

1 Introduced by Council Member Clark and amended by the Finance
2 Committee:



5 **ORDINANCE 2011-724-E**

6 AN ORDINANCE REGARDING THE ESTABLISHMENT OF
7 THE ISLE OF PALMS SPECIAL DISTRICT IN
8 ACCORDANCE WITH SECTION 189.4041, FLORIDA
9 STATUTES; ADOPTING A CHARTER FOR THE "ISLE OF
10 PALMS SPECIAL DISTRICT" FOR THE LIMITED
11 PURPOSE OF MAINTAINING THE SYSTEM OF CANALS
12 LOCATED WITHIN THE ISLE OF PALMS COMMUNITY;
13 ESTABLISHING A FIVE MEMBER BOARD OF
14 SUPERVISORS TO BE ORIGINALLY APPOINTED BY THE
15 CITY COUNCIL WITH ALL FIVE INITIAL TERMS
16 EXPIRING ON NOVEMBER 20, 2012, AND ALL FIVE
17 SUPERVISORS BEING ELECTED BY THE QUALIFIED
18 ELECTORS OF THE DISTRICT BEGINNING WITH THE
19 2012 GENERAL ELECTION; PROVIDING A LEGAL
20 DESCRIPTION OF THE BOUNDARIES OF THE DISTRICT;
21 PROVIDING THAT THE BOARD OF SUPERVISORS SHALL
22 HAVE THE AUTHORITY TO IMPOSE A NON-AD VALOREM
23 ASSESSMENT IN AN AMOUNT UP TO \$500 ANNUALLY,
24 WHICH CAN BE INCREASED ANNUALLY BY \$100, BUT
25 NOT TO EXCEED \$1,000 ANNUALLY FOR EACH
26 RESIDENTIAL UNIT WITHIN THE DISTRICT;
27 PROVIDING THAT THE BOARD OF SUPERVISORS SHALL
28 HAVE THE AUTHORITY TO APPROPRIATE FUNDS FOR
29 THE LIMITED PURPOSE OF MAINTAINING THE CANAL
30 SYSTEM; PROVIDING AN EFFECTIVE DATE.

1 **WHEREAS**, Section 189.4041, Florida Statutes, provides that the
2 City Council may create dependent special districts for the purpose
3 of delivering essential services to specific areas within the City;
4 and

5 **WHEREAS**, the system of canals located within the Isle of Palms
6 community, located in Council District 3, require continuous
7 maintenance in order to remain navigable and sanitary; and

8 **WHEREAS**, the City of Jacksonville is unable to provide the
9 human and financial resources required to properly maintain this
10 system of canals; and

11 **WHEREAS**, a dependent special district financed by the property
12 owners adjacent to this system of canals is an appropriate,
13 efficient and effective vehicle to insure that the canals are
14 properly maintained; and,

15 **WHEREAS**, the City Council finds that it is necessary to create
16 the Isle of Palms Special District to insure that the canals are
17 properly maintained; and,

18 **WHEREAS**, the City Council finds that the creation of the Isle
19 of Palms Special District is the best alternative to insure that
20 the canals are properly maintained because the creation of such a
21 district provides a legally enforceable mechanism to collect monies
22 from all property owners that benefit from properly maintained
23 canals, and it insures that the monies, when collected, are spent
24 by a governmental entity that is accountable to the people that it
25 serves; now therefore,

26 **BE IT ORDAINED** by the Council of the City of Jacksonville:

27 **Section 1. Establishment of Charter for Isle of Palms**
28 **Special District.** In accordance with Section 189.4041, Florida
29 Statutes, the Charter of the Isle of Palms Special District is
30 hereby established to read as follows:

31 CHARTER OF THE ISLE OF PALMS SPECIAL DISTRICT

1 Section 1. Boundaries. The Isle of Palms Special
2 District (hereinafter referred to as the "District") is hereby
3 created. The boundaries of the District are described in Exhibit
4 1. The District consists of three unconnected canal areas all of
5 which have a separate canal access to the intracoastal waterway.
6 These areas are referred to as the North Isle of Palms, the Central
7 Isle of Palms and the South Isle of Palms. These areas include
8 those parcels of property identified in attached Exhibit 1 on the
9 following streets: North Isle of Palms: Island Dr., Lagoon, Palm
10 Island, Royal Palm, Queen Palm, Silver Palm, the North side of
11 Plumosa Drive (the odd addresses); and Eunice Drive, except the
12 three parcels identified as being part of the Central Isle of
13 Palms; Central Isle of Palms: Marsh View Dr., the south side of
14 Plumosa Drive, as indicated by even address numbers, and the
15 following three addresses on Eunice Drive: 3509, 3525, 3543; South
16 Isle of Palms: Old San Pablo Rd. (f/k/a San Pablo Road), Stacey
17 Drive, Cordgrass, Tideview, Tradewinds, Coquina, Seabreeze, Port
18 Arthur, Grassy Cay, Sandy Hook, and Marsh Harbor Drive.

19 Section 2. Purpose. The purpose of the District shall be
20 the continuing maintenance of the system of canals located in the
21 Isle of Palms community. The District shall fulfill its purpose by
22 dredging the canals to provide the canals with access to the
23 Atlantic Intracoastal Waterway.

24 Section 3. Governing Body and Elections.

25 (A) The governing body of the District shall consist of
26 five Supervisors, two (2) each from the North and South Isle of
27 Palms, and one (1) from the Central Isle of Palms. All Supervisors
28 shall be qualified electors of the State of Florida. The original
29 Board of Supervisors shall be appointed by the City Council of the
30 City of Jacksonville and all five initial terms shall expire on
31 November 20, 2012. At the 2012 general election, the qualified

1 electors of the District shall elect three Supervisors who shall
2 serve for terms of four years (seats 1, 3 and 5) and two
3 Supervisors who shall serve for terms of two years (seats 2 and 4).
4 The term of office for each Supervisor thereafter shall be four
5 years. If, during a term of office, a vacancy occurs, the remaining
6 members of the Board shall fill the vacancy by an appointment of
7 another person from the same area where the vacancy occurred, i.e.
8 North, Central, South, for the remainder of the unexpired term.

9 (B) The following individuals are hereby appointed by
10 the City Council to the original Board of Supervisors: Jason
11 Sessions, 4385 Tradewinds Drive, (Seat 1); Brad Radloff, 14578
12 Lagoon Drive; Matt Kwartler, 4414 Coquina Drive (Seat 3); Nicole
13 O'Sullivan, 3355 Queen Palm Drive (Seat 4); and Kenneth Wright,
14 14644 Plumosa Drive (Seat 5).

15 (C) Commencing with the 2012 general election, all
16 Supervisors shall be elected on a nonpartisan basis by the
17 qualified electors of the District and shall hold office until
18 their successors are elected and qualified. Candidates shall
19 declare and qualify for individual seats, and elections shall be
20 held at the general election in November and conducted in the
21 manner prescribed by law for holding general elections.

22 (D) Any Supervisor may be removed from office by the
23 City Council for misfeasance, malfeasance, or willful neglect of
24 duty.

25 (E) No Supervisor shall receive compensation for his or
26 her service.

27 (F) No Supervisor may reside in the same household as
28 another Supervisor.

29 Section 4. Powers. The District is authorized and
30 empowered:

31 (A) To sue and be sued;

1 (B) To contract;

2 (C) To purchase, hold, lease, sell, or otherwise acquire
3 and convey such real and personal property and interest therein as
4 may be necessary or proper to carry out the purpose of this
5 Charter;

6 (D) To employ engineers, attorneys, accountants,
7 financial or other consultants, and such other agents and employees
8 as the Board of Supervisors may require or deem necessary to
9 accomplish the purpose of this Charter, or to contract for any such
10 services;

11 (E) To acquire, construct, maintain, equip, improve,
12 extend, and enlarge capital projects for the purposes of enabling
13 the District to perform public functions or services as herein
14 provided;

15 (F) To assess for each year of its operation against
16 each residential lot and each parcel with a canal access easement
17 in the District a special assessment not to exceed \$500 annually,
18 which can be increased annually by \$100, but may not exceed \$1,000,
19 to be billed and collected as provided by state and local law, and
20 to be a lien on the assessed property, coequal with the lien of all
21 state, county, district and municipal taxes, and superior in
22 dignity to all other liens, titles, and claims, until paid in full;

23 (G) To fix and collect rates, fees, and other charges
24 for the specialized public functions or services authorized by
25 Ordinance 2011-724-E;

26 (H) To restrain, enjoin, or otherwise prevent the
27 violation of this Charter or any resolution or rule adopted
28 pursuant to the powers granted by Ordinance 2011-724-E or this
29 Charter;

1 (I) To join with any other district, municipality,
2 county or political subdivision, public agency or authority in the
3 exercise of common powers;

4 (J) To enter into contracts with government of the
5 United States or any agency or instrumentality thereof, or with any
6 state, county, municipality, district, authority, or political
7 subdivision, private corporation, partnership, association, or
8 individual to effect the purpose of the District, and to receive
9 and accept, from any federal agency, grants or loans for or in aid
10 of the specialized public functions or services authorized herein.

11 Section 5. Fiscal Year and Budget. The fiscal year for
12 the District shall be from July 1 to June 30. The District shall
13 annually submit a proposed district budget to the City Council of
14 the City of Jacksonville by April 1 for approval or rejection. The
15 failure of the City Council to take action on the budget within 70
16 days after submission shall constitute approval of the budget,
17 unless extended by agreement of the City Council and the District.
18 The District shall also submit any amendments to its budget to the
19 City Council for approval or rejection, which amendments shall also
20 be deemed approved if the City Council fails to take action on them
21 within 70 days after submission. All submissions to the City
22 Council shall be made to its Director/Council Secretary with a copy
23 to the Council Auditor.

24 Section 6. Audit. The District shall be audited
25 annually at its expense by such persons and in such manner as the
26 City Council, and any relevant federal or state law, shall direct.

27 Section 7. Noticing and Reporting Requirements. The
28 District shall comply with the requirements of Florida's
29 Government-in-the-Sunshine Law as set forth in Chapter 286 of the
30 Florida Statutes with regard to the noticing of its meetings, the
31 conduct of its officials, the reporting of its activities through

