

RESOLUTION
NUMBER 98-1000A0

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

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

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

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

1. Creation of Fund

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

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

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

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

2. Purposes of the Fund

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

3. Sources of Funding

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

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

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

4. Management of the Fund

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

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

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

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

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

5. Expenditures - Process

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

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

(b) Non-Revolving Expenditures

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

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

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

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

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

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

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Matthew D. DeBoer
Matthew D. DeBoer, Chair

ATTEST:

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

By Agnes Raebek
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Renee Francis Lee
Renee Francis Lee, County Attorney *RLB*

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