 The South 1/2, together with
14
15 The Northeast 1/4, together with
16
17 The South 100 feet of the North 1/2.
18
19 SECTION 31:
20
21 That portion of said Section 31 lying
22 Northeastly of State Road 82.
23
24 SECTIONS 32-36:
25
26 All of Sections 32, 33, 34, 35 and 36.
27
28 TOWNSHIP 44 SOUTH, RANGE 27 EAST
29
30 SECTION 1:
31

1 All of Section 1.
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3 SECTION 2:
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5 All of Section 2, LESS the Northwest 1/4 of the
6 Northwest 1/4 thereof.
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8 SECTION 3:
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10 All of Section 3, LESS the Northeast 1/4
11 thereof,
12
13 AND LESS the East 1/2 of the Northwest 1/4
14 thereof.
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16 SECTIONS 4-6:
17
18 All of Sections 4, 5 and 6.
19
20 SECTION 7:
21
22 The following portions of Section 7;
23
24 The South 1/2, together with
25
26 The Northwest 1/4, together with
27
28 The Southwest 1/4 of the Northeast 1/4,
29 together with
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1 The North 1/2 of the Northeast 1/4, together
2 with
3
4 The North 854 feet of the East 466 feet of the
5 Southeast 1/4 of the Northeast 1/4.
6
7 SECTION 8:
8
9 The following portions of Section 8;
10
11 The South 1/2, together with
12
13 The Northwest 1/4 of the Northeast 1/4,
14 together with
15
16 The West 1/2 of the Northeast 1/4, together
17 with
18
19 The East 3/4 of the Southeast 1/4 of the
20 Northwest 1/4.
21
22 SECTION 9:
23
24 All of said Section 9, LESS the Southwest 1/4
25 of the Northeast 1/4 thereof.
26
27 SECTIONS 10-36:
28
29 All of Sections 10, 11, 12, 13, 14, 15, 16, 17,
30 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,
31 30, 31, 32, 33, 34, 35 and 36.

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2 TOWNSHIP 45 SOUTH, RANGE 26 EAST
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4 SECTIONS 1-3:
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6 All of Section 1, 2 and 3.
7
8 SECTION 4:
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10 All that portion of Section 4 lying North of
11 State Road 82.
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13 SECTION 5:
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15 All that portion of Section 5 lying North of
16 State Road 82.
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18 SECTION 6:
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20 All that portion of Section 6 lying North of
21 State Road 82.
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23 SECTION 9:
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25 All that portion of Section 9 lying North of
26 State Road 82.
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28 SECTION 10:
29
30 All that portion of Section 10 lying North of
31 State Road 82.

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2 SECTION 11:
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4 All that portion of Section 11 lying North of
5 State Road 82.
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7 SECTION 12:
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9 All of Section 12.
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11 SECTION 13:
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13 All that portion of Section 13 lying North of
14 State Road 82.
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16 SECTION 14:
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18 All that portion of Section 14 lying North of
19 State Road 82.
20
21 TOWNSHIP 45 SOUTH, RANGE 27 EAST
22
23 SECTIONS 1-3 ~~1-2~~:
24
25 All of Sections 1, ~~and 2~~ and 3.
26
27 ~~SECTION 3:~~
28
29 ~~The following portions of Section 3,~~
30
31 ~~The South 1/2, together with~~

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2 ~~The Northeast 1/4, together with~~
3
4 ~~The East 1/2 of the Northwest 1/4, together~~
5 ~~with the following described parcel;~~
6
7 ~~Commencing at the Northeast corner of~~
8 ~~Government Lot 4 of said Section 3; thence~~
9 ~~Southerly along the East line of said~~
10 ~~Government Lot 4, a distance of 631.60 feet to~~
11 ~~the POINT OF BEGINNING of this description;~~
12 ~~thence continue Southerly along the said East~~
13 ~~line of Government Lot 4, a distance of 315.90~~
14 ~~feet; thence Westerly, a distance of 660.00~~
15 ~~feet; thence Northerly along a line parallel~~
16 ~~with the said East line of Government Lot 4, a~~
17 ~~distance 315.90 feet; thence Easterly, a~~
18 ~~distance of 660.00 feet to the POINT OF~~
19 ~~BEGINNING, Together with the following~~
20 ~~described parcel:~~
21
22 ~~Commencing at the Northeast corner of said~~
23 ~~Government Lot 4 of Section 3; thence Southerly~~
24 ~~along the East line of said Government Lot 4, a~~
25 ~~distance of 157.90 feet to the POINT OF~~
26 ~~BEGINNING of this description; thence continue~~
27 ~~Southerly along the said Easterly line of~~
28 ~~Government Lot 4, a distance of 315.80 feet;~~
29 ~~thence Westerly, a distance of 330.00 feet;~~
30 ~~thence Northerly, a distance of 315.00 feet;~~
31 ~~thence Easterly, a distance of 330.00 feet to~~

1 ~~the POINT OF BEGINNING, Together with the~~
2 ~~following described parcel:~~
3
4 ~~Commencing at the Northwest corner of said~~
5 ~~Government Lot 4; thence Southerly along the~~
6 ~~West line of said Section 3, a distance of~~
7 ~~631.60 feet to the POINT OF BEGINNING of this~~
8 ~~description; thence Easterly, a distance of~~
9 ~~660.00 feet; thence Southerly, a distance of~~
10 ~~315.90 feet; thence Westerly, a distance of~~
11 ~~660.00 feet; thence Northerly, a distance of~~
12 ~~315.90 feet to the POINT OF BEGINNING,~~
13
14 ~~Together with the following described parcel:~~
15
16 ~~Commencing at the Northwest corner of Section~~
17 ~~3; thence North 89° 15' 00" East along the~~
18 ~~North line of said Section 3, a distance of~~
19 ~~1326.37 feet to the Northeast corner of~~
20 ~~Government Lot 4 of said Section 3; thence~~
21 ~~South 01° 02' 02" East along the East line of~~
22 ~~said Government Lot 4, a distance of 473.70~~
23 ~~feet to the POINT OF BEGINNING of this~~
24 ~~description; thence continuing South 01° 02'~~
25 ~~02" East, a distance of 157.90 feet; thence~~
26 ~~South 89° 15' 05" West, a distance of 330.00~~
27 ~~feet; thence North 00° 32' 28" West, a distance~~
28 ~~of 157.90 feet; thence North 89° 15' 03" East,~~
29 ~~a distance of 330.00 feet to the said East line~~
30 ~~of Government Lot 4 and the POINT OF BEGINNING,~~
31

1 ~~Together with the following described parcel:~~
2
3 ~~Commencing at the Northwest corner of Section~~
4 ~~3,~~
5
6 ~~thence South 00° 02' 50" East along the West~~
7 ~~line of said Section 3, a distance of 947.50~~
8 ~~feet to the POINT OF BEGINNING of this~~
9 ~~description; thence North 89° 15' 10" East, a~~
10 ~~distance of 1342.70 feet; thence South 01° 02'~~
11 ~~07" East, a distance of 631.80 feet; thence~~
12 ~~South 89° 15' 15" West, a distance of 676.80~~
13 ~~feet; thence South 00° 32' 28" East, a distance~~
14 ~~of 928.52 feet to a point on the East/West 1/4~~
15 ~~Section line of said Section 3; thence North~~
16 ~~89° 54' 56" West along the said East/West 1/4~~
17 ~~Section line of Section 3, a distance of 684.84~~
18 ~~feet to the West 1/4 corner of said Section 3;~~
19 ~~thence North 00° 02' 50" West along the West~~
20 ~~line of said Section 3, a distance of 1550.46~~
21 ~~feet to the POINT OF BEGINNING.~~
22
23 SECTION 4:
24
25 All of Section 4, LESS the Southeast 1/4 of the
26 Southeast 1/4 thereof,
27
28 AND LESS the South 1/2 of the Northeast 1/4 of
29 the Southeast 1/4 of said Section 4.
30
31

1 AND LESS the South 1/2 of the Northeast 1/4 of
2 the Northeast 1/4 of the Southeast 1/4 of said
3 Section 4,
4
5 AND LESS the Northwest 1/4 of the Northeast 1/4
6 of the Southeast 1/4 of said Section 4.
7
8 SECTION 5:
9
10 The following portions of Section 5;
11
12 The Northwest 1/4, together with
13
14 The East 3/4 of the North 1/2 of the Southwest
15 1/4, together with The South 1/2 of the
16 Southwest 1/4, together with
17
18 The Southwest 1/4 of the Southeast 1/4 LESS the
19 South 175 feet of the East 125 feet thereof,
20 together with The following described parcel
21 being in the Northeast 1/4 of the Northeast 1/4
22 of said Section 5; Commencing at the Northeast
23 corner of said Section 5; thence Westerly along
24 the North line of said Section 5, said North
25 line of Section 5 being the South line of Units
26 7 and 18 of "Leeland Heights" as shown on plat
27 recorded in Plat Book 12, Page 53 of the said
28 Public Records, a distance of 116.51 feet to
29 the Southwest corner of Lot 10 of Block 87 of
30 said "Leeland Heights" and the POINT OF
31 BEGINNING of this description; thence

1 continuing Westerly along the said North line
2 of Section 5, a distance of 1208.55 feet to the
3 Northwest corner of the Northeast 1/4 of the
4 Northeast 1/4 of said Section 5; thence South
5 01° 35' 34" East along the West line of the
6 said Northeast 1/4 of the Northeast 1/4 of
7 Section 5, a distance of 1149.72 feet; thence
8 Easterly along a line parallel with the said
9 North line of Section 5, a distance of 1268.07
10 feet to a point of intersection with a line
11 parallel with and 60 feet Westerly of (as
12 measured at right angles) the East line of said
13 Section 5; thence North 01° 44' 40" West along
14 said parallel line, a distance of 1089.78 feet
15 to a point of intersection with a line parallel
16 with and 60 feet Southerly of (as measured at
17 right angles) the said North line of Section 5;
18 thence Westerly along said line parallel with
19 and 60 feet Southerly of the North line of
20 Section 5, a distance of 58.31 feet to a point
21 of intersection with the Southerly prolongation
22 of the West line of said Lot 10 of Block 87 of
23 "Leeland Heights"; thence Northerly along said
24 Southerly prolongation, a distance of 60.00
25 feet to the POINT OF BEGINNING. Bearings in
26 last described parcel relative to said Plat of
27 Units 7 and 18 of "Leeland Heights".

28
29 SECTION 6:
30
31

1 All of Section 6, LESS ~~the Northwest 1/4 of the~~
2 ~~Southwest 1/4 of the Northeast 1/4 thereof,~~
3
4 ~~AND LESS the South 1/2 of the Northeast 1/4 of~~
5 ~~the Southwest 1/4 of the Northeast 1/4 of said~~
6 ~~Section 6,~~
7
8 ~~AND LESS the South 1/2 of the Southeast 1/4 of~~
9 ~~the Northwest 1/4 of the Northeast 1/4 of said~~
10 ~~Section 6,~~
11
12 ~~AND LESS the South 1/2 of the Southwest 1/4 of~~
13 ~~the Northwest 1/4 of the Northeast 1/4 of said~~
14 ~~Section 6,~~
15
16 ~~AND LESS the North 1/2 of the Northeast 1/4 of~~
17 ~~the Northwest 1/4 of the Northeast 1/4 of said~~
18 ~~Section 6,~~
19
20 ~~AND LESS~~ the following described parcel,
21
22 BEGINNING at the Southwest corner of Government
23 Lot 5 of said Section 6; thence Northerly along
24 the West line of said Government Lot 5, a
25 distance of 466.70 feet; thence Easterly along
26 a line parallel with the South line of said
27 Government Lot 5, a distance of 466.70 feet;
28 thence Southerly along a line parallel with the
29 said West line of Government Lot 5, a distance
30 of 466.70 feet; thence Westerly along the South
31

1 line of said Government Lot 5, a distance of
2 466.70 feet to the POINT OF BEGINNING.
3
4 SECTION 7:
5
6 All of Section 7.
7
8 SECTION 8:
9
10 All of Section 8, LESS the Southwest 1/4 of the
11 Southeast 1/4 thereof.
12
13 SECTION 9:
14
15 The following portions of Section 9;
16
17 The West 1/2 of the Southwest 1/4, together
18 with
19
20 The Southeast 1/4, together with
21
22 The West 1/2 of the Northeast 1/4, together
23 with
24
25 The Southeast 1/4 of the Northeast 1/4.
26
27 SECTIONS 10-17:
28
29 All of Sections 10, 11, 12, 13, 14, 15, 16 and
30 17.
31

1 SECTION 18:
2
3 All of Section 18, LESS the 200 foot
4 Right-of-Way for State Road 82 thereof,
5
6 AND LESS the Westerly 25 feet of that portion
7 of said Section 18 lying Northerly of said
8 State Road 82, said 25 foot strip as conveyed
9 to Lee County for roadway purposes by deed
10 recorded in Official Record Book 147, Page 73
11 of the said Public Records of Lee County.

12
13 SECTION 19:
14
15 All of Section 19, LESS the 200 foot
16 Right-of-Way for State Road 82 thereof,
17
18 AND LESS the following described parcel,
19 BEGINNING at the Northeast corner of said
20 Section 19; thence South 00° 34' 00" East along
21 the East line of said Section 19 to the East
22 1/4 Section corner of said Section 19; thence
23 South 89° 53' 40" West along the East/West 1/4
24 Section line of said Section 19, a distance of
25 1479.38 feet; thence North 00° 39' 20" West
26 along a line parallel with and 156.00 feet
27 Westerly of (as measured at right angles) the
28 West line of the East 1/2 of the Northeast 1/4
29 of said Section 19, a distance of 2019.77 feet
30 to a point of intersection with the
31 Southwesterly Right-of-Way line of said State

1 Road 82; thence South 64° 06' 00" East along
2 the said Southwesterly right-of-Way line of
3 State Road 82, a distance of 174.40 feet to a
4 point of intersection with the said West line
5 of the East 1/2 of the Northeast 1/4 of Section
6 19; thence North 00° 39' 20" West along the
7 said West line of the East 1/2 of the Northeast
8 1/4 of Section 19, a distance of 223.58 feet to
9 a point of intersection with the Northeasterly
10 Right-of-Way line of State Road 82; thence
11 North 64° 06' 00" West along the said
12 Northeasterly Right-of-Way line of State Road
13 82, a distance of 400.00 feet; thence North 49°
14 30' 50" East, a distance of 465.93 feet to the
15 Northwest corner of the said East 1/2 of the
16 Northeast 1/4 of Section 19; thence North 89°
17 55' 00" East along the North line of said
18 Section 19, a distance of 1327.50 feet to the
19 POINT OF BEGINNING.

20
21 SECTION 20:

22
23 All of Section 20, LESS the 200 foot
24 Right-of-Way for State Road 82 thereof,

25
26 AND LESS the following described parcel,
27 BEGINNING at the Northwest corner of said
28 Section 20; thence North 89° 15' 50" East along
29 the North line of said Section 20, a distance
30 of 227.46 feet; thence South 00° 34' 00" East
31 along a line parallel with the West line of

1 said Section 20, a distance of 1516.82 feet to
2 a point of intersection with the Northerly
3 Right-of-Way line of State Road 82; thence
4 North 49° 52' 20" West along the said Northerly
5 Right-of-Way line of State Road 82, a distance
6 of 300.00 feet to a point of intersection with
7 the West line of said Section 20; thence North
8 00° 34' 00" East along the said West line of
9 Section 20 to the POINT OF BEGINNING

10
11 AND LESS the following described parcel,
12 BEGINNING at the intersection of the
13 Southwesterly Right-of-Way line of State Road
14 82 and the South line of said Section 20;
15 thence North 24° 51' 40" West along the said
16 Southwesterly Right-of-Way line of State Road
17 82, a distance of 1000.00 feet; thence South
18 32° 24' 30" West, a distance of 1081.39 feet to
19 a point of intersection with the said South
20 line of Section 20; thence North 89° 40' 40"
21 East along the said South line of Section 20, a
22 distance of 1000.00 feet to the POINT OF
23 BEGINNING. Last described parcel being recorded
24 in Deed Book 306, Page 153 of the said Public
25 Records of Lee County.

26
27 SECTIONS 21-26:

28
29 All of Sections 21, 22, 23, 24, 25 and 26.

30
31 SECTION 27:

1
2 All of Section 27 lying NORTH of State Road 82.
3
4 SECTION 28:
5
6 All of Section 28 lying North of State Road 82.
7
8 SECTION 29:
9
10 All of Section 29 lying North of State Road 82.
11
12 SECTION 34:
13
14 All of Section 34 lying North of State Road 82.
15
16 SECTION 35:
17
18 All of Section 35 lying North of State Road 82.
19
20 SECTION 36:
21
22 All of Section 36 LESS the 200 foot
23 Right-of-Way for State Road 82 thereof.
24
25 LANDS IN HENDRY COUNTY, FLORIDA.
26
27 TOWNSHIP 43 SOUTH, RANGE 28 EAST
28
29 SECTION 30:
30
31 The following portions of Section 30;

1
2 The West 400.00 feet of the Southwest 1/4 less
3 the right-of-way for State Road 80, together
4 with
5
6 The parcel commencing at the West 1/4 corner of
7 Section 30; thence along the West Section line
8 North 01° 01' 11" West, a distance of 164.01
9 feet to the North right-of-way line of State
10 Road 80 and the POINT OF BEGINNING; thence
11 continuing North 01° 01' 11" West, a distance
12 of 1156.17 feet to the South Right-of-Way line
13 for the Caloosahatchee River (C-43 canal);
14 thence along said South Right-of-Way line North
15 78° 07' 28" East, a distance of 162.92 feet;
16 thence South 01° 01' 11" East, a distance of
17 415.55 feet; thence South 45° 02' 36" East, a
18 distance of 345.35 feet; thence South 01° 01'
19 11" East, a distance of 520.42 feet to the
20 North Right-of-Way for State Road 80; thence
21 along said right-of-way South 88° 36' 43" West,
22 a distance of 400.00 feet to the POINT OF
23 BEGINNING
24
25 SECTION 31:
26
27 The following portions of Section 31;
28
29 The Southeast 1/4 of the Northwest 1/4,
30 together with
31

1 The East 1/2 of the Southwest 1/4, together
2 with,
3
4 The South 185.00 feet of the North 1/2 of the
5 Northwest 1/4 less the West 1189.24 feet of the
6 East 1439.25 feet of the South 25.00 feet
7 thereof;
8
9 Together with the West 660.76 feet of the North
10 30.00 feet of the Southwest 1/4 of the
11 Northwest 1/4,
12
13 Together with the West 400.00 feet of the
14 Northwest 1/4 of the Northwest 1/4.
15
16 TOWNSHIP 44 SOUTH, RANGE 28 EAST
17
18 SECTION 6:
19
20 The West 1/2 of Section 6.
21
22 SECTION 7:
23
24 The West 1/2 of Section 7.
25
26 SECTION 18:
27
28 The West 1/2 of Section 18.
29
30 SECTION 19:
31

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The West 1/2 of Section 19.

SECTION 30:

The West 1/2 of Section 30.

SECTION 31:

The West 1/2 of Section 31.

Section 2. This act shall take effect upon becoming a
law.

Crystal Mansell

From: Crystal Barber [Crystal.Barber@dutkoworldwide.com]
Sent: Friday, February 17, 2006 10:48 AM
To: Crystal Mansell
Cc: Jamie Wilson; Van Poole
Subject: Water Mgmt Dist. bill

Crystal --

Sen. Fasano filed the companion to Bummer's bill (HB 559) yesterday afternoon. Fasano's bill is attached. IT has not been referred to any committees at this time. I will keep you posted as they move through the session.

Crystal Barber

By Senator Fasano

11-601-06

See HB 559

1 A bill to be entitled
2 An act relating to water management districts;
3 amending s. 373.0693, F.S.; conforming a
4 cross-reference; amending s. 373.073, F.S.;
5 eliminating provisions for the appointment of
6 members to water management district governing
7 boards; requiring board members to be elected;
8 providing for staggered terms of office;
9 requiring vacancies to be filled by
10 gubernatorial appointment; directing the
11 governing board of each district to create
12 residence areas of equal population within the
13 district for the purpose of electing members;
14 requiring such elections to be nonpartisan;
15 authorizing board members to amend residence
16 area boundaries under certain circumstances;
17 requiring such amendments to be shown by
18 resolution published for notice purposes and a
19 certified copy of such resolution submitted to
20 the Department of State following adoption;
21 amending s. 373.079, F.S.; providing for
22 inclusion of board members in the Senior
23 Management Service; removing requirements
24 subjecting employment of an executive director
25 to gubernatorial approval and Senate
26 confirmation; providing an effective date.

28 Be It Enacted by the Legislature of the State of Florida:

30 Section 1. Paragraph (a) of subsection (8) of section
31 373.0693, Florida Statutes, is amended to read:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 373.0693 Basins; basin boards.--
2 (8) (a) At 11:59 p.m. on June 30, 1988, the area
3 transferred from the Southwest Florida Water Management
4 District to the St. Johns River Water Management District by
5 change of boundaries pursuant to chapter 76-243, Laws of
6 Florida, shall cease to be a subdistrict or basin of the St.
7 Johns River Water Management District known as the Oklawaha
8 River Basin and said Oklawaha River Basin shall cease to
9 exist. However, any recognition of an Oklawaha River Basin or
10 an Oklawaha River Hydrologic Basin for regulatory purposes
11 shall be unaffected. The area formerly known as the Oklawaha
12 River Basin shall continue to be part of the St. Johns River
13 Water Management District. There shall be established by the
14 governing board of the St. Johns River Water Management
15 District the Oklawaha River Basin Advisory Council to receive
16 public input and advise the St. Johns River Water Management
17 District's governing board on water management issues
18 affecting the Oklawaha River Basin. The Oklawaha River Basin
19 Advisory Council shall be appointed by action of the St. Johns
20 River Water Management District's governing board and shall
21 include one representative from each county which is wholly or
22 partly included in the Oklawaha River Basin. The St. Johns
23 River Water Management District's governing board member whose
24 residence area includes the area generally designated as the
25 Oklawaha River Basin hydrologic unit currently serving
26 pursuant to s. 373.073(2)(c)3. shall serve as chair of the
27 Oklawaha River Basin Advisory Council. Members of the Oklawaha
28 River Basin Advisory Council shall receive no compensation for
29 their services but are entitled to be reimbursed for per diem
30 and travel expenses as provided in s. 112.061.
31

1 Section 2. Section 373.073, Florida Statutes, is
2 amended to read:

3 373.073 Governing board.--

4 (1)~~(a)~~ The governing board of each water management
5 district shall be composed of 9 members ~~who shall reside~~
6 ~~within the district~~, except that the Southwest Florida Water
7 Management District shall be composed of 11 members. Each
8 member of the governing board of a water management district
9 shall be a qualified elector of the district in which he or
10 she serves, shall be a resident of the district residence area
11 from which he or she is elected, and shall maintain that
12 residency throughout the term of office ~~who shall reside~~
13 ~~within the district. Members of the governing boards shall be~~
14 ~~appointed by the Governor, subject to confirmation by the~~
15 ~~Senate at the next regular session of the Legislature, and the~~
16 ~~refusal or failure of the Senate to confirm an appointment~~
17 ~~creates a vacancy in the office to which the appointment was~~
18 ~~made. The term of office for a governing board member is 4~~
19 ~~years and commences on March 2 of the year in which the~~
20 ~~appointment is made and terminates on March 1 of the fourth~~
21 ~~calendar year of the term or may continue until a successor is~~
22 ~~appointed, but not more than 180 days. Terms of office of~~
23 ~~governing board members shall be staggered to help maintain~~
24 ~~consistency and continuity in the exercise of governing board~~
25 ~~duties and to minimize disruption in district operations.~~

26 ~~(b) Commencing January 1, 1999, the Governor shall~~
27 ~~appoint the following number of governing board members in~~
28 ~~each year of the Governor's 4 year term of office:~~

29 ~~1. In the first year of the Governor's term of office,~~
30 ~~the Governor shall appoint three members to the governing~~
31 ~~board of each district.~~

1 ~~2. In the second year of the Governor's term of~~
2 ~~office, the Governor shall appoint three members to the~~
3 ~~governing board of the Southwest Florida Water Management~~
4 ~~District and two members to the governing board of each other~~
5 ~~district.~~

6 ~~3. In the third year of the Governor's term of office,~~
7 ~~the Governor shall appoint three members to the governing~~
8 ~~board of the Southwest Florida Water Management District and~~
9 ~~two members to the governing board of each other district.~~

10 ~~4. In the fourth year of the Governor's term of~~
11 ~~office, the Governor shall appoint two members to the~~
12 ~~governing board of each district.~~

13
14 ~~For any governing board vacancy that occurs before the date~~
15 ~~scheduled for the office to be filled under this paragraph,~~
16 ~~the Governor shall appoint a person meeting residency~~
17 ~~requirements of subsection (2) for a term that will expire on~~
18 ~~the date scheduled for the term of that office to terminate~~
19 ~~under this subsection. In addition to the residency~~
20 ~~requirements for the governing boards as provided by~~
21 ~~subsection (2), the Governor shall consider appointing~~
22 ~~governing board members to represent an equitable cross~~
23 ~~section of regional interests and technical expertise.~~

24 (2) Governing board members shall be elected beginning
25 at the 2008 general election for terms of 4 years, but such
26 terms shall be staggered so that, alternately, one more or one
27 less than half of the members elected from residence areas are
28 elected every 2 years. In order to accomplish staggered terms,
29 at the 2008 general election, members in odd-numbered
30 districts shall be elected for two-year terms. The term of
31 office shall begin on the first Tuesday after the first Monday

1 in January of the year immediately following the general
2 election. A vacancy in office shall be filled by appointment
3 of the Governor for the remainder of the term if less than 28
4 months remain in the term, otherwise until the first Tuesday
5 after the first Monday in January of the year immediately
6 following the next general election. Membership on governing
7 boards shall be selected from candidates who have significant
8 experience in one or more of the following areas, including,
9 but not limited to: agriculture, the development industry,
10 local government, government owned or privately owned water
11 utilities, law, civil engineering, environmental science,
12 hydrology, accounting, or financial businesses.

13 ~~Notwithstanding the provisions of any other general or special~~
14 ~~law to the contrary, vacancies in the governing boards of the~~
15 ~~water management districts shall be filled according to the~~
16 ~~following residency requirements, representing areas~~
17 ~~designated by the United States Water Resources Council in~~
18 ~~United States Geological Survey, River Basin and Hydrological~~
19 ~~Unit Map of Florida 1975, Map Series No. 72:~~

20 ~~(a) Northwest Florida Water Management District:~~

21 ~~1. One member shall reside in the area generally~~
22 ~~designated as the "Perdido River Basin Perdido Bay Coastal~~
23 ~~Area Lower Conecuh River Escambia River Basin" hydrologic~~
24 ~~units and that portion of the "Escambia Bay Coastal Area"~~
25 ~~hydrologic unit which lies west of Pensacola Bay and Escambia~~
26 ~~Bay.~~

27 ~~2. One member shall reside in the area generally~~
28 ~~designated as the "Blackwater River Basin Yellow River~~
29 ~~Basin Choctawhatchee Bay Coastal Area" hydrologic units and~~
30 ~~that portion of the "Escambia Bay Coastal Area" hydrologic~~
31 ~~unit which lies east of Pensacola Bay and Escambia Bay.~~

1 ~~3. One member shall reside in the area generally~~
2 ~~designated as the "Choctawhatchee River Basin St. Andrews Bay~~
3 ~~Coastal Area" hydrologic units.~~

4 ~~4. One member shall reside in the area generally~~
5 ~~designated as the "Lower Chattahoochee Apalachicola~~
6 ~~River Chipola River Basin Coastal Area between Ochlockonee~~
7 ~~River Apalachicola Rivers Apalachicola Bay coastal area and~~
8 ~~offshore islands" hydrologic units.~~

9 ~~5. One member shall reside in the area generally~~
10 ~~designated as the "Ochlockonee River Basin St. Marks and~~
11 ~~Wakulla Rivers and coastal area between Aucilla and~~
12 ~~Ochlockonee River Basin" hydrologic units.~~

13 ~~6. Four members shall be appointed at large, except~~
14 ~~that no county shall have more than two members on the~~
15 ~~governing board.~~

16 ~~(b) Suwannee River Water Management District:~~

17 ~~1. One member shall reside in the area generally~~
18 ~~designated as the "Aucilla River Basin" hydrologic unit.~~

19 ~~2. One member shall reside in the area generally~~
20 ~~designated as the "Coastal Area between Suwannee and Aucilla~~
21 ~~Rivers" hydrologic unit.~~

22 ~~3. One member shall reside in the area generally~~
23 ~~designated as the "Withlacoochee River Basin Alapaha River~~
24 ~~Basin Suwannee River Basin above the Withlacoochee River"~~
25 ~~hydrologic units.~~

26 ~~4. One member shall reside in the area generally~~
27 ~~designated as the "Suwannee River Basin below the~~
28 ~~Withlacoochee River excluding the Santa Fe River Basin"~~
29 ~~hydrologic unit.~~

30 ~~5. One member shall reside in the area generally~~
31 ~~designated as the "Santa Fe Basin Waccasassa River and coastal~~

1 ~~area between Withlacoochee and Suwannee River" hydrologic~~
2 ~~units.~~

3 ~~6. Four members shall be appointed at large, except~~
4 ~~that no county shall have more than two members on the~~
5 ~~governing board.~~

6 ~~(c) St. Johns River Water Management District:~~

7 ~~1. One member shall reside in the area generally~~
8 ~~designated as the "St. Mary River Basin Coastal area between~~
9 ~~St. Marys and St. Johns Rivers" hydrologic units.~~

10 ~~2. One member shall reside in the area generally~~
11 ~~designated as the "St. Johns River Basin below Oklawaha~~
12 ~~River Coastal area between the St. Johns River and Ponce de~~
13 ~~Leon Inlet" hydrologic units.~~

14 ~~3. One member shall reside in the area generally~~
15 ~~designated as the "Oklawaha River Basin" hydrologic unit.~~

16 ~~4. One member shall reside in the area generally~~
17 ~~designated as the "St. Johns River Basin above the Oklawaha~~
18 ~~River" hydrologic unit.~~

19 ~~5. One member shall reside in the area generally~~
20 ~~designated as the "Coastal area between Ponce de Leon Inlet~~
21 ~~and Sebastian Inlet Coastal area Sebastian Inlet to St. Lucie~~
22 ~~River" hydrologic units.~~

23 ~~6. Four members shall be appointed at large, except~~
24 ~~that no county shall have more than two members on the~~
25 ~~governing board.~~

26 ~~(d) South Florida Water Management District:~~

27 ~~1. Two members shall reside in Dade County.~~

28 ~~2. One member shall reside in Broward County.~~

29 ~~3. One member shall reside in Palm Beach County.~~

30 ~~4. One member shall reside in Collier County, Lee~~
31 ~~County, Hendry County, or Charlotte County.~~

- 1 ~~5. One member shall reside in Glades County,~~
2 ~~Okeechobee County, Highlands County, Polk County, Orange~~
3 ~~County, or Osceola County.~~
- 4 ~~6. Two members, appointed at large, shall reside in an~~
5 ~~area consisting of St. Lucie, Martin, Palm Beach, Broward,~~
6 ~~Dade, and Monroe Counties.~~
- 7 ~~7. One member, appointed at large, shall reside in an~~
8 ~~area consisting of Collier, Lee, Charlotte, Hendry, Glades,~~
9 ~~Osceola, Okeechobee, Polk, Highlands, and Orange Counties.~~
- 10 ~~8. No county shall have more than three members on the~~
11 ~~governing board.~~
- 12 ~~(e) Southwest Florida Water Management District:~~
- 13 ~~1. Two members shall reside in Hillsborough County.~~
- 14 ~~2. One member shall reside in the area consisting of~~
15 ~~Hillsborough and Pinellas Counties.~~
- 16 ~~3. Two members shall reside in Pinellas County.~~
- 17 ~~4. One member shall reside in Manatee County.~~
- 18 ~~5. One member shall reside in Polk County.~~
- 19 ~~6. One member shall reside in Pasco County.~~
- 20 ~~7. One member shall be appointed at large from Levy,~~
21 ~~Marion, Citrus, Sumter, Hernando, and Lake Counties.~~
- 22 ~~8. One member shall be appointed at large from~~
23 ~~Sarasota, Hardee, DeSoto, Charlotte, and Highlands Counties.~~
- 24 ~~9. One member shall be appointed at large from Levy,~~
25 ~~Marion, Citrus, Sumter, Hernando, Lake, Sarasota, Hardee,~~
26 ~~DeSoto, Charlotte, and Highlands Counties.~~
- 27
- 28 ~~No county described in subparagraph 7., subparagraph 8., or~~
29 ~~subparagraph 9. shall have more than one member on the~~
30 ~~governing board.~~
- 31

1 (3) For the purpose of electing district governing
2 board members, the existing governing board shall divide each
3 district into residence areas, which shall be numbered
4 consecutively and which shall, as nearly as practicable, be
5 equal in population. District governing board members shall
6 reside one in each of the residence areas, the areas together
7 covering the entire district, each of whom shall be elected
8 only by the qualified electors who reside in the same
9 residence area as the member.

10 (4) District governing board members shall run in
11 nonpartisan elections and qualify with the Division of
12 Elections of the Department of State pursuant to the
13 requirements of s. 99.061 for multicounty district office.

14 (5) Once elected members have been seated, the
15 district governing board may amend the boundaries of any
16 residence area at a meeting of the governing board, provided
17 that:

18 (a) Such amendments shall be made only in odd-numbered
19 years; and

20 (b) No amendment affecting the residence
21 qualifications of an incumbent member shall disqualify such
22 incumbent member during the term for which he or she is
23 elected.

24 (6) Amendments to boundaries of a residence area shall
25 be shown by resolution published at least once in a newspaper
26 published in the district within 30 days after the adoption of
27 the resolution. A certified copy of the resolution shall be
28 transmitted to the Department of State within 30 days after
29 adoption of the resolution.

30 Section 3. Section 373.079, Florida Statutes, is
31 amended to read:

1 373.079 Members of governing board; oath of office;
2 staff.--

3 (1) Each member of the governing board of the
4 district, before entering upon his or her official duties,
5 shall take and subscribe to an oath, before some officer
6 authorized by law to administer oaths, that the member will
7 honestly, faithfully, and impartially perform the duties
8 devolving upon him or her in office as member of the governing
9 board of the district to which the member was elected
10 ~~appointed~~ and that he or she will not neglect any of the
11 duties imposed upon him or her by this chapter.

12 (2) Immediately after their election ~~appointment~~, and
13 every 2 years thereafter, the governing board shall meet at
14 some convenient place and choose some suitable person, who may
15 or may not be a member of the governing board, and who may be
16 required to execute bond for the faithful performance of his
17 or her duties as the governing board may determine, as
18 secretary. Such board shall adopt a seal with a suitable
19 device and shall keep a well-bound book entitled, in effect,
20 "Record of Governing Board of _____ District," in which shall
21 be recorded minutes of all meetings, resolutions, proceedings,
22 certificates, bonds given by all employees, and any and all
23 corporate acts, which book shall at reasonable times be open
24 to the inspection of any citizen of this state or taxpayer in
25 the district or his or her agent or attorney.

26 (3) The chair and members of the board shall be exempt
27 from part II of chapter 110 and included in the Senior
28 Management Service in accordance with s. 110.205(2)(f) ~~receive~~
29 ~~no compensation for services as such; but, while officially on~~
30 ~~work for the district, they shall receive their actual travel~~
31 ~~expenses between their respective places of residence and the~~

1 ~~place where official district business is conducted,~~
2 ~~subsistence, lodging, and other expenses in the actual amount~~
3 ~~incurred therefor. These expenses may not exceed the statutory~~
4 ~~amount allowed state officers and employees. Payment or~~
5 ~~reimbursement to governing board members for the use of~~
6 ~~private or charter aircraft may be no greater than that~~
7 ~~allowed for commercial air travel for equivalent distances.~~
8 ~~This subsection applies retroactively to the effective date of~~
9 ~~the creation of each of the five separate water management~~
10 ~~districts.~~

11 (4) (a) The governing board of the district is
12 authorized to employ an executive director, ombudsman, and
13 such engineers, other professional persons, and other
14 personnel and assistants as it deems necessary and under such
15 terms and conditions as it may determine and to terminate such
16 employment. ~~The appointment of an executive director by the~~
17 ~~governing board is subject to approval by the Governor and~~
18 ~~must be initially confirmed by the Florida Senate. The~~
19 governing board may delegate all or part of its authority
20 under this paragraph to the executive director. ~~The executive~~
21 ~~director must be confirmed by the Senate upon employment and~~
22 ~~must be confirmed or reconfirmed by the Senate during the~~
23 ~~second regular session of the Legislature following a~~
24 ~~gubernatorial election.~~

25 (b)1. The governing board of each water management
26 district shall employ an inspector general, who shall report
27 directly to the board. However, the governing boards of the
28 Suwannee River Water Management District and the Northwest
29 Florida Water Management District may jointly employ an
30 inspector general, or provide for inspector general services
31

1 | by interagency agreement with a state agency or water
2 | management district inspector general.

3 | 2. An inspector general must have the qualifications
4 | prescribed and perform the applicable duties of state agency
5 | inspectors general as provided in s. 20.055.

6 | (5) The executive director may employ a legal staff
7 | for the purposes of:

8 | (a) Providing legal counsel to the executive director
9 | and district staff on matters relating to the day-to-day
10 | operations of the district;

11 | (b) Representing the district in all proceedings of an
12 | administrative or judicial nature; and

13 | (c) Otherwise assisting in the administration of the
14 | provisions of this chapter.

15 |

16 | Attorneys employed by the governing board must represent the
17 | legal interest or position of the governing board.

18 | (6) By resolution the governing board may determine
19 | the location of its principal office and provide for the
20 | change thereof.

21 | (7) The governing board shall meet at least once a
22 | month and upon call of the chair.

23 | Section 4. This act shall take effect July 1, 2006.

24 |

25 |

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31 |

March 2006

DRAFT



City of Sanibel

Dear Fellow Citizens,

City Council has recently made several decisions that directly relate to the April 4, 2006 referendum on the financing and construction of the new Recreation Center.

The information provided in this brochure will update you on these decisions as well as answer additional questions we have received since our last mailing.

Sincerely,

Carla Brooks Johnston, Mayor
Mick Denham, Vice Mayor
Steve Brown, Councilmember
Jim Jennings, Councilmember
Tom Rothman, Councilmember

WHAT HAPPENS IF THE COST OF THE PROJECT IS HIGHER THAN THE ESTIMATE?

- On February 7, 2006 City Council unanimously adopted Resolution 06-019, confirming that there will be no City ad valorem (property tax) funds or other City sources of funding for the Recreation Center construction other than:
 - \$8,350,000 bond proceeds.
 - \$1,000,000 in the General Fund Reserves, for unanticipated costs over current estimates.
 - \$508,475 General Fund Reserves carry-forward.
 - \$564,500 expended in FY 2005.

In addition, other funding from our Governmental partners is:

- \$3.2 million from Lee County
- \$1.596 million from the School District

This caps new tax costs per average Sanibel property at approximately \$5.58 per month, which is less than \$67 per year per household.

WHAT IS THE PILE OF DIRT BEHIND THE EXISTING RECREATION CENTER?

City Council approved the storage of fill from various City projects behind the existing Recreation Center for the proposed new Recreation center. The decision made to utilize the fill from City Construction projects reduces the cost of the project by approximately \$319,000.

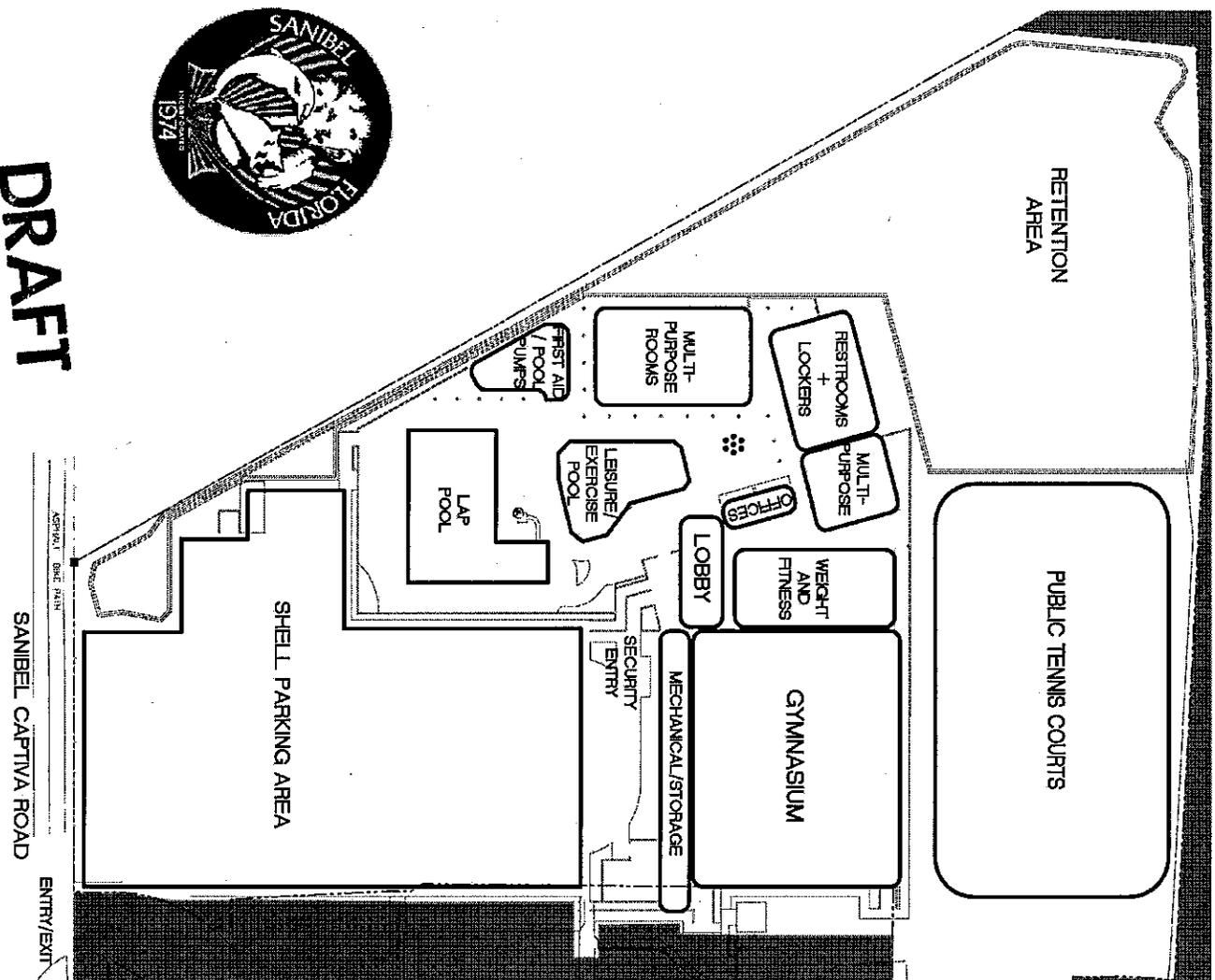
WHAT FACTORS WERE CONSIDERED WHEN THE DECISION WAS MADE TO CONSTRUCT RATHER THAN RENOVATE?

- The condition and age of pool equipment, pool deck, gym floor surface, roof, etc.
- Mold infestation and demolition of the restrooms, offices, storage room and multipurpose room.
- The need for increased security with a single entrance to control the facility.
- Site visits were made to other recreation facilities that attempted to retrofit air conditioning into buildings not constructed or insulated for air conditioning.
- The Federal Flood regulations state that any reconstruction, addition or other improvements to a building, the cost of which equals 50% of the market value of the building, requires the structure to be elevated to minimum flood requirements.

WILL THE CITY'S INSURANCE RATES INCREASE BY ADDING A NINE FOOT POOL SLIDE?

No. The Florida League of Cities, the City of Sanibel's insurance carrier, responded on February 15, 2006 to our inquiry regarding the addition of a slide to the pool area. The Florida League of Cities representative stated in writing that the City's insurance will not be affected by adding this pool feature.

PROPOSED RECREATION CENTER SITE PLAN



DRAFT

HOW DOES THE PROPOSED OPERATING BUDGET FOR THE NEW FACILITY COMPARE TO THE EXISTING OPERATING BUDGET?

The current 2006 Operating Budget for the Recreation Center is \$849,909. The estimated Operating Budget for the new facility is \$901,794, an increase of 6%. Factors that impact the budget of the new facility are:

- 20% reduction in utilities due to the environmentally sustainable design.
- Lee County School District will pay 20% of the utilities cost each year.
- The addition of one full-time equivalent staff member.

WHY IS THERE NOT MORE PERSONNEL IN THE OPERATING ESTIMATE?

It is anticipated that new or additional programs will be staffed utilizing contract instructors and part-time employees as is done at the Senior Center and Big Arts, and paid from program fees. In addition, the School District is cleaning and providing supplies for its portion of the gymnasium, which further reduces the need for more staff.

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HOW MANY SWIMMING POOLS ARE THERE IN THE POOL AREA?

In response to Community requests to reduce the scope of the new Recreation Center, the number of pools was decreased from four pools to two pools.

ARE THERE PUBLIC TENNIS COURTS ON SANIBEL?

No. The only public tennis courts on the Island were demolished in 2002. The new plan includes four public tennis courts.

WILL THERE BE USER FEES AT THE NEW RECREATION CENTER?

On February 7, 2006 City Council unanimously adopted the recommendation of the Parks and Recreation Advisory Committee that a nominal fee structure similar to the annual beach parking pass structure be adopted prior to the opening of the facility. In addition to augmenting the revenue stream for the facility, a pass system could be tied into the facility's security system.

The Parks and Recreation Advisory Committee also recommended that annual membership cards be issued with a different fee structure for individuals, families, residents and tourists. Additionally, no resident will be denied use of the facility due to the inability to pay and the existing scholarship fund policy will be available for those who need financial assistance.