



**VILLAGE COUNCIL
WORKSHOP
Agenda**

**Village Hall
21500 Three Oaks Parkway, Estero, FL
Website: estero-fl.gov**

**Thursday, September 17, 2015
2:00 p.m.**

Village Council: District 1 – Bill Ribble; District 2 – Howard Levitan, Vice Mayor; District 3 – Donald Brown; District 4 – Katy Errington; District 5 – Jim Boesch; District 6 – Nick Batos, Mayor; District 7 – Jim Wilson

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPROVAL OF AGENDA**

5. **COUNCIL BUSINESS**

The public will have an opportunity to speak during the agenda items. Each individual has one opportunity to speak for three minutes per agenda item.

- (A) Presentation: The Conservancy of Southwest Florida
(Mayor Batos)
- (B) Proclamation: Million Mile Movement (Councilmember Errington)
- (C) Discussion: Establishing the Village of Estero False Alarm Ordinance (Village Manager)
- (D) Discussion: Village Council 2016 Meeting Schedule
(Village Manager)
- (E) Discussion: Resolution Authorizing the Investment of Village Surplus Funds in the Local Government Trust Fund
(Village Manager)

- (F) Discussion: Update on Enrollment in the National Flood Insurance Program and Participation in the Community Rating System (Mayor Batos and Village Attorney Saunders)
- (G) Discussion: Southwest Florida Regional Planning Council Building Assessment (Mayor Batos and Councilmember Errington)

- 6. **PUBLIC INPUT OF NON-AGENDA ITEMS**
- 7. **COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS**
- 8. **VILLAGE MANAGER COMMENTS**
- 9. **VILLAGE ATTORNEY COMMENTS**
- 10. **ADJOURN**

If you desire to address the Council, please complete a Public Comment Card located on the table in the lobby and return it to the Clerk. Citizens desiring to speak must step up to the podium, state their full name and address and/or whom he or she represents.

ADA Assistance – Anyone needing special assistance at the Board meeting due to a disability or physical impairment, should contact Peter Lombardi, at 239-390-8000, at least 48 hours prior to the meeting.

Pursuant to Section 286.0105, Florida Statutes:
“If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a recording of the proceeding, and that, for such purpose, he or she may need to ensure that a verbatim recording of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2015 - 10

AN ORDINANCE OF THE VILLAGE OF ESTERO, FLORIDA, ESTABLISHING THE VILLAGE OF ESTERO FALSE ALARM ORDINANCE; PROVIDING FOR SHORT TITLE, PURPOSE AND TERRITORIAL SCOPE; PROVIDING FOR DEFINITIONS; PROVIDING FOR ALARM PERMIT AND FEE; PROVIDING FOR FALSE ALARM PENALTIES; PROVIDING FOR REVOCATION AND REINSTATEMENT OF ALARM PERMIT; PROVIDING FOR APPEALS OF FINES AND REVOCATIONS; PROVIDING FOR RESPONSE TO ALARM; PROVIDING FOR DEACTIVATION OF AUDIBLE ALARMS; PROVIDING FOR ALARM MONITORING COMPANIES; PROVIDING FOR ALARM VERIFICATION CALLS REQUIRED; PROVIDING FOR ALARM SYSTEM CONTRACTORS; PROVIDING FOR AUTOMATIC DIALING DEVICES PROHIBITED; PROVIDING FOR MODIFICATION OF EXISTING ALARM SYSTEMS; PROVIDING FOR AUXILIARY POWER SUPPLY; PROVIDING FOR NO PUBLIC DUTY; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR DISPOSITION OF FEES AND FINES; PROVIDING FOR REPORTING; PROVIDING FOR ANNUAL AUDIT; CONFLICTS OF LAW; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Estero Council is the governing body in and for the incorporated area comprising the Village of Estero; and

WHEREAS, the Village of Estero Council recognizes that false alarms cause a misuse of the resources of the Lee County Sheriff's Office by causing the dispatch of units to the scene of a false alarm that renders these units unavailable to respond to legitimate emergency situations; and

WHEREAS, the Village Council finds that the continued high incidence of false alarms is a threat to the health, safety, and welfare of the Village of Estero.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

45 **SECTION ONE: SHORT TITLE, PURPOSE AND TERRITORIAL SCOPE**

46

47 A. This Ordinance will be known and cited as the Village of Estero False Alarm
48 Ordinance.

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50 B. The provisions of this Ordinance will apply to all the incorporated areas of the
51 Village of Estero, Lee County, Florida.

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53 **SECTION TWO: DEFINITIONS**

54

55 The following words, terms, and phrases, when used in this Ordinance shall have the
56 meanings ascribed to them in this section, except where the context clearly indicates a different
57 meaning:

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59 A. **Alarm Monitoring Company** (monitoring company) means a person or entity
60 performing the service of monitoring as defined in §489.505, Florida Statutes, as may be
61 amended from time to time, and having customers within the territorial jurisdiction of this
62 Ordinance.

63

64 B. **Alarm Operator** means any owner, tenant, or other person or entity that uses or
65 is in control of an alarm system.

66

67 C. **Alarm Review Authority (ARA)** shall mean the Sheriff or his designee(s).

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69 D. **Alarm Site** means the individual location of each alarm system.

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71 E. **Alarm System** means any device that emits, transmits, or relays a signal
72 intended to summon, or that would reasonably be expected to summon, law enforcement
73 services to the site of the alarm system. Alarm system does not include:

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75 1. A device installed on a vehicle, unless the vehicle is permanently located at the
76 site; or

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77 2. A device designed to alert only the inhabitants of the device site, and that is not
78 audible or visible from the exterior of the structure; or

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79 3. A device designed for a purpose other than to alert for intrusion, burglary or
80 robbery.

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81 F. **Alarm System Contractor** means a person licensed under Chapter 489, Florida
82 Statutes, as an electrical or alarm system contractor.

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84 G. **Automated Dialing Device** means an alarm system which automatically sends,
85 via telephone, a prerecorded voice message or coded signal indicating the existence of an
86 emergency situation.

87 H. **Commercial Premises** means any structure or area which is not defined in this
88 section as governmental or residential premises, including but not limited to, religious and not
89 for profit organizations, hotels, motels, and educational institutions.

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91 I. **Deactivated Alarm** means an alarm system that has the primary and secondary
92 power and the telephone line disconnected at the alarm control panel.

93
94 J. **False Alarm** means the activation of an alarm system for any reason other than
95 a bonafide incident, such as a burglary or unauthorized entry, and a subsequent response by
96 the Sheriff to that alarm site. A false alarm does not include:

97 1. An alarm caused by physical damage to the alarm system as a result of
98 lightning, wind, or other meteorological event, where there is clear evidence of physical
99 damage to the alarm system; or

100 2. An alarm caused by disconnection of a telephone circuit beyond the control of
101 the alarm operator or his agents; or

102 3. An alarm caused by continuous electrical power disruption in excess of four (4)
103 hours.

104
105 K. **Governmental Premises** means a structure or area owned and operated by a
106 government entity.

107
108 L. **Permit Year** means the period starting from the date of issuance of a permit.

109
110 M. **Residential Premises** means any structure serving as a home, residence, or
111 sleeping place by one person or by two or more persons who maintain a common household.

112
113 N. **Sheriff** means the Lee County Sheriff or his designee(s).

114
115 O. **Sheriff's Office** means the designated authority charged with administration
116 and enforcement of the Village of Estero False Alarm Ordinance.

117
118 P. **Verification** means an attempt by the monitoring company, or its
119 representative, to contact the alarm site and/or alarm user by telephone and/or other electronic
120 means, whether or not actual contact with a person is made, to determine whether an alarm
121 signal is valid before requesting law enforcement dispatch, in an attempt to avoid an
122 unnecessary alarm dispatch request. For the purpose of this Ordinance, telephone verification
123 shall require, as a minimum, that a second call be made to a different number if the first attempt
124 fails to reach an alarm user who can properly identify themselves to determine whether an
125 alarm signal is valid before requesting law enforcement dispatch.

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127 **SECTION THREE: ALARM PERMIT AND FEE**

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129 A. Every alarm operator shall apply through the Lee County Sheriff's Department
130 for a nontransferable alarm permit. The permit shall be valid for so long as the operator uses

131 or controls the alarm system at the property identified in the alarm permit. In the event the
132 alarm operator sells, relocates from, or in any other way no longer uses or controls the alarm
133 at the property identified in the alarm permit, then the alarm permit shall be deemed to be
134 terminated, invalid and in no further force or effect. The alarm operator shall notify the Lee
135 County Sheriff's Department with any change that will affect the validity of the alarm permit
136 within fifteen (15) days of the change(s) taking place. If, for any reason, an alarm permit
137 becomes invalid or is revoked then the alarm operator of the alarm system shall be responsible
138 for applying for a new, non-transferable permit.

139

140 B. A fee of \$25.00, which may be revised by Resolution adopted by the Village of
141 Estero Council, shall accompany each application or renewal for alarms on residential,
142 commercial or governmental premises.

143

144 C. The owner or manager of any residential or commercial premises that are rented
145 to others and which have alarm systems provided by the owner or manager shall:

146 1. Explain the operation of the alarm system to the alarm operator; and
147 2. Explain the alarm operator's financial responsibilities for false alarms; and
148 3. Obtain the alarm operator's signature on a form in which the alarm operator
149 acknowledges having received and understood the information provided in (1) and (2) above;
150 and

151 4. Furnish a blank alarm permit application to the tenant. The Sheriff shall provide
152 the owner or manager with forms upon request.

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154 D. No permit shall be required for a deactivated alarm system.

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156 E. The alarm operator shall provide the following information:

157 1. The name, telephone number, and current mailing address to include any
158 forwarding addresses necessary to receive correspondence; and

159 2. The address of the alarm site; and

160 3. The classification of the alarm site as residential, commercial, or governmental;
161 and

162 4. The type of system, such as burglary, robbery, fire, or panic; and

163 5. The names, addresses and telephone numbers of two persons who have access
164 to the premises, the ability to reset the alarm, and who, upon request of the Sheriff, will respond
165 to the alarm site with thirty (30) minutes of notification; and

166 6. The name, address, and telephone number of the alarm monitoring company, if
167 any; and

168 7. The name, address, and telephone number of the installer and date of
169 installation, if known; and

170 8. The name, address, and telephone number of the alarm system contractor that
171 last performed maintenance on the alarm system, if known; and

172 9. Any dangerous or special conditions present at the alarm site; and

173 10. Other information as required by the Sheriff.

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F. No permit will be issued when a fine is outstanding, when a reason for a previous revocation has not been corrected, or if the applicant provides false information.

G. The alarm operator shall submit interim updated application information within fifteen (15) days of when the on file information has changed. A permit may be revoked if it is found to contain inaccuracies.

SECTION FOUR: FALSE ALARM PENALTIES

A. Responsibility for false alarms shall be borne by the permit holder.

B. The following civil fines shall be required for each false alarm per alarm system within one permit year:

- 1. First and second false alarms \$25.00 each; however, if the alarm operator has a valid alarm permit, then there is no fine for the first false alarm; and
- 2. Third and fourth false alarms \$50.00 each; and
- 3. Fifth and sixth false alarms \$100.00 each; and
- 4. Seventh and eighth false alarms \$200.00 each; and
- 5. Ninth and above false alarms \$400.00 each; and
- 6. The additional fine for false alarms from a non-permitted alarm system, or from an alarm system with a revoked permit is \$200.00. The Sheriff may reduce this amount to \$50.00 if the alarm system is permitted within ten days of the false alarm.

C. The Sheriff may offer an alarm awareness class to alarm operators. Alarm operators may attend the class in lieu of paying one fine per permit year.

SECTION FIVE: REVOCATION AND REINSTATEMENT OF ALARM PERMIT

A. The Sheriff may revoke an alarm permit if it is determined that:

- 1. There is a false statement of a material matter in the permit application; or
- 2. Ten or more false alarms have been received by the Sheriff from the alarm site within a permit year; or
- 3. There is a permit that has not been renewed or fines have not been paid at the time of renewal.

B. An alarm operator whose alarm permit has been revoked may be issued a new permit if that alarm operator:

- 1. Submits an updated application and pays a \$50.00 permit fee; and
- 2. Pays all civil fines issued to the alarm operator under this Ordinance; and

C. The Sheriff shall notify the alarm monitoring company of a revocation, or reinstatement.

219 D. The alarm monitoring company shall not telephone the Lee County Sheriff's
220 Office if a permit has been revoked, or a \$100.00 fine may be assessed against the alarm
221 monitoring company.

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223 **SECTION SIX: APPEALS OF FINES AND REVOCATIONS**
224

225 A. An alarm operator may appeal a civil fine or revocation under this Ordinance.
226 The alarm operator shall notify the Sheriff in writing within ten (10) days of receipt of notice
227 of fine or revocation. Proper notification of the Sheriff shall stay the imposition of a fine, or
228 revocation, until adjudication by the Alarm Review Authority.
229

230 B. The Alarm Review Authority (ARA) shall conduct a hearing and consider
231 evidence presented by the alarm operator and by other interested persons. The ARA shall make
232 a decision based on the preponderance of the evidence standard. The decision of the ARA is
233 the final administrative remedy.
234

235 **SECTION SEVEN: RESPONSE TO ALARM**
236

237 The alarm operator or a responder listed on the alarm permit shall respond to the alarm
238 site within thirty (30) minutes from the time of notification by the Sheriff of the activation of
239 the alarm, whether false or not. The failure to respond, when directed by the Sheriff, may be
240 deemed a violation by the alarm operator and a \$50.00 fine may be assessed by the Sheriff's
241 Office.
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243 **SECTION EIGHT: DEACTIVATION OF AUDIBLE ALARMS**
244

245 The alarm operator shall deactivate the alarm within fifteen (15) minutes or adjust the
246 alarm to automatically deactivate within fifteen (15) minutes of activation, consistent with
247 §489.530 Florida Statutes, audible alarms.
248

249 **SECTION NINE: ALARM MONITORING COMPANIES**
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251 A. All alarm monitoring companies shall register annually with the Sheriff.
252 Failure to register annually with the Sheriff's Office may result in a \$125.00 fine and/or any
253 other administrative action against the alarm monitoring company. Each registration shall be
254 valid for twelve (12) months. The alarm monitoring company shall provide the following
255 information:

- 256 1. The name, telephone number, and current mailing address to include any
257 forwarding addresses necessary to receive correspondence; and
- 258 2. Names, street addresses, and telephone numbers of all alarm operators
259 contracted with, within the territorial jurisdiction of this Ordinance; and
- 260 3. The procedure used to verify the legitimacy of an alarm prior to notification of
261 the Sheriff; and
- 262 4. Name, street address, and telephone number of the qualifying agent.

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B. Upon registration, the monitoring company shall be provided with a telephone number for alarm reporting.

C. Monitoring companies shall maintain, for a period of at least one (1) year, records relating to alarm notification and shall provide such records to the Sheriff within three (3) business days. Failure to maintain such records may result in a \$125.00 fine.

D. Monitoring companies shall ensure that their databases of contracted alarm operators reflect current, accurate names, street addresses, telephone numbers, and operational status. If an alarm systems contractor provides notice of disconnection to a monitoring company, the monitoring company shall modify its database within five (5) calendar days. The monitoring company may be fined \$125.00 if the Sheriff is telephoned after a disconnection notice is received.

SECTION TEN: ALARM VERIFICATION CALLS REQUIRED

All burglary or intrusion alarm systems that have a central monitoring shall have central monitoring verification calls made to the alarm site, prior to alarm monitoring personnel contacting a law enforcement agency for alarm dispatch as per the Verification Standard, Exhibit A of this document, §489.529, Florida Statutes, alarm verification. However, if the alarm has properly operating visual or auditory sensors that enable the monitoring to verify the alarm signal, verification calling is not required. Failure by the alarm system contractor or alarm monitoring company to make the verification calls may result in a \$125.00 fine.

SECTION ELEVEN: ALARM SYSTEM CONTRACTORS

A. All alarm system contractors shall register annually with the Sheriff. Failure to register annually with the Sheriff may result in a \$125.00 fine and/or any other administrative action against the alarm system contractor. Each registration shall be valid for twelve (12) months. The alarm systems contractors shall provide the following information:

1. The name, telephone number, and current mailing address to include any forwarding addresses necessary to receive correspondence; and
2. Names, street addresses, and telephone numbers of all alarm operators contracted with, within the territorial jurisdiction of this Ordinance; and
3. Name, street address, and telephone number of the qualifying agent.

B. No person shall install, maintain, repair, alter, service, or monitor alarm systems for compensation without being a licensed alarm system contractor. Performance of alarm work without a license may result in a fine of \$125.00.

C. All alarm system contractors shall ensure that each of its agents are in compliance with §489.518, Florida Statutes.

307 D. Alarm system contractors shall provide initial/new installation registration
308 information, collect the fees and forward to the Sheriff in a computerized format specified by
309 the Sheriff.

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311 E. Alarm system contractors shall not install new systems or equipment or use
312 methods of installation that do not meet or exceed minimum Underwriters Laboratories or
313 American National Standards Institute requirements for the appropriate installation and which
314 do not use control panels tested for conformance to the Security Industry Association's Control
315 Panel Standard, C.P.-01, (or equivalent listing), or a fine of \$125.00 may be assessed.

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317 F. Alarm system contractors shall not cause a false alarm during the servicing,
318 repairing, testing, or inspection of an alarm system, or a fine of \$125.00 may be assessed. The
319 alarm operator shall not be charged with such false alarms.

320

321 G. Alarm system contractors shall complete the application, collect the registration
322 fees, and forward the application to the Sheriff's Office, whenever installing, maintaining,
323 repairing, altering, or servicing an alarm system, unless the alarm system contractor reasonably
324 believes that the system is permitted. Failure of the alarm system contractor to provide the
325 application and registration fees to the Sheriff's Office may result in a fine of \$125.00.

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327 **SECTION TWELVE: AUTOMATIC DIALING DEVICES PROHIBITED**

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329 The alarm operator shall not operate an alarm system equipped with an automatic
330 dialing device programmed to connect directly to the Sheriff, or a fine of \$125.00 may be
331 assessed.

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333 **SECTION THIRTEEN: MODIFICATION OF EXISTING ALARM**
334 **SYSTEMS**

335

336 Whenever an existing alarm system is serviced, modified, or inspected, the following
337 features shall be removed by the alarm system contractor, or a fine of \$50.00 may be assessed:

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339 A. Single action, non-recessed switches that activate a panic alarm; and

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341 B. Duress or "one-plus" programming that activates a panic alarm.

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343 **SECTION FOURTEEN: AUXILIARY POWER SUPPLY**

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345 An alarm operator shall not operate an alarm system that does not have a minimum
346 four (4) hour auxiliary power supply, or a fine of \$125.00 may be assessed.

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SECTION FIFTEEN: NO PUBLIC DUTY

The permitting of an alarm system is not intended to, nor will it create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering the alarm system, the alarm operator acknowledges that law enforcement response may be based on factors such as: availability of law enforcement units, priority calls, weather conditions, traffic conditions, emergency conditions, and staffing levels.

SECTION SIXTEEN: ADMINISTRATION AND ENFORCEMENT

- A. The Sheriff shall be responsible for the administration and enforcement of this Ordinance.
- B. The Sheriff has the authority to compromise assessments of civil fines.
- C. The Sheriff may use any legal means to collect unpaid fees or civil fines.

SECTION SEVENTEEN: DISPOSITION OF FEES AND FINES

Fees and fines collected by the Sheriff pursuant to this Ordinance shall be deposited by the Sheriff into the general revenue fund to be used exclusively for the administration and operation of this Ordinance.

SECTION EIGHTEEN: REPORTING

The Lee County Sheriff’s Office shall provide a semi-annual monitoring report to the Village of Estero Council showing performance/activity for the False Alarm Ordinance.

SECTION NINETEEN: ANNUAL AUDIT

These monies will be audited in compliance with Florida Statutes Chapter 219.

SECTION TWENTY: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive requirements shall apply.

SECTION TWENTY-ONE: SEVERABILITY

The provisions of this Ordinance are severable and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided for. If any

395 provision of this Ordinance shall be held unconstitutional by any court of competent
396 jurisdiction, the decision of such court shall not affect or impair any remaining provisions of
397 the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have
398 been adopted had such unconstitutional provision not been included herein.
399

400 **SECTION TWENTY-TWO: CODIFICATION SCRIVENER’S ERRORS**

401
402 The Village of Estero Council intends that this Ordinance will be made part of the
403 Village of Estero Municipal Code; and that sections of this Ordinance can be renumbered or
404 relettered and the word “Ordinance” can be changed to “Section”, “Article” or some other
405 appropriate word or phrase to accomplish codification, and regardless of whether this
406 Ordinance is ever codified. The Ordinance can be renumbered or relettered and typographical
407 errors and clarification of ambiguous wording that do not affect the intent can be corrected
408 with the authorization of the Village Manager or his designee, without the need for public
409 hearing.

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411 **SECTION TWENTY-THREE: EFFECTIVE DATE**

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413 This Ordinance shall take effect immediately upon adoption.

414
415 **PASSED** on first reading this _____ day of _____, 2015

416
417 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
418 Florida this _____ day of _____, 2015.

419
420 Attest: **VILLAGE OF ESTERO, FLORIDA**

421
422 By: _____ By: _____
423 Kathy Hall, MMC Nicholas Batos
424 Village Clerk Mayor

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426 Reviewed for legal sufficiency:
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428 By: _____
429 Burt Saunders, Esq.
430 Village Attorney

431	Vote:	AYE	NAY
432	Mayor Batos	_____	_____
433	Vice Mayor Levitan	_____	_____
434	Councilmember Boesch	_____	_____
435	Councilmember Brown	_____	_____
436	Councilmember Errington	_____	_____
437	Councilmember Ribble	_____	_____
438	Councilmember Wilson	_____	_____

2016 Village of Estero Council Meetings and Workshops

First Wednesday of each month for Workshops and third Wednesday of each month for Council Meetings:

1/6/2016	2/3/2016	3/2/2016	4/6/2016
1/20/2016	2/17/2016	3/16/2016	4/20/2016
5/4/2016	6/1/2016	7/6/2016	8/3/2016
5/18/2016	6/15/2016	7/20/2016	8/17/2016
9/7/2016	10/5/2016	11/2/2016	12/7/2016
9/21/2016	10/19/2016	11/16/2016	12/21/2016

The Fire Rescue holds their meetings on the Second Tuesday of each month, however in January and February they have a special speaker come in and we might have an overlap one day.



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VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2015 - 66

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, AUTHORIZING
THE VILLAGE MANAGER TO INVEST SURPLUS
FUNDS OF THE VILLAGE IN THE LOCAL
GOVERNMENT TRUST FUND ADMINISTERED BY
THE STATE BOARD OF ADMINISTRATION; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, The Village of Estero from time to time has funds on hand in excess of current needs; and

WHEREAS, it is in the best interest of the Village of Estero and its inhabitants that funds be invested to return the highest yield consistent with proper safeguards;

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Florida:

Section 1. The Village Manager and Finance Director are hereby authorized to invest surplus funds of the Village of Estero in the Local Government Trust Fund administered by the State Board of Administration, and are hereby authorized to transmit such funds to the State Board of Administration to be invested according to applicable laws of the State of Florida consistent with the needs of the Village of Estero. Such authorization includes authority to withdraw funds from the State Board of Administration by giving timely notice and confirmation. This authorization shall be continuing in nature until revoked by the Village Council.

Section 2. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this ____ day of _____, 2015.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Kathy Hall, MMC, Village Clerk

By: _____
Nicholas Batos, Mayor

Reviewed for legal sufficiency:

By: _____
Burt Saunders, Village Attorney



September 8, 2015

John Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Bob Mulhere, Chairman
Southwest Florida Regional Planning Council
1926 Victoria Ave.
Fort Myers, FL 33901

RE: Southwest Florida Regional Planning Council (RPC) Building Assessment

Dear Mr. Mulhere:

The Lee County Board of Commissioners is in receipt of your letter dated August 25, 2015 that was sent to County Manager Roger Desjarlais. The Board considered the question of whether Lee County is willing to pay a one-time special assessment of \$0.522 per capita at its September 2, 2015 regular meeting. I am writing to inform you that the Board declined to support such an assessment.

While we can certainly appreciate the role played by the RPC under Florida's previous growth management system, circumstances have changed dramatically in recent years. Given a new regulatory structure and the greatly reduced scope of authority given to regional planning councils, now does not appear to be the time to increase expenditures on this organization.

Finally, the Board also discussed the duplicative nature of RPC services in light of the County's strong professional planning capabilities. In turn, the Board voted to advocate in the 2016 state legislative session for the ability to opt out from mandatory membership in a regional planning council.

Please let me know if you have any questions concerning the positions taken by the Board concerning its RPC membership.

Sincerely,

A handwritten signature in black ink that reads "Brian Hamman". The signature is written in a cursive, flowing style.

Brian Hamman, Chair
Lee County Board of County Commissioners

CC: Lee County Commissioners, All Districts
Margaret Wuerstle, RPC Director
Membership, Southwest Florida RPC