



**Town of Longboat Key Town Commission**

Town Hall  
501 Bay Isles Road  
Longboat Key, FL 34228  
(941) 316-1999  
(FAX) 316-1942  
INFOLINE: 361-6411

**- AGENDA -**  
**REGULAR WORKSHOP MEETING**

1:00 PM

October 15, 1998

**Pledge of Public Conduct**

- We may disagree, but we will be respectful of one another.
- We will direct all comments to issues.
- We will avoid personal attacks.

**Committee Reports and Communications**

1. Manatee County Special Liaison Report
2. Sarasota County Special Liaison Report
3. Other Reports

**Public to be Heard**

**Items for Consideration of the Town Commission**

4. Request by Longboat Observer, Longboat Key Chamber of Commerce, and Longboat Key Center for the Arts to Hold a Series of Concerts in Joan M. Durante Community

A request has been received from Mr. Bob Farber on behalf of the organizations making the request to hold a series of concerts in the Joan M. Durante Community Park beginning December 20, 1998 and ending April 1999. Recommended Action: Pending discussion.

5. Charter Review - (D1) Charter

The Town Commission will discuss recommendations made by the Charter Review Committee for revisions to be made to the Town's Charter as well as the procedure they will follow for public review. Recommended Action: Direction to Manager on procedure and date(s) for public hearing(s) on Charter Revisions.

6. Canal Dredging Follow-up Discussion

As a follow-up to the Special Workshop presentation on canal dredging, this item is

placed on the agenda for further discussion. Recommended Action: Direction to Manager.

7. **Consideration of the Town of Longboat Key Local Mitigation Strategy**

In compliance with the Town's contract with Sarasota County for the Town's participation in the development of a local mitigation strategy, the Town has submitted a report containing deliverables for contract period #1 and #2. The report identifies and evaluates existing Town policies, programs and regulations that are related to hazard mitigation. Recommended Action: Review and discussion.

8. **Staff Report: Pick-up Truck Safety**

Police Chief Kintz will present an oral report on vehicle safety concerning riders in the back of pick-up trucks. Recommended Action: None.

**Town Commission Comments**

**Town Manager Comments**

**Town Attorney Comments**

**Press to be Heard**

/dhs

REGULAR WORKSHOP - October 15, 1998  
AGENDA ITEM # 4

Agenda Item: Request by Longboat Observer, Longboat Key Chamber of Commerce, and Longboat Key Center for the Arts to Hold a Series of Concerts in Joan M. Durante Community Park

Presenter: Mr. Bob Farber

Summary: A request has been received from Mr. Bob Farber on behalf of these organizations to hold a series of concerts in the Joan M. Durante Community Park beginning December 20, 1998 and ending April 1999.

Attachments: 9-10-98 Letter, Farber to Manager.

Recommended  
Action: Pending discussion.

**ROBERT J. FARBER**  
**3585 Mistletoe Lane**  
**Longboat Key, FL 34228**  
Tel. 941-383-9499 Email TKL BUG@AOL.COM



September 10, 1998

Mr. Bruce St. Dennis  
Town Manager  
Town of Longboat Key  
501 Bay Isles Rd.  
Longboat Key, FL 34228

Dear Bruce,

On behalf of the Longboat Key Observer, the Longboat Key Chamber of Commerce and the Longboat Key Center for the Arts please schedule a presentation at the Workshop of September 24th so we may present our request for permission to hold a series of concerts at the Joan M. Durante Park.

While we have not "firmed up" our schedule, we anticipate the concerts would be held, beginning Sunday afternoon, December 20th with a holiday program and be followed with monthly concerts through April, 1999.

We shall be prepared to answer the Commissions concerns and questions at the Workshop.

Thankyou for your kind assistance.

Best regards,

A handwritten signature in black ink, appearing to read "Bob Farber".

Bob Farber

cc: Susan Weseley, Longboat Key Center for the Arts  
Gail Lofgren, Longboat Key Chamber of Commerce  
Matt Walsh, Longboat Key Observer

REGULAR WORKSHOP - October 15, 1998  
AGENDA ITEM # 5

Agenda Item: Charter Review - (D1) Charter

Presenter: Town Manager, Town Attorney

Summary: The Town Commission will discuss recommendations made by the Charter Review Committee for revisions to be made to the Town's Charter as well as the procedure they will follow for public review.

Attachments: Draft 1 (D1) Charter

Recommended

Action: Direction to Manager on procedure and date(s) for public hearing(s) on Charter Revisions.

# Hankin, Persson & Darnell

Attorneys and Counselors At Law  
A Partnership of Professional Associations

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Sarasota, Florida 34237

Telephone (941) 365-4950

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October 5, 1998

Lawrence M. Hankin  
David P. Persson  
Robert W. Darnell\*  
Andrew H. Cohen

\* Board Certified Wills, Trusts & Estates

The Honorable Hal Lenobel, Mayor  
and Town Commissioners  
Mr. Bruce F. St. Denis  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, Fl 34228

Re: Charter Revisions

Gentlemen:

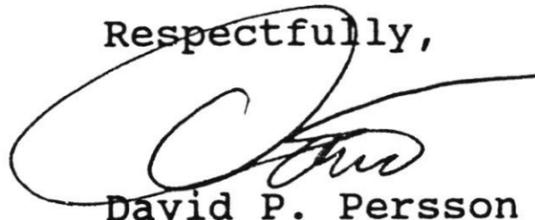
Enclosed is Town Commission Draft 1 of the Charter (TC Draft 1) which I believe incorporates your changes made during the recent Workshop. The changes noted in the underlined, strike-through manner are from the version that was circulated to you from the Charter Review Board. If you would like an underlined, strike-through version from the existing charter, please let me know.

Additionally enclosed are Alternatives 1, 2 and 3 for separate consideration. Alternative 1 reinserts the Ethics commission in lieu of a Special Master in the current draft of Article I, Section 8. Please note that it does not reutilize the existing language in Article I, Section 8.

Alternative 2 deletes term limits from inclusion within the Charter and Alternative 3 deletes the \$2,000 reimbursement for the Town Commission in connection with their local expenses.

Please contact me with any questions, thoughts, observations, modifications, or errors that I have made.

Respectfully,



David P. Persson

DPP:awg  
Enclosures  
cc: Ms. Patrizia Arends

ALTERNATE 1  
(INSERTING ETHICS COMMISSION)

ARTICLE I, SECTION 8

Sec. 8. Ethics in government.

A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right, the town commission shall provide by ordinance a town ethics code establishing standards of conduct for town officers, employees, candidates and advisory board members, including without limitation elected town commissioners, and requiring disclosure of financial or other interests and voting conflicts, and providing procedures for such disclosures.

To further assure this right, the town commission shall create by ordinance a Town Ethics Commission. The ordinance shall provide for the duties and powers of the Ethics Commission, enforcement of all ethical standards, procedures for processing complaints of violations and penalties consistent with this Charter. When a complaint alleging a breach of public trust is filed with the town clerk concerning a candidate for town commission or an elected town commissioner, or any member of an advisory board, the matter shall be referred to the Ethics Commission to conduct investigations and make public reports on all complaints. If the Ethics Commission determines that an ethics violation has been committed, it shall have the power to take disciplinary action, including public censure and reprimand, forfeiture of salary, restitution of any pecuniary benefits received because of the violation committed, removal from office, or a recommendation to the State of Florida that the individual be removed from public office. Any person aggrieved by a decision of the Ethics Commission shall apply to the Circuit Court for judicial relief within thirty (30) days after rendition of decision.

The town manager shall insure that all employees abide by the established standards of conduct for employees, as set forth by the Town, and shall have the power to reprimand, punish, demote, dismiss or take other disciplinary action concerning employees who breach ethical standards. The town commission shall request the Ethics Commission to review all complaints alleging ethical misconduct regarding either the town manager or the town attorney and the Ethics Commission shall make findings of fact as to whether the misconduct occurred and shall forward said findings to the town commission for further action.

Any member of the town commission or an appointed board who is convicted of a felony, or for any misdemeanor arising directly out of his conduct of duties, shall forfeit his office.

The town code of ethics may have additional or different types of provisions than those of the state law, and may be stricter or more relaxed in its terms, provided however, that the provisions of the town ethics code shall not be inconsistent with state law, and all town officers and employees shall continue to be governed by the ethical standards provided therein.

ALTERNATE 2  
(DELETION OF TERM LIMITS)

ARTICLE II, SECTION 2(a)

Sec. 2. Creation of commission; residency requirements, election and terms of office of commissioners.

(a) The town commission shall consist of seven (7) electors of the Town. Two (2) commissioners shall be elected at large. The remaining five (5) Commissioners shall reside in and be nominated from each of the five districts of the Town as set forth in Section 1. Commissioners shall be elected by the qualified electors residing in all five districts at a general election and shall hold office for two years beginning on the day after their election as provided herein. One (1) commissioner-at-large and commissioners from odd-numbered districts shall be elected in even-numbered years, and one (1) commissioner-at-large and commissioners from even-numbered districts shall be elected in odd-numbered years.

ALTERNATE 3  
(DELETING \$2,000 reimbursement to Commissioners)

ARTICLE II, SECTION 3

**Sec. 3. Nominations; character of service.**

The town commission shall provide by ordinance for procedures for nominations for the office of town commissioner, provided all nominations and elections shall be conducted on a nonpartisan basis without regard for a designation of the political party affiliation of any nominee on any nominating petition or ballot. All members of the town commission shall serve without compensation but shall be reimbursed for expenses incurred in connection with their official duties.

TOWN OF LONGBOAT KEY - CHARTEREditor's note:

On March 20, 1975, the town's voters approved Ord. 75-2, adopted by the Town Commission on February 19, 1975, which adopted a new Charter as herein set out. The town's previous Charter was derived from Special Acts 1957, Ch. 1540, and special Acts, Chs. 59-1511, 59-1512, 61-2422, 65-1862, and 69-1265. On November 7, 1989, the town's voters approved ordinance 89-15 adopted by the Town Commission on September 21, 1989, which adopted fourteen Charter amendments as herein set out.

Article I. Boundaries, Powers and Form of Government

1. Purpose
2. Body corporate and politic
3. Boundaries
4. Form of government
5. Powers of municipality
6. Powers of town commission
7. Amended Charter, references
8. Ethics in government

Article II. Town Commission

1. Commission districts
2. Creation of commission; residence requirements, election and terms of office of commissioners
3. Nominations; character of service
4. Elections generally
5. Conduct of elections
6. Hours polls to be open; canvass of returns; certification of election
7. Judge of qualifications
8. Vacancies
9. Recall of town commissioners
10. Mayor and vice-mayor
11. Functions and powers of mayor
12. Relationship of town commission with administration
13. Meetings
14. Special and Emergency meetings
15. Penalty for absence
16. Enactment of ordinances
17. Emergency measures
18. Codification of ordinances
19. Oath of office
20. Appointment of advisory boards
21. Duty to impose and levy taxes
22. Comprehensive plan for town
23. Investigations

TOWN OF LONGBOAT KEY - CHARTER

Article III. Town Manager

1. Appointment; qualifications, compensation
2. Removal
3. Acting town manager
4. Powers and duties of the town manager

Article IV. Town Clerk

1. Appointment and qualifications
2. Powers and duties

Article V. Town Finances

1. Finance director
2. Fiscal year
3. Submission of budget and budget message
4. Budget message
5. Budget
6. Capital program
7. Town commission action on budget
8. Public Records
9. Amendments after adoption
10. Lapse of appropriations
11. Budget work programs and allotments
12. Certificate of available funds
13. Audit of accounts
14. Audit and certification of claims
15. Investment advisory committee
16. Bonds

Article VI. Town Attorney

1. Appointment and qualifications
2. Assistant town attorneys
3. Duties

Article VII. Charter Amendments

1. Proposal of amendments
2. Method of referendum
3. Referendum on Charter amendments
4. Adoption of amendment
5. Supplemental method of amendment

TOWN OF LONGBOAT KEY - CHARTER

Article VIII. Transitional and Separability

1. Existing ordinances not inconsistent with amended Charter
2. Title to all properties reserved
3. Obligation of contracts preserved
4. Officers held over until successors qualify
5. Separability clause
6. Effective Date.

TOWN OF LONGBOAT KEY - CHARTER

Article I. Boundaries, Powers and Form of Government

Sec. 1. Purpose.

We, the people of the Town of Longboat Key, desiring to avail ourselves of the right to establish a home rule charter form of government do, in accordance with the Constitution and the Laws of the State of Florida, ordain and establish this Charter and form of government for the Town of Longboat Key, Florida.

Sec. 2. Body corporate and politic.

The inhabitants of the Town of Longboat Key, Florida, as its boundaries are established pursuant to Article I, Section 3, shall be and continue to be a body politic and corporate to be known and designated as the "Town of Longboat Key," and as such shall have perpetual succession. The use of any word importing male gender within this charter shall extend and be applied to both male and female.

Sec. 3. Boundaries.

The corporate boundaries of the Town shall be established by ordinance and shall remain fixed as existing on the date this Charter takes effect. The Town shall have the power to change its boundaries in the manner prescribed by law.

Sec. 4. Form of government.

The form of government established under this Charter shall be a "commission-manager" form as herein defined. The commission shall consist of seven (7) electors to be nominated and elected as hereinafter provided. The commission shall constitute the governing body of the town, with the duties and responsibilities hereinafter provided, and shall appoint a chief administrative officer to be known as "town manager" to exercise all the powers, perform the duties and assume the responsibilities hereinafter provided.

Sec. 5. Powers of municipality.

In accordance with the Constitution and Statutes of the State of Florida, the Town of Longboat Key shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and

TOWN OF LONGBOAT KEY - CHARTER

render municipal services; and it may exercise any of its powers for municipal purposes, except when expressly prohibited by law, provided:

(a) The town shall not sell any real property owned by the town unless the town commission first determines that such real property may not be needed for current or future municipal use, and not less than thirty (30) days prior to sale, causes a notice to be published in a newspaper of general circulation within the town giving notice of its intention to sell.

(b) No revenue bonds as defined by State law shall be issued by the Town or any public entity controlled by the Town without approval at a referendum held in the manner prescribed by law. The Town Commission may waive the requirement for a referendum for said revenue bonds if it determines, in its sole discretion, that there exists an emergency such that it is in the best interest of the Town to issue the bonds without referendum.

(c) Notwithstanding the above, a referendum shall not be required for refinancing existing bonds.

~~(d) Notwithstanding the above, a referendum shall not be required for a self-liquidating utility project. A utility project shall be deemed self-liquidating if in the judgment of the town commission, the revenues and earnings of the utility will be sufficient to pay principal and interest of the bonds for such project or improvement and do not pledge the full faith and credit of the town for their repayment.~~

**Sec. 6. Powers of town commission.**

(a) All powers of the Town of Longboat Key, except those vested in the town manager, town clerk, and town attorney, or as otherwise provided in this Charter, are vested in the town commission. The town commission may prescribe by ordinance or resolution the manner in which such powers are exercised. The town commission shall have power to pass all ordinances and laws not inconsistent with the Constitution and the Laws of the United States and the State of Florida as in its judgment may be necessary and proper for the government and preservation of peace and order within the town.

(b) The town commission shall have the power to prescribe ~~impose by ordinance such~~ fines, penalties and forfeitures ~~to provide as it deems necessary~~ for the enforcement of ordinances of the town, ~~provided, no fine, penalty or forfeiture shall be more severe than that provided for under the laws of the State of Florida.~~

TOWN OF LONGBOAT KEY - CHARTER

Sec. 7. Amended Charter; references.

(a) This Charter constitutes the amended Charter of the Town of Longboat Key and is adopted pursuant to Florida Statutes, Section 166.031.

(b) References to "Charter" or "amended Charter" throughout refer to this amended Charter; references to "town" refer to the Town of Longboat Key; references to "commission" refer to the town commission; and references to "manager" refer to the town manager.

Sec. 8. Ethics in government.

A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right, the town commission shall provide by ordinance a town ethics code establishing standards of conduct for town officers, employees, candidates and advisory board members, including without limitation elected town commissioners, and requiring disclosure of financial or other interests and voting conflicts, and providing procedures for such disclosures.

To further assure this right, the town commission shall appoint a minimum of three (3) independent Special Masters. When a complaint alleging a breach of public trust is filed with the town clerk concerning a candidate for town commission or an elected town commissioner, or any member of an advisory board, an independent Special Master shall be chosen by lot from the list maintained by the Town to conduct investigations and make public reports. The Special Masters shall be selected based upon their qualifications, which shall include at a minimum being members of the Florida Bar and neither living nor conducting substantial business within the Town of Longboat Key.

The town commission shall create by ordinance duties and powers of the Special Masters and provide for enforcement of all ethical standards, procedures for processing complaints of violations and penalties. When the Special Master has determined that an ethical violation has been committed, he shall have the power to take disciplinary action, including public censure and reprimand, forfeiture of salary, restitution of any pecuniary benefits received because of the violation committed, removal from office, or recommendation to the State of Florida that the individual be removed from public office. Any person aggrieved by a decision of a Special Master shall apply to the circuit court for judicial relief within thirty (30) days after rendition of the decision.

TOWN OF LONGBOAT KEY - CHARTER

The town manager shall insure that all employees abide by the established standards of conduct for employees, as set forth by the Town, and shall have the power to reprimand, punish, demote, dismiss or take other disciplinary action concerning employees who breach ethical standards. The town commission shall select a Special Master by lot to review all complaints alleging ethical misconduct regarding either the town manager or the town attorney and the Special Master shall make findings of fact as to whether the misconduct occurred and shall forward said findings to the town commission for further action.

Any member of the town commission or an appointed board who is convicted of a felony, or for any misdemeanor arising directly out of his conduct of duties, shall forfeit his office.

The town code of ethics may have additional or different types of provisions than those of the state law, and may be stricter or more relaxed in its terms, provided however, that the provisions of the town ethics code shall not be inconsistent with state law, and all town officers and employees shall continue to be governed by the ethical standards provided therein.

Article II. Town Commission

Sec. 1. Commission districts.

There are hereby created five (5) commission districts in the Town of Longboat Key as presently established by ordinance of the town. All district boundaries shall run as nearly as possible along lot lines or street lines and as nearly as possible in an east-west direction. All districts shall have substantially an equal number of electors registered therein.

The town commission shall, by ordinance, redistrict the town within six (6) months after the general election held in March if the number of registered electors in any district exceeds by twenty percent (20%) the number of registered electors in any other district in order that all districts may have substantially an equal number of electors registered therein; provided that final action in any redistricting ordinance shall be completed by the commission at least sixty (60) days prior to any special, preliminary or general election. A district boundary shall not run through a residential structure, and all residential structures shall lie wholly within one district or another.

TOWN OF LONGBOAT KEY - CHARTERSec. 2. Creation of commission; residency requirements, election and terms of office of commissioners.

(a) The town commission shall consist of seven (7) electors of the Town. Two (2) commissioners shall be elected at large. The remaining five (5) Commissioners shall reside in and be nominated from each of the five districts of the Town as set forth in Section 1. Commissioners shall be elected by the qualified electors residing in all five districts at a general election and shall hold office for two years beginning on the day after their election as provided herein. Beginning with the general election of 1999, No elector shall serve more than three (3) consecutive terms as town commissioner without an interval of ~~at least two (2) years~~ one complete term out of office. One (1) commissioner-at-large and commissioners from odd-numbered districts shall be elected in even-numbered years, and one (1) commissioner-at-large and commissioners from even-numbered districts shall be elected in odd-numbered years.

(b) Any commissioner, except those elected at large, who changes his permanent residence to an area outside the district from which elected shall be deemed to have vacated his office and position on the town commission. Any commissioner who is redistricted during the course of his term by ordinance as required by Section 1 of this Article, shall continue to hold office for that district until the expiration of his term.

Sec. 3. Nominations; character of service.

The town commission shall provide by ordinance for procedures for nominations for the office of town commissioner, provided all nominations and elections shall be conducted on a nonpartisan basis without regard for a designation of the political party affiliation of any nominee on any nominating petition or ballot. All members of the town commission shall serve without compensation but shall be reimbursed for expenses associated with their office in the amount of \$2,000.00 per year payable quarterly. Town commissioners shall not be entitled to any other benefits of the Town of Longboat Key arising out of their office except that commissioners shall be reimbursed their actual and necessary expenses incurred in performance of their duties of office for all matters outside the territorial limits of the counties of Sarasota and Manatee.

Sec. 4. Elections generally.

When there are more than two (2) qualified candidates for an elective office on the town commission, there shall be a preliminary and general election. The preliminary election shall

TOWN OF LONGBOAT KEY - CHARTER

be held on the first Tuesday of February and the general election shall be held on the third Tuesday of March, or, when practicable, in conjunction with any County election held in March by the coordinating County, either Sarasota or Manatee County. The names of the two (2) candidates who receive the first and second highest number of votes cast for a particular office in the preliminary election shall be placed on the ballot for that office at the general election. If no more than two (2) electors qualify as candidates for nomination for each office to be voted upon, then no preliminary election need be held; and such qualified candidates shall be nominees at the next following general election.

**Sec. 5. Conduct of elections.**

The town commission shall, by ordinance, prescribe the method and manner of holding all elections in the town and shall provide when and how special elections shall be called and held, which are not provided for by the terms of this Charter. All elections shall be conducted substantially in accordance with the laws governing state elections insofar as there is no conflict with the terms of the Charter.

**Sec. 6. Hours polls to be open; canvass of returns; certification of election.**

The polls shall be open at the voting places from 7:00 a.m. to 7:00 p.m., or as otherwise provided by law, on the same day, and the time shall be regulated by the customary time in standard use in the Town of Longboat Key on the date of the particular election. The result of the voting, when ascertained, shall be certified by the Supervisor of Elections or his deputy and delivered to the town clerk who shall transmit the returns to the town commission at a meeting to be held at 7:00 PM on the day following the election. At such meeting, the town commission shall canvass the returns and the result as shown by such returns shall be declared by the commission to be the result of the election. The town clerk shall thereupon furnish a certificate of election to each person shown to have been elected, and each such person shall take office at that meeting.

**Sec. 7. Judge of qualifications.**

The town commission shall be the judge of the election and qualification of its own members, subject to review by the courts.

TOWN OF LONGBOAT KEY - CHARTER

Sec. 8. Vacancies.

(a) Vacancies in the town commission shall be filled by the town commission, with any person so appointed to be a qualified elector from the district of the vacated commissioner, to serve until the next general municipal election. At the next general municipal election, the vacancy shall be filled by election; the person elected in such election to serve the remaining unexpired term of the town commissioner whose vacant office is being filled. If a vacancy is not filled by the town commission within thirty (30) days after the vacancy occurs, a special election shall be held within ninety (90) days after such a vacancy occurs; and the person so elected shall serve the remaining unexpired term.

(b) Any vacancy resulting from a recall election shall be filled in the manner provided by state laws applicable to recall of municipal officials.

Sec. 9. Recall of town commissioners.

All members of the town commission shall be subject to recall as provided by the Laws of the State of Florida.

Sec. 10. Mayor and vice-mayor.

(a) The town commission shall, at a meeting to be held at 7:00 p.m. on the day following the general municipal election or thereafter when necessary to fill a vacancy, elect one (1) of its members as mayor of the town and another of its members as vice-mayor. If the members of the town commission are unable to agree within five (5) days after the time fixed herein or within five (5) days after any vacancy occurs), upon the selection of the mayor and vice-mayor, then such officers shall be chosen by lot, conducted by the town attorney, who shall certify the result of such lot in the minutes of the town commission.

(b) In the event of illness, disability, death or absence of the mayor, the vice-mayor shall have all powers, duties and authority of the mayor. If the vice-mayor signs any instrument in place of the mayor; then it shall be presumed without further proof that the mayor was either ill, disabled, deceased or absent from the town. In the event of the illness, disability, death or absence from the town of both the mayor and vice-mayor, a quorum of the town commission may by resolution entered in the minutes of the town commission, appoint an acting mayor for such length of time or for such particular purpose as may be necessary.

TOWN OF LONGBOAT KEY - CHARTERSec. 11. Functions and powers of mayor.

The mayor shall preside at all meetings of the commission and perform such other duties consistent with the office as may be imposed by it, shall have a voice and a vote in the proceedings of the commission but no veto power, and may use the title of mayor in any case in which the execution of legal instruments or other necessity arising under the general laws of the state so requires. This shall not be considered as conferring upon the mayor the administrative or judicial functions of a mayor under the general laws of the state. The mayor shall be recognized as the official head of the town by the courts for the purpose of serving civil processes, by the government in the exercise of military law, and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred by the town commission in pursuance of the provisions of this charter, and no others.

Sec. 12. Relationship of town commission with administration.

(a) Except for purposes of inquiry, the town commission and its members shall deal with the administrative service solely through the town manager. Neither the town commission nor any member shall give orders to any subordinates of the town manager, either publicly or privately. No individual member of the town commission shall give orders to the town manager, either publicly or privately.

(b) The provisions of Section 12(a) shall not limit or restrict the right of the town commission as a body from inspecting or making inquiry regarding any work performed by any department or division of the town and shall not limit or restrict the right of the town commission to make investigations as provided in Section 23 of this Article.

(c) Neither the town commission nor any of its members shall in any manner dictate the appointment or removal of any town administrative officers or employees whom the town manager or any subordinate is empowered to appoint, but town commissioners may express their views and fully and freely discuss with the town manager anything pertaining to appointment and removal of such officers and employees.

Sec. 13. Meetings.

(a) At 7:00 p.m. on the Wednesday following each general municipal election under this Charter, the town commission shall meet at the usual place for holding the meeting of the legislative body of the town, at which time the newly elected

TOWN OF LONGBOAT KEY - CHARTER

commissioners shall assume the duties of office. Thereafter the town commission shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than once each month for a regular voting meeting and once each month for a regular non-voting workshop, except that the regular non-voting workshop and the regular monthly voting meeting in the month of August may be cancelled by the commission if cancelled at least thirty (30) days prior to the day on which the meeting would normally be conducted.

(b) All meetings of the town commission and of the committees thereof shall be public. Any citizen shall have access to the minutes and records thereof at all reasonable times. The commission shall determine its own rules and order of business and shall keep minutes of its proceedings.

Sec. 14. Special and Emergency Meetings.

(a) Special Meetings. The mayor, or any two (2) members of the commission, may call special meetings of the commission upon at least twenty-four (24) hours written notice to each member, served personally, or left at the member's place of business or usual place of residence; provided, the aforesaid requirement of written notice of special meetings may be waived at said special meeting by the unanimous vote of the entire town commission recorded in the minutes of the meeting; but in any event, there shall be no such requirement of written notice where notice is given at the meeting immediately preceding the special meeting and so recorded in the minutes of that meeting. An affirmative vote of not less than four (4) members shall be necessary for all actions taken at a special meeting.

(b) Emergency Meetings. The mayor or two members of the commission may call emergency meetings of the commission. The most appropriate and effective notice under the circumstances shall be provided for emergency meetings. The method of providing notice shall be recorded in the minutes of the meeting. A vote that the meeting is an emergency shall be the first order of business. The affirmative vote of the majority of the commissioners present plus one shall be necessary to confirm that the meeting is an emergency meeting. Failure to obtain this affirmative vote shall preclude conducting any further business at the meeting except adjournment. An affirmative vote of not less than four (4) members shall be necessary for all other actions taken at an emergency meeting.

TOWN OF LONGBOAT KEY - CHARTER

Sec. 15. Penalty for absence.

Absence from all meetings and workshops for two (2) consecutive calendar months ~~(excluding August)~~ shall operate to vacate the seat of a member, unless such absence is excused by the commission prior to the end of the two-month period. The month of August shall be excluded when computing these two consecutive months.

Sec. 16. Enactment of ordinances.

(a) The enactment of all ordinances and resolutions by the Town of Longboat Key shall be in substantial conformance with state law.

(b) The majority of the members of the town commission shall constitute a quorum. A lesser number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance. The affirmative vote of not less than four (4) members shall be necessary to adopt any ordinance or resolution and the passage of all ordinances shall be taken by "yeas" and "nays" and entered in the minutes. On final passage, the vote of each member of the town commission voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the town commission shall become effective ten (10) days after passage or as otherwise provided therein. Should an ordinance or resolution receive an affirmative vote of less than four (4), but the affirmative votes of enough when added to the absent members to make four (4), the ordinance or resolution shall be rescheduled from meeting to meeting until the matter can be decided by a concurring vote of four (4) or more members of the commission.

(c) Every ordinance or resolution shall upon its final passage be recorded in a book kept for that purpose and shall be signed by the mayor and the town clerk.

(d) Codes, including the building code and other codes of the Town of Longboat Key, which are in printed form and are on file and available for public inspection at the office of the town clerk, need not be published in a newspaper in order to become effective, but may by reference be made a part of any town ordinance now or hereafter adopted.

Sec. 17. Emergency measures.

(a) An emergency ordinance is one which, in the opinion of the town commission, is required to be passed for the immediate

TOWN OF LONGBOAT KEY - CHARTER

protection and preservation of the peace and safety, health or property of the town or its inhabitants, or providing for the usual daily operations of the municipality or any of its departments; and the emergency requiring its passage shall be set forth in a preamble to the ordinance.

(b) Appropriations of money may be made by an emergency ordinance, but no ordinance making a grant, renewal or extension for a franchise or other special privilege or establishing or regulating the rates to be charged by any public utility for its services shall be passed as an emergency ordinance. Emergency ordinances shall be effective upon the date specified in the ordinance itself.

Sec. 18. Codification of ordinances.

(a) The town commission shall provide for the continuing revision and codification of all of the general and permanent ordinances of the town to be published in book form, with sufficient copies available to the general public at a reasonable cost.

(b) Every such revision or codification, after adoption by the town commission, shall be received in any of the courts of this state as prima facie evidence of the existence and contents of the laws and ordinances therein contained.

Sec. 19. Oath of office.

Every officer of the town shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed and kept in the office at the town clerk. Such oath shall be in the form prescribed for state officers by the Constitution of the state.

Sec. 20. Appointment of advisory boards.

(a) The town commission shall establish permanent boards by ordinance and ad hoc committees by resolution. Members of such boards or committees shall serve without compensation at the pleasure of the town commission for such terms as it deems necessary and desirable. At a minimum, the permanent boards of the town shall be the Planning and Zoning Board, the Zoning Board of Adjustment and the Code Enforcement Board, the duties and responsibilities of which shall be established by ordinance.

(b) The town commission, at its discretion, shall appoint a Charter Review Committee to review the Charter but in no event

TOWN OF LONGBOAT KEY - CHARTER

shall such review be less than once in a ten year period from the date of adoption of this Charter.

Sec. 21. Duty to impose and levy taxes.

The town commission shall levy and impose such ad valorem and other taxes as authorized by law as, in its judgment, are necessary to provide sufficient revenues to carry on the government of the town; provided, unless levied to pay debt service including sinking fund reserves for approved bonded indebtedness of the town, no more than five (5) mills on the dollar of assessed valuation shall be levied or collected as a tax on real property unless previously approved by a majority of electors voting in a regular or special election or referendum.

Sec. 22. Comprehensive plan for town.

(a) The town commission shall cause plans to be developed on a continuing basis for the future development and maintenance of the town, considering the health, safety, morals, environmental protection, aesthetics, convenience and general welfare of the town and its residents.

(b) The present density limitations provided in the existing comprehensive plan as adopted March 12, 1984 shall not be increased without the referendum approval of the electors of Longboat Key.

Sec. 23. Investigations.

The town commission shall have power at any time to cause the affairs of any department or the conduct of any officer or employee to be investigated, and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers, and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the mayor or such other officer authorized by the town commission and shall be served by any officer authorized by law to serve such process. The town commission in making such investigation shall have the power to cause testimony to be given under oath and shall have the power to apply to any court of competent jurisdiction to punish for contempt any person refusing to testify or to produce any books, papers, documents or other evidence under his control which relates to the matter under investigation.

TOWN OF LONGBOAT KEY - CHARTER

Article III. Town Manager

Sec. 1. Appointment; qualifications; compensation.

The town commission shall, by an affirmative vote of at least five (5) members, appoint a town manager who shall serve at the pleasure of the town commission and for such compensation as determined by the commission. The manager shall be appointed solely on the basis of professional and administrative qualifications.

Sec. 2. Removal.

The town manager may be removed from office upon the affirmative vote of five (5) members of the town commission. Written notice of the removal action specifying the effective date of removal shall be promptly provided to the town manager.

Sec. 3. Acting town manager.

By letter filed with the town clerk the manager, or in his absence, the town commission, shall designate a qualified town administrative officer to exercise the powers and perform the duties of manager during any temporary unavailability or inability to act. During such absence or disability, the town commission may revoke such designation at any time and appoint another officer of the town to serve until the manager shall return or the unavailability or inability to act shall cease.

Sec. 4. Powers and duties of the town manager.

The town manager shall be the chief administrative officer of the town and shall be responsible to the town commission for the administration of all town affairs. He shall establish such departments and divisions of responsibility as shall be necessary and proper for administration of the affairs of the town and performance of its municipal functions. He shall be responsible for the preservation of peace and the protection of persons and property within the town and shall be the director of all public safety forces. Subject to such personnel regulations as may be adopted by ordinance or resolution of the town commission, he shall, pursuant to this Charter, appoint, remove and fix compensation for the chiefs and all subordinate officers of the police, fire and other safety forces of the town, department heads and all other town employees except those specified elsewhere in this Charter. In addition, he shall have the following additional powers and duties:

TOWN OF LONGBOAT KEY - CHARTER

(a) Direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this Charter or by law.

(b) Determine whether officers, clerks or employees of the town shall be bonded and the amount of the bond. The bond shall be procured from a regularly accredited surety company authorized to do business under the Laws of Florida, the premiums on such bonds to be paid by the town, and on file with the Town Clerk.

(c) Attend all town commission meetings, unless otherwise excused by the town commission, and shall have the right to take part in discussion but may not vote.

(d) See that all laws, provisions of this Charter and acts of the town commission are faithfully executed.

(e) Prepare and submit the annual budget and capital program to the town commission.

(f) Submit to the town commission and make available to the public a complete report of the finances and administrative activities of the town as of the end of each fiscal year.

(g) Make such other reports as the town commission may require concerning the operations of town departments, offices and agencies subject to the manager's direction and supervision.

(h) Keep the town commission fully advised as to the financial condition and future needs of the town and make such recommendations to the town commission concerning the affairs of the town as deemed desirable.

(i) Serve as purchasing agent for the town, through whom all purchases of supplies shall be made. He shall approve all vouchers for the payment of same and conduct all sales of personal property which the commission may authorize to be sold as having become unnecessary or unfit for the town's use. All purchases and sales shall be conformed to such regulations as the town commission may from time to time prescribe.

(j) Perform such other duties as are specified in this charter or may be required by the town commission.

TOWN OF LONGBOAT KEY - CHARTER

Article IV. Town Clerk

Sec. 1. Appointment and qualifications.

The town manager, with the approval of the town commission, shall appoint a town clerk solely on the basis of professional qualifications.

Sec. 2. Powers and duties.

The town clerk shall be head of the department of records and custodian of all official records of the town, and shall be responsible to the town commission for the proper administration of all affairs concerning the records of the town placed under the town clerk's authority under this Charter, and shall:

- (a) Serve as clerk to the town commission and recorder of all its official actions.
- (b) Serve as the election official for the town.
- (c) Authenticate documents of the town where required and be custodian of the town seal.
- (d) Attest all bonds, contracts and other instruments on behalf of the town.
- (e) Administer oaths required or authorized under any laws, this Charter or ordinance of the town.
- (f) Keep as a permanent record all written contracts and bonds where the town is a party in interest.
- (g) Perform such other duties as prescribed by law or by this Charter or by any ordinances of the town or by direction of the town commission or town manager.

Article V. Town Finances

Sec. 1. Finance director.

The town manager shall appoint a finance director who shall:

- (a) Collect and invest all funds of the town, provided the town commission shall direct the policy of investment of such funds, the investment or deposit of such funds to be done and made by competitive bids therefor, after due notice, or in such other manner as in the judgment of the town commission may be

TOWN OF LONGBOAT KEY - CHARTER

deemed in the best interest of the town; provided, each investment is secured in accordance with Florida State Statutes.

(b) Pay out on behalf of the town by checks or other orders for payments all payments due from the town, provided the town commission shall provide by ordinance or resolution the manner in which all checks or other orders for payment are to be signed, which shall require at least one countersignature.

(c) Supervise all accounting procedures.

(d) Audit the accounts of any officers of the town upon such officer's death, resignation, removal or expiration of term, and to notify the town manager and town commission if any of such officers are found to be indebted to the town.

(e) Certify as to available funds prior to any allocation by the town commission.

(f) Furnish to the town manager such fiscal services as required.

(g) Except as may be required by law, prescribe and require the use of a plain and uniform system of keeping records of accounts by all town departments, officers or employees who are charged with the receipt or disbursement of any of the funds of the town, or who may be authorized to purchase materials or supplies or to employ labor for the town in a manner required by law.

(h) Except as may be required by law, prescribe the forms of vouchers or other evidence of the receipt of money from the town or for the establishment of demands against the town; and require periodic reports from each department, office, officer or employee of the town receiving and disbursing funds of the town, showing all sums received and disbursed, from what source and for what purpose in a manner required by law.

Sec. 2. Fiscal Year.

The fiscal year of the town shall begin on the first day of October and end on the last day of September, or otherwise as may be provided by law.

Sec. 3. Submission of budget and budget message.

On or before the first day of June of each year, the town manager shall submit to the town commission a preliminary budget for the ensuing fiscal year and a final budget and an

TOWN OF LONGBOAT KEY - CHARTER

accompanying message on or before the first day of August of each year.

Sec. 4. Budget message.

The town manager's message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the town's debt position and include such other material as the town manager deems desirable.

Sec. 5. Budget.

The budget shall contain an organizational chart showing the functions of all departments and divisions of the town, shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the town manager deems desirable or the town commission may require. It shall begin with a clear general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall include separate sections for operation, capital expenditures, and utility operations.

Sec. 6. Capital program.

(a) Submission to town commission. The town manager shall prepare and submit to the town commission a capital program on or before the first day of June of each year.

(b) Contents. The capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing.
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

TOWN OF LONGBOAT KEY - CHARTER

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Sec. 7. Town commission action on budget.

(a) Notice and hearing. The town commission shall publish a general summary of the budget and notice of budget hearings in accordance with Florida Statute requirements:

(1) The times and places where copies of the message and budget are available for inspection by the public; and

(2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

(b) Amendment before adoption. After the public hearing, the town commission may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to amount greater than the total of estimated income.

(c) Adoption. On or before the last town commission meeting of each fiscal year, the town commission shall, by ordinance which may be made effective immediately, adopt the town budget for the ensuing fiscal year. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all the items in it prorated accordingly, until such time as the town commission adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated, shall establish the salaries of the town manager and town attorney, and shall constitute a levy of the property tax specified therein.

Sec. 8. Public records.

Copies of the budget and the capital program, if adopted, shall be public records and shall be made available to the public in the town hall.

TOWN OF LONGBOAT KEY - CHARTERSec. 9. Amendments after adoption.

(a) Supplemental appropriations. If during the fiscal year the town manager certifies there are available for appropriation revenues in excess of those estimated in the budget, the town commission by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the town commission may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the town commission may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of appropriations. If at any time during the fiscal year it appears probable to the town manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the town commission without delay, indicating the estimated amount of the deficit, any remedial action taken, or the manager's recommendations as to any other steps to be taken. The town commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose, it may by ordinance reduce one or more appropriations.

(d) Transfer of appropriations. At any time during the fiscal year, the town manager may transfer up to \$10,000.00 of funds constituting a part or all of any unencumbered appropriation balance among programs within a department, office or agency. The town manager shall thereafter give notice of any such transfer to the town commission. Upon written request by the town manager, the town commission may authorize transfers of larger amounts or unencumbered appropriations among programs within a department, office or agency and by resolution transfer part or all of any unencumbered appropriation balance from one department or agency to another.

(e) Limitations; Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or

TOWN OF LONGBOAT KEY - CHARTER

transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Sec. 10. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

Sec. 11. Certification of available funds.

(a) Prior to the execution of any contract, other obligation involving the expenditure of money, or any order of the town commission or any officer of the town for expenditure of money, the finance director shall first certify in writing that the funds required for any such obligation are, or within the fiscal year shall be in the treasury of the town. The town commission may, however, provide for contracts or other obligations involving the expenditure of money in an immediately ensuing fiscal year, so long as the finance director shall first certify in writing as to reasonable anticipation during the next fiscal year. No such certification shall be required in connection with the issuance of bonds by the town under the provisions of this article or pursuant to general or special laws of the State of Florida. Nothing contained herein shall preclude: (i) the town commission from entering into multi-year employment contracts; or (ii) the town manager entering into multi-year leases, so long as the execution of said contracts or leases is otherwise in accordance with law.

(b) Money to be derived from bonds which have been sold and are in the process of delivery, and money which has been pledged to the town by federal, state or county agencies shall be deemed to be in the treasury to the credit of the appropriate fund.

(c) The finance director's certificate shall be filed as directed by the town manager, and thereafter such funds shall be considered encumbered and unavailable for other expenditures until the town is discharged from the particular obligations.

(d) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and such officer shall also be liable to the town for any amount so paid. However, except

TOWN OF LONGBOAT KEY - CHARTER

where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

**Sec. 12. Audit of accounts**

At the end of each fiscal year, and oftener if so required by the town manager, the finance director shall audit the accounts of the several departments, officers and employees, and shall audit all other accounts in which the municipality is interested. The finance director shall at all times have access to and may inspect and make copies of all books on which entries are made or are required to be made, relating to the receipt or expenditure of money on account of the town, and of all vouchers, accounts, bills, warrants, drafts, contracts or other papers relating thereto. The town commission, at the end of each fiscal year, shall cause the books of accounts of the town to be audited by an independent certified public accountant selected by the town commission. Upon completion of the audit, it shall be delivered to each member of the town commission, the finance director and the town manager, and a copy shall remain on file in the office of the finance director for inspection by any person desiring to inspect the same. A summary of said audit furnished to the town as provided by this section shall be published in a newspaper of general circulation in the Town of Longboat Key within a period of not more than thirty (30) days after the completion of any such audit.

**Sec. 13. Audit and certification of claims.**

All claims and demands against the town, before they are allowed by the town commission, shall be examined and adjusted and their correctness certified by the finance director, who shall keep a record of all accounts and doings and a record of all contracts to which the town is a party, and such records shall be opened to the inspection of all parties interested.

**Sec. 14. Investment advisory committee.**

The town commission shall appoint an investment advisory committee consisting of three (3) or more members of the town commission, which committee shall be authorized to consult with persons experienced in finance. Annually and at such other times as requested by the town commission, the committee shall render written reports as to the character and

TOWN OF LONGBOAT KEY - CHARTER

extent of the town's investments, together with recommendations for any revisions in the town's investment program.

Sec. 15. Bonds.

The town commission may borrow money, contract loans, and issue bonds as defined by and as authorized by state law from time to time to finance the undertaking of any capital or other project for the purposes permitted by the State Constitution as provided by state law and this Charter.

Article VI. Town Attorney

Sec. 1. Appointment and qualifications.

The town commission shall appoint a town attorney who shall serve at the pleasure of the town commission. The town attorney shall be a member of the Florida Bar and have a minimum of three (3) years' experience in the practice of law prior to the time of appointment.

Sec. 2. Assistant town attorneys.

The town attorney may appoint members of the Florida Bar as his assistants, provided the terms of such appointments and compensation of such appointees shall be made with the advice and consent of the town commission.

Sec. 3. Duties.

The town attorney shall:

(a) Serve as legal adviser to the town, the town commission and all of the governmental and proprietary functions of the town and its departments, divisions, officers, boards and committees;

(b) Prepare or review all proposed ordinances and resolutions of the town;

(c) Approve as to form and legal correctness all written contracts entered into by the town; and unless otherwise provided by ordinance, no such contracts shall take effect until his approval is endorsed thereon;

(d) Prosecute and defend all legal actions wherein the town is a party in interest;

(e) Perform such other legal services as requested by the town commission or town manager.

TOWN OF LONGBOAT KEY - CHARTER

Article VII. Charter Amendments

Sec. 1. Proposal of amendments.

Amendments to this Charter may be framed and proposed:

(a) By ordinance adopted by the town commission setting forth the full text of the proposed amendment; or

(b) By written petition or petitions to the town commission initiated by the electors setting forth the full text of the proposed amendment and signed in person by qualified electors of the town equal to at least ten percent (10%) of the total number of qualified electors registered to vote at the preceding general town election. All required signatures to petitions initiated by the electors must bear the dates on which each signature is affixed and all required signatures must be affixed within a period of ninety (90) days prior to the date such petition is submitted to the town commission.

(c) Electors initiating a written petition or petitions to the town commission to amend the charter may, at their discretion, obtain review of the proposed text by the town attorney for legal correctness.

Sec. 2. Method of referendum

Upon adoption of an ordinance by the town commission as provided in Section 1(a) of this Article or upon delivery to the town commission of a written petition as provided in Section 1(b) of this Article, the town commission shall, within six (6) months, cause a referendum to be held on the question of adoption of such proposed amendment in the manner provided by law and this charter.

Sec. 3. Referendum on charter amendments.

(a) Any proposed amendment to the charter shall be submitted to a referendum of the electors of the town and may be presented by title, which may differ from its legal title but which shall contain a clear and concise statement describing the substance of the proposed amendment. Below the ballot title shall appear:

For \_\_\_\_\_  
Against \_\_\_\_\_

TOWN OF LONGBOAT KEY - CHARTER

(b) Before any proposed amendment to this charter shall be submitted to the electors, the entire text of the same shall first be published not less than seven (7) nor more than sixty (60) days prior to the date of the referendum in a newspaper of general circulation in the town.

Sec. 4. Adoption of amendment.

Any proposed amendment to the Charter adopted by a majority of the qualified electors of the town voting in such referendum shall become effective at the time fixed in such amendment, or if no time is therein fixed, thirty (30) days after its adoption by the electors.

Sec. 5. Supplemental method of amendment

The foregoing method of proposing amendments and mechanics of holding referendums thereon shall be supplemental to the provisions of all other laws relating to amendment of municipal charters.

Article VIII. Transitional and Separability

Sec. 1. Existing ordinances not inconsistent with amended Charter.

All existing ordinances of the town, not in conflict with the provisions of this Charter, shall continue in effect and unimpaired until repealed, amended or modified by the town commission.

Sec. 2. Title to all properties reserved.

The title rights, ownership of property and all claims of the Town of Longboat Key, including all suits, actions and choses in actions owned by the town, shall continue under this Charter, and no pending causes shall be abated as a result of adoption of this Charter.

Sec. 3. Obligation of contracts preserved.

No debt or contract of the municipality, including bonds heretofore issued, shall be impaired or voided by the adoption of this Charter.

Sec. 4. Officers held over until successors qualify.

All officers of the town heretofore elected or appointed and holding office in the town shall continue to hold their

TOWN OF LONGBOAT KEY - CHARTER

respective offices and to discharge their duties thereof until their successors are elected or appointed under the provisions of this charter. This Charter shall not affect or impair any vested rights or privileges of any persons who are town officers or employees at the time of its adoption.

**Sec. 5. Separability clause.**

If any article or any part hereof, or any section or part thereof of this Charter as it now exists or as it may be amended is held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not invalidate or impair the validity, force or effect of any other article or part thereof, or any other section or part thereof, unless it clearly appears that such other article or part thereof, or section or part thereof, is wholly or necessarily dependent for its operation upon the article or part thereof, or Section or part thereof, held to be invalid or unconstitutional.

**Sec. 6. Effective Date.**

This amended charter shall become effective upon ratification by a majority of the qualified electors of the Town of Longboat Key voting on the question of the approval or disapproval at a referendum to be called and held in a matter prescribed by law.

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REGULAR WORKSHOP - October 15, 1998  
AGENDA ITEM # 6

Agenda Item: Canal Dredging Follow-up

Presenter: Town Manager; Dr. Cliff Truitt; Staff

Summary: As a follow-up to the Special Workshop on this subject, this item was forwarded for further consideration to this meeting. Materials from the workshop presentation are attached for your review at this time.

Attachments: Canal Dredging Presentation by CPE, presented 10-8-98

Recommended  
Action: Direction to Manager concerning how to proceed.

MEMORANDUM

DATE: October 14, 1998

TO: Town Commission  
FROM: Bruce St. Denis, Town Manager  
SUBJECT: Canal Dredging Follow-up

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The following is a summary of issues developed out of the discussions on canal dredging at the October 8<sup>th</sup> meeting.

**What Do We Know Now**

The consultants have put forth a project that dredges 48 of the Town's 53 canals that will provide a control depth of -5 feet at low tide for all but a few home owners. Canals that are not included were left out because providing a -5 foot access would require new dredging in Sarasota Bay which is unlikely to be permitted. The project includes both dredging of canals and bay access points. The scope also includes a minimal dredging program for the St. Judes/Tarawitt/Jungle Queen area. The total cost for the project including handling and disposal of the dredged material is \$1,538,000.

Four spoil material handling sites have been identified, although only three have been programmed and each will target a particular section of the Key. The three programmed sites are Lyons Lane, 4100 Gulf of Mexico Drive (parcel north of the Recreation Center), and the south water tank/Overlook Park area.

Durante south is a potential spoil site and will be further investigated.

Elimination of any of the identified spoil handling/disposal sites would impact the project budget.

This information is outlined in Coastal Planning & Engineering's (CPE's) summary report that was distributed with your workshop materials.

**St. Judes/Tarawitt/Jungle Queen Options**

There are essentially three options for improving the St. Judes/Tarawitt/Jungle Queen canals.

1. The first is to dredge a minimum "V" shaped canal and is included in the project budget.

Because of the conditions of the seawalls and because the land

Canal Dredging Follow-up  
October 13, 1998  
Page 2

under the canal is owned by the property owners, **EVERY** property owner (and possibly lender) must sign a liability waiver for any damage to seawalls and property and provide the Town a document granting permission to the Town to do work in the canals.

A need for 100% of the property owners to provide some documentation of permission to dredge the canals can be avoided if the canal bottoms become public property either through property owners deeding the land to the town or through a condemnation process.

The useful life of this option is unknown as long as currently damaged seawalls are not replaced or there are additional seawall failures, the canals can start to fill in or be blocked at one or more points. There are no time estimates on how long this process could take.

2. Another option is to replace **ALL** seawalls that do not meet a minimum criteria (to be determined) and then dredge the canals to -3 to -5 NGVD depending on the seawall specifications.

This is clearly the preferred option as it creates a significant, long-term improvement that will increase property values and create interest for reinvestment in the area.

In this or any other scenario, replacement of the seawalls is the responsibility of the property owner.

In order to expedite this process, however, the Town may want to consider the following:

- a) coordinating the design and bidding of all seawalls to be replaced;  
and
  - b) providing a funding option where the Town can make a low interest loan secured through a lien and repaid over ten, twenty, or thirty years to rebuild the seawalls.
3. The third option is for the affected property owners to coordinate and contract for the project themselves and reimburse them based on what they would have received had they been part of the Town project.

This option has a low probability of implementation.

Canal Dredging Follow-up  
October 13, 1998  
Page 3

**Funding**

There are essentially two schools of thought regarding the funding of this project.

1. The first is that canals are a component of the Town's infrastructure and this project is part of their maintenance program. In addition a significant amount of the material to be dredged comes from runoff from streets that all residents use regardless of whether they live on canals.

This spreads the cost across the greatest number of people and therefore has the lowest cost impact. This option also allows the opportunity to collect a low percentage ad valorem tax over one, two or three years to fund the project and would avoid the cost of a bond issue.

2. The other major argument is that the canals provide a benefit to a limited number of property owners, therefore, they should bear the entire cost.

The information supplied to you at the special dredging meeting shows that this is the highest cost impact because it is placed in the smaller number of property owners.

Some sort of blending of the two is also possible.

Another factor in the financing equation is the \$500,000 programmed from the Manatee and Sarasota Infrastructure Funds to go toward canal dredging. Something that needs to be taken into consideration regarding these funds is that they will be collected over ten years so the project would need up front funding from either existing Town funds or bonding.

Finally, it is probably not economical to have a bond issue for this project alone. However, while a separate referendum would be required, it will be possible to combine projects to get the best bond arrangements.

Additional financing information was provided in the financing handout distributed at the dredging workshop.

Canal Dredging Follow-up  
October 13, 1998  
Page 4

**Assessments and/or Special Districts**

Ad valorem assessments are self-explanatory. The cost of the project becomes part of the tax rate, whether town-wide or within a special dependent taxing district.

A special assessment can be levied and held valid when the governing body can demonstrate that (1) the property assessed derives a special benefit from the improvement or service provided; and (2) the assessment is fairly apportioned among properties which receive the special benefit.

Special assessments would be more expensive to the property owner because (1) if the project requires a bond, the bond's interest rate will be higher than an ad valorem based bond; (2) administrative costs associated with the establishment of special assessments are higher; and (3) special assessments are not tax deductible.

Regardless of the mechanism chosen, fairness of the assessment will be a significant issue.

Because of the need to coordinate through both Sarasota and Manatee Counties MSBU's or MSTU's are not recommended. If the determination is made that full or partial funding will come from the benefited land owners then a **dependent special district** which can be authorized solely by the Town is recommended.

This information is discussed in detail in David Persson's letter regarding canal dredging dated October 2, 1998.

**Liability**

We have determined three things from the standpoint of liability:

1. We are covered for a seawall failure under our current policies. There is no deductible.
2. The City of Punta Gorda which has an aggressive dredging program passes liability for seawall damage to the dredging contractor. We have obtained copies of their contract language.
3. Our engineers have said they can design the project to minimize possible negative impacts on existing seawalls.

In addition we are contacting communities that have active dredging programs to determine if seawall failures are an issue.

Canal Dredging Follow-up  
October 13, 1998  
Page 5

**Commission Decision Points**

The Commission needs to provide direction for additional research or make the following decisions in order to move further along with the dredging program:

1. What will be dredged?

The \$1.538 million project presented to the Town Commission addresses all known and/or feasible dredging projects. At this point it seems more likely that things would be taken out rather than added. Some access areas may be eliminated as we go through the permitting process.

Project costs have been calculated so it is easy to determine the economic impact of deleting individual canals.

2. Is the spoil disposal/handling concept acceptable?

3. The Commission needs to determine which funding proposals they want to consider. The funding approach will determine if bonding is necessary.

4. What direction does staff take regarding the St. Judes/Tarawitt/Jungle Queen area?

One suggestion is that we have a neighborhood meeting to present the options and get feedback from residents of those streets.

5. Is the Town Commission comfortable with liability coverage as explained?

I hope this information is helpful in organizing your thoughts.

Please contact me if you have any questions.

BSD:dhs

cc: David Persson, Town Attorney  
Marty Black, Community Services Director  
Dr. Cliff Truitt, Consultant  
Doug Mann, Coastal Planning & Engineering  
Tom Campbell, Coastal Planning & Engineering

501 Bay Isles Road, Longboat Key, FL 34228

**TOWN OF LONGBOAT KEY**

# Fax

<b>To:</b> Town Commission	<b>From:</b> Bruce St Denis, Town Manager
<b>Fax:</b> Various	<b>Pages:</b> 6
<b>Phone:</b> 316-1999, Ext 243	<b>Date:</b> October 14, 1998
<b>Re:</b> Canal Dredging Program	<b>CC:</b>
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle	

• **Comments:**

Attached is the material for Workshop Item 3, Canal Dredging Follow-up Discussion.

Canal Dredging Program notebooks will be provided at the workshop tomorrow to help organize the canal dredging materials that have been distributed and for future materials on this subject. All future materials will be distributed with a section tab or memo indicating the section the material will be included in.

Please call my office if you have any questions regarding this material.

MEMORANDUM

DATE: October 2, 1998

TO: Town Commission  
FROM: Bruce St. Denis, Town Manager   
SUBJECT: Dredging Study

---

Approximately eighteen months ago, discussion regarding the dredging of the Town's canals were discontinued. Earlier this year the Town Commission were asked if they wished to resume activities on the subject. As a result of their affirmative response, staff has worked with the Town Attorney and our consultants to update the earlier information and to find ways to get around issues that had earlier been considered obstacles.

The presentation that will be made to the Town Commission on October 8<sup>th</sup> is essentially the next step towards developing a solution for the canal maintenance program.

This most recent effort increases the information that we have regarding canal dredging in several ways:

1. It looks at the "control depth" of all canals. In other words, it determines what is the maximum draft that can access the Bay from that canal. For example, if a canal has a uniform depth of six feet but there is a three foot shoal that needs to be cleared before you can get to the Bay, the controlling depth of that canal has been determined to be three feet.
2. It studies what is needed to bring the control depth of all canals to -5 NGVD including looking at what dredging would need to be done in the Bay as well as the canal.
3. It narrows the list of feasible disposal sites and determined which canals would be serviced by those sites.
4. It updates the bathymetric studies to determine current depth conditions.
5. Cost estimates for dredging of canals, bay access areas, and disposal of spoil have been separately calculated.

Canal Dredging Study  
October 1, 1998  
Page 2

6. It looks at strategies that could be used to dredge the Tarawitt/Jungle Queen/Companion Way/St. Jude canals to some degree.

The previous study recommended that these canals not be included in the project.

7. There has also been a review of all known funding mechanisms which has had the result of reducing the number of options that are considered viable for this project.
8. The updated report discusses cost impacts to the Town and to canal front property owners of the various alternatives.

Copies of the graphics to be used in the presentation will be available at the meeting.

Attached is a memo from Town Attorney David Persson that discusses the viability of various funding mechanisms that could apply to this project.

Please contact me if you have any questions.

BSD:dhs

**Hankin, Persson & Darnell**

Attorneys and Counselors At Law  
A Partnership of Professional Associations  
2033 Main Street, Suite 400  
Sarasota, Florida 34237  
Telephone (941) 365-4950  
Facsimile (941) 365-3259

Lawrence M. Hankin  
David P. Persson  
Robert W. Darnell\*  
Andrew H. Cohen

\*Board Certified Wills, Trusts & Estates

October 2, 1998



The Honorable Hal Lenobel, Mayor  
and Town Commissioners  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, Fl 34228

Re: Canal Dredging

Gentlemen:

Enclosed is a memorandum sent to Mr. St. Denis from Andrew Cohen of this office concerning the various funding mechanisms for canal dredging.

In essence, if you decide to move forward, you need to determine who is going to pay for it. The options appear to be: town-wide, the individual property owner, or a combination of both.

A second issue is what should be the method of assessment? Should the assessment be an ad valorem tax or a non-ad valorem special assessment?

I think ad valorem assessments are self-explanatory. The cost of the project becomes part of the tax rate, whether town-wide or within a special dependent taxing district.

A special assessment can be levied and held valid when the governing body can demonstrate that (1) the property assessed derives a special benefit from the improvement or service provided; and (2) the assessment is fairly apportioned among properties which receive the special benefit.

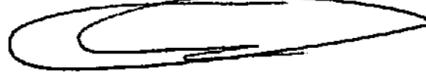
The Honorable Hal Lenobel, Mayor  
and Members of Town Commission  
October 2, 1998  
Page 2

Special assessments would be more expensive to the property owner because (1) if the project requires a bond, the bond's interest rate will be higher than an ad valorem based bond; (2) administrative costs associated with the establishment of special assessments are higher; and (3) special assessments are not tax deductible.

Regardless of the mechanism chosen, fairness of the assessment will be a significant issue.

I would be pleased to discuss these options with you individually or during your canal dredging workshop.

Sincerely,



David P. Persson

DPP:awg  
Attachment  
cc: Mr. Bruce F. St. Denis

## MEMORANDUM

TO: Bruce St. Denis, Town Manager  
FROM: Andrew H. Cohen, Esq.  
RE: Longboat Key -- Canal Dredging

Issue:

What are some possible mechanisms for the Town's efforts to institute a program to fund the dredging of canals on Longboat Key and what are the advantages, disadvantages and possible pitfalls regarding the funding possibilities?

Discussion

The Town has three main choices regarding the funding of a canal dredging project. First, the Town may institute a program which is Town wide and charge all residents. Second, the Town has the ability to establish a special district within which only the respective property owners of that district may be charged additional funds which will be applied to the canal dredging project. Third, the Town could pay for part of the canal dredging project and charge the residents of the district for the remainder of the dredging fees via either of the above two options.

Once the Town establishes the framework for funding the dredging project, it then has the choice of what type of funding will be applied within that framework. The Town may choose to levy an ad valorem tax, or assess a non-ad valorem special assessment. A special assessment will be apportioned on the basis of benefit.

Should the Town choose to fund the canal dredging project via a Town wide framework, the Town could state a goal to its residents of improving canal access for everyone concerned. The Town could then have a bond issued and levy ad valorem taxes to each Town resident over a period of time necessary to pay back the sums owed.

The advantage of charging all residents for the canal dredging project is that no one resident has to pay more than his/her neighbor. Further, by using a larger base of people, each resident pays less than if only residents in a special district paid the tax.

The disadvantage to assessing every Town resident is that those who are not on canals or who live in high rise condominiums are going to be upset that they have to pay for dredging a canal which may not even benefit them directly. The potential disagreement may be minimal, though, due to the fact that the dredging project is relatively low in cost. Any increase to a residents' tax bill would likely be negligible and hardly noticeable by the particular resident.

Should the Town choose to establish a special district for the funding of the canal dredging project, the first issue which the governing body would have to consider is what type of district to establish. There are a variety of choices to consider. First, there is the possibility of establishing a Municipal Service Benefit Unit (MSBU) or Municipal Service Taxing Unit (MSTU). A MSBU or MSTU is a special district governed by Chapter 125, Fla. Stat., within which the Town may levy additional fees to cover a special benefit which those property owners within the unit may receive.

If the Town of Longboat Key desired an MSBU or MSTU to be established, the unit would have to be set up by the County and the Town would have to consent to the unit being applied to the boundaries of the municipality. If the MSBU or MSTU were in Sarasota and Manatee counties, both counties would have to be involved in the establishment of the respective districts.

The major disadvantage of establishing an MSBU or MSTU is the necessity for the involvement of the respective counties. This requirement presents many potential problems and the involvement of huge bureaucracies.

There is a type of district which can be created solely by the Town without the involvement of any County government. The Town could choose to create an "independent special district" or "dependent special district" as further defined in Chapter 189, Fla. Stat.

Creation of the "independent special district" requires the authorization of the state legislature. The task of involving the legislature is a major disadvantage and necessitates the involvement of even more bureaucracies than dealing with the County government.

A "dependent special district" can be created without the involvement of the legislature or any other governing body except that of the Town. Like MSBUs and MSTUs, the purpose of a dependent special district is to allow governing bodies to designate a limited geographical area as a special taxing district and thereby permit that limited geographical area to pay for its own improvements. Special taxing districts are essentially financing vehicles rather than full-fledged political entities *State v. Sarasota County*, 372 So. 2d 1115 (Fla. 1979). However, unlike a MSBU or MSTU, a dependent special district may be created by a county or a municipality.

Pursuant to Section 189.403(2), the dependent special taxing district is a special district that meets at least one of the following criteria: (a) The membership of its governing body is identical to that of the governing body of a single county or single municipality. (b) All members of its governing body are appointed by the governing body of a single county or a single municipality. (c) During their unexpired terms, members of the special district's governing body are subject to removal at will by the governing body of a single county or a single municipality. (d) The district has a budget that requires

approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality.

As mentioned, a dependent special district may be created by a County or municipality. The creation of such a district is effected by the adoption of an ordinance which includes a number of requisites more particularly described in Section 189.4041(4), Fla. Stat.

Once the financing vehicle is created, the next challenge is to determine what type of funding mechanism will be utilized within that financing vehicle. The Town of Longboat Key must decide whether to levy a tax or special assessment.

If the Town chooses to levy a tax, the tax would be an ad valorem tax. Under the Florida Constitution, no tax, other than ad valorem taxes, may be levied without general law authorization. If the Town chose to levy a non-ad valorem tax, the involvement of the legislature would be a necessity.

However, there is no similar requirement of general law authorization for special assessments. Special assessments may be created and levied by the municipality without the need for involvement by any other political entity or governing body. Special assessments and taxes are distinguishable because no requirement exists that taxes provide a specific benefit to the property; rather, taxes are levied for the general benefit of residents and property.

The levying of a special assessment is based upon a benefit/tax nexus. A special assessment cannot be levied or held valid unless the governing body can demonstrate that (1) the property assessed derives a special benefit from the improvement or service provided and (2) the assessment is fairly apportioned among the properties which receive the special benefit. *City of Boca Raton v. State*, 595 So. 2d 25 (Fla. 1992).

The benefit required for a valid special assessment consists of more than simply an increase in market value and includes both potential increases in value and the added use and enjoyment of the property. The special benefit need not be direct and immediate, but must be substantial, certain and capable of being realized within a reasonable time. *Meyer v. City of Oakland Park*, 219 So. 2d 417 (Fla. 1969).

Whether the Town decides to levy an ad valorem tax or a special assessment, the next task involves the means of collection. Ad valorem taxes are collected on the tax bill. There are three primary means to collect the dredging charges for non-ad valorem assessments. The first means is to place the charge on the ad valorem tax bill for each property owner located within the district. The chief benefit to this collection method is that the enforcement mechanism is already in place. Pursuant to tax collection procedures, delinquencies are collected through the tax certificate process and sale of tax deeds. The tax certificate process allows the Town the advantage of always getting paid and avoids the difficulties of the traditional lien foreclosure methodology.

OCT. 2. 1998 11:59AM HANKIN PERSSON DINKELL 365 3233

10/1/98 P.1

There are various disadvantages to placing the charges on the tax bill. One disadvantage is that the property owner has to pay annually and the charge appears a great deal larger than if it were spread out on a monthly basis. Another disadvantage to placing the charges on the tax bill is the difficult process which needs to be followed in order to set up the collection method. Pursuant to Section 197.3632, Fla. Stat., a whole process needs to be complied with. In order to have the charges on next year's tax bill, the Town would need a decision by about October so that the requisite advertising could occur and a resolution of intent could be filed before January 1, 1999 public hearing adopting the process. Further, the Town would need to create a database used to calculate assessments which could also tie into the property appraiser database.

The second means of collecting the dredging charges is to place the charge on the monthly utility bills. The advantage of charging in this manner is that there is flexibility in billing in that the bills may be done monthly, quarterly or via another period tied to the customers of the utility. The disadvantage is that the enforcement mechanisms are not as strong as with placing the charge on the tax bill.

The third means of collecting the dredging charges is the direct billing method. The direct billing method lends the Town a great deal of flexibility in how to collect the charges and it avoids statutory requirements of tax billing process. However, the disadvantages of direct billing are the cost of mailing as well as the lack of an enforcement mechanism other than the traditional lien and foreclosure process.

#### Conclusion

In sum, the Town must choose whether to institute a Town wide program or establish a special district in which only those particular property owners are assessed a higher charge to cover the costs of dredging. If the Town chooses to establish a special district, the "dependent special district" has the distinct advantage of not requiring the involvement of the legislature. Within the dependent special district, the Town can levy the dredging charges either via an ad valorem tax or a special assessment. If the Town chooses a special assessment, it must meet the requirements that the assessment lend a special benefit to the respective property owner and be apportioned fairly. Any special assessment can be apportioned on an ad valorem basis or non-ad valorem basis without any involvement by any other governing body. Once the Town decides which way to levy the charge, either by tax or assessment, the next task involves collection. Collection may be done either by means of the tax roll, utility bills, or separate billing, depending upon whether the Town opts for an ad valorem or non-ad valorem revenue source.

TCRW 10-15-1998

**CANAL DREDGING  
PROJECT**

**FINANCING**

### FINANCING 1

This option shows a town wide, one-time tax. For illustration purposes several levels of project and taxable values are shown.

PROJECT COST	SINGLE YEAR MILLAGE	ONE-TIME COST PER HOME WITH TAXABLE VALUE OF:		
		100K	200K	300K
500,000	0.2051	20.51	41.02	61.53
1,000,000	0.4102	41.02	82.03	123.05
1,500,000	0.6153	61.53	123.05	184.58
2,000,000	0.8203	82.03	164.07	246.10

## FINANCING 2

This shows issuance of bonds for the same project for 20 or 30 years.

PROJECT COST	DEBT SERVICE 20 YR BOND	20 YR 100K	20 YR 200K	20 YR 300K
1,000,000	82,062	\$3.37	\$6.73	\$10.10
1,500,000	123,094	\$5.05	\$10.10	\$15.15
2,000,000	164,126	\$6.73	\$13.46	\$20.20

PROJECT COST	DEBT SERVICE 30 YR BOND	30 YR 100K	30 YR 200K	30 YR 300K
1,000,000	66,648	\$2.73	\$5.47	\$8.20
1,500,000	99,972	\$4.10	\$8.20	\$12.30
2,000,000	133,296	\$5.47	\$10.93	\$16.40

### FINANCING 3

In 1993 it was suggested reversing the percentages between Beach District A and Beach District B to create two Dredging Districts. This shows the project paid in a single year.

PROJECT COST	MILLAGE	DIST A 100K	DIST B 100K
1,000,000	0.7313/.1828	\$18.28	\$73.13
1,500,000	1.0969/.2742	\$27.42	\$109.69
2,000,000	1.4625/.3656	\$36.56	\$146.25

**FINANCING 4**

This show issuance of bonds for these two Dredging Districts over 20 and 30 years.

DEBT SERVICE	20 YR BOND		DIST A 100K	DIST B 100K
	DEBT/MILLAG			
1,000,000	82,063			
	0.06/.015		\$1.50	\$6.00
1,500,000	123,094			
	0.09/.0225		\$2.25	\$9.00
2,000,000	164,125			
	0.12/.03		\$3.00	\$12.00

DEBT SERVICE	30 YR BOND		DIST A 100K	DIST B 100K
	DEBT/MILLAG			
1,000,000	66,648			
	0.0487/.0122		\$1.22	\$4.87
1,500,000	99,972			
	0.0731/.0183		\$3.66	\$14.62
2,000,000	133,296			
	0.0975/.0244		2.44	9.75

### FINANCING 5

This option is based on financing for a dependent special district for properties tentatively identified as directly benefiting from this project. The estimated taxable value is approximately \$200 million.

PROJECT COST	20 YR BOND	ANNUALLY 100K
500,000	41,032	\$20.57
1,000,000	82,062	\$41.15
1,500,000	123,094	\$61.72
2,000,000	164,126	\$82.30

PROJECT COST	30 YR BOND	ANNUALLY 100K
500,000	33,324	\$16.71
1,000,000	66,648	\$33.42
1,500,000	99,972	\$50.13
2,000,000	133,296	\$66.84

### FINANCING 6

The new Dredging District has approximately 880 directly benefitted parcels. This option shows the debt service divided by parcel.

PROJECT COST	DEBT SERVICE 20 YR BOND	PER PARCEL
1,000,000	\$82,062.00	\$93.25
1,500,000	\$123,094.00	\$139.88
2,000,000	\$164,126.00	\$186.51

PROJECT COST	DEBT SERVICE 30 YR BOND	PER PARCEL
1,000,000	\$66,648.00	\$75.74
1,500,000	\$99,972.00	\$113.60
2,000,000	\$133,296.00	\$151.47

## SEAWALL CALCULATIONS

- The cost to upgrade the seawalls is approximately \$225 per lineal foot.
- For example, seawalls in this area average 125 foot per lot making the projected seawall cost approximately \$28,125.
- The cost could be financed over 20 years for \$2,300 per year or \$1,850 per year for 30 years.

TCRW 10-15-1998

**M E M O R A N D U M**

**DATE:** October 7, 1998

**TO:** Town Commission  
**FROM:** Bruce St. Denis, Town Manager   
**SUBJECT:** 1999 Town Commission Meeting Calendar

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Attached for your convenience is a 1999 calendar of meeting dates for the Town Commission.

The following meetings are included in the calendar:

- Monthly Regular Meetings
- Monthly Regular Workshops
- Island Elected Officials Meetings
- Council of Governments Meetings
- Florida League of Cities Conference
- Florida Shore and Beach Preservation Association Conference
- Election Day
- Commission Statutory Meeting

If you have any questions about the calendar, please contact my office.

/dhs  
Attachment  
cc: Full distribution

## 1999 Commission Calendar Dates

MONTH	MEETING	DATE and TIME
<b>January</b>	Regular Meeting	1-11-99; 7:00 PM
	Island Elected Officials Anna Maria	1-20-99; 2:00 PM
	Regular Workshop	1-21-99; 1:00 PM
	Council of Governments Sarasota County	1-27-99; 11:30 AM
<b>February</b>	Regular Meeting	2-1-99; 7:00 PM
	Holiday Presidents' Day	2-15-99
	Island Elected Officials Bradenton Beach	2-17-99; 2:00 PM
	Regular Workshop	2-18-99; 1:00 PM
	Council of Governments - School Board of Sarasota County	2-24-99; 11:30 AM
<b>March</b>	Regular Meeting	3-1-99; 7:00 PM
	Elections	3-16-99
	Statutory Meeting	3-17-99; 8:00 PM
	Island Elected Officials Holmes Beach	3-17-99; 7:00 PM
	Regular Workshop	3-18-99; 1:00 PM
	Council of Governments Sarasota Memorial Hospital	3-24-99; 11:30 AM
<b>April</b>	Holiday Good Friday - ½ day	4-2-99; Offices close at noon
	Regular Meeting	4-5-99; 7:00 PM
	Island Elected Officials Longboat Key	4-21-99; 2:00 PM
	Regular Workshop	4-22-99; 1:00 PM
	Council of Governments City of Venice	4-28-99; 11:30 AM
	<b>May</b>	Regular Meeting
Island Elected Officials Anna Maria		5-21-99; 2:00 PM
Regular Workshop		5-20-99; 1:00 PM
Council of Governments City of North Port		5-26-99; 11:30 AM

MONTH	MEETING	DATE and TIME
<b>June</b>	Regular Meeting	6-7-99; 7:00 PM
	Island Elected Officials Bradenton Beach	6-16-99; 2:00 PM
	Council of Governments City of Sarasota	6-23-99; 11:30 AM
	Regular Workshop	6-24-99; 1:00 PM
<b>July</b>		
Holiday	Independence Day	7-5-99 (Offices Closed)
	Regular Meeting	7-12-99; 7:00 PM
	Island Elected Officials Holmes Beach	7-21-99; 7:00 PM
	Regular Workshop	7-22-99; 1:00 PM
	Council of Governments Longboat Key	7-28-99; 11:30 AM
<b>August</b>	No Regular Commission meetings scheduled	
	Island Elected Officials Longboat Key	8-18-99; 2:00 PM
	Florida League of Cities Conference at Buena Vista Palace	8-19/21-99
	Council of Governments Sarasota County	8-25-99; 11:30 AM
<b>September</b>		
	FSBPA Annual Conference at Harbor Beach Resort, Ft. Lauderdale	9-1/3-99
Holiday	Labor Day	9-6-99 (Offices Closed)
	Regular Meeting	9-13-99; 7:00 PM
	Island Elected Officials Anna Maria	9-15-99; 2:00 PM
	Council of Governments School Board of Sarasota County	9-22-99; 11:30 AM
	Regular Workshop	9-23-99; 1:00 PM
	ICMA Conference for Manager	9-26/30-99

REGULAR WORKSHOP - October 15, 1998  
AGENDA ITEM # 4

**Agenda Item:** Request by Longboat Observer, Longboat Key Chamber of Commerce, and Longboat Key Center for the Arts to Hold a Series of Concerts in Joan M. Durante Community Park

**Presenter:** Mr. Bob Farber

**Summary:** A request has been received from Mr. Bob Farber on behalf of these organizations to hold a series of concerts in the Joan M. Durante Community Park beginning December 20, 1998 and ending April 1999.

**Attachments:** 9-10-98 Letter, Farber to Manager.

**Recommended Action:** Pending discussion.

/dhs  
9-11-98

TCRW 10-15-1998

ROBERT J. FARBER  
3585 Mistletoe Lane  
Longboat Key, FL 34228  
Tel. 941-383-9499 Email TKL.BUG@AOL.COM

September 10, 1998

Mr. Bruce St. Dennis  
Town Manager  
Town of Longboat Key  
501 Bay Isles Rd.  
Longboat Key, FL 34228

Dear Bruce,

On behalf of the Longboat Key Observer, the Longboat Key Chamber of Commerce and the Longboat Key Center for the Arts please schedule a presentation at the Workshop of September 24th so we may present our request for permission to hold a series of concerts at the Joan M. Durante Park.

While we have not "firmed up" our schedule, we anticipate the concerts would be held, beginning Sunday afternoon, December 20th with a holiday program and be followed with monthly concerts through April, 1999.

We shall be prepared to answer the Commissions concerns and questions at the Workshop.

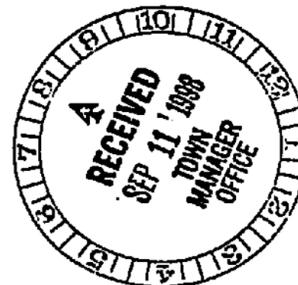
Thankyou for your kind assistance.

Best regards,



Bob Farber

cc: Susan Weseley, Longboat Key Center for the Arts  
Gail Lofgren, Longboat Key Chamber of Commerce  
Matt Walsh, Longboat Key Observer



REGULAR WORKSHOP - October 15, 1998  
AGENDA ITEM # 5

**Agenda Item:** Charter Review - (D1) Charter

**Presenter:** Town Manager, Town Attorney

**Summary:** The Town Commission will discuss recommendations made by the Charter Review Committee for revisions to be made to the Town's Charter as well as the procedure they will follow for public review.

**Attachments:** Draft 1 (D1) Charter

**Recommended Action:** Direction to Manager on procedure and date(s) for public hearing(s) on Charter Revisions.

/dhs  
10-8-98

**Hankin, Persson & Darnell**

Attorneys and Counselors At Law  
A Partnership of Professional Associations

2033 Main Street, Suite 400  
Sarasota, Florida 34237  
Telephone (941) 365-4950  
Facsimile (941) 365-3259

Lawrence M. Hankin  
David P. Persson  
Robert W. Darnell\*  
Andrew H. Cohen

October 5, 1998

\*Board Certified Wills, Trusts & Estates

The Honorable Hal Lenobel, Mayor  
and Town Commissioners  
Mr. Bruce F. St. Denis  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, Fl 34228

Re: Charter Revisions

Gentlemen:

Enclosed is Town Commission Draft 1 of the Charter (TC Draft 1) which I believe incorporates your changes made during the recent Workshop. The changes noted in the underlined, strike-through manner are from the version that was circulated to you from the Charter Review Board. If you would like an underlined, strike-through version from the existing charter, please let me know.

Additionally enclosed are Alternatives 1, 2 and 3 for separate consideration. Alternative 1 reinserts the Ethics commission in lieu of a Special Master in the current draft of Article I, Section 8. Please note that it does not reutilize the existing language in Article I, Section 8.

Alternative 2 deletes term limits from inclusion within the Charter and Alternative 3 deletes the \$2,000 reimbursement for the Town Commission in connection with their local expenses.

Please contact me with any questions, thoughts, observations, modifications, or errors that I have made.

Respectfully,



David P. Persson

DPP:awg  
Enclosures  
cc: Ms. Patrizia Arends

ALTERNATE 1  
(INSERTING ETHICS COMMISSION)

ARTICLE I, SECTION 8

Sec. 8. Ethics in government.

A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right, the town commission shall provide by ordinance a town ethics code establishing standards of conduct for town officers, employees, candidates and advisory board members, including without limitation elected town commissioners, and requiring disclosure of financial or other interests and voting conflicts, and providing procedures for such disclosures.

To further assure this right, the town commission shall create by ordinance a Town Ethics Commission. The ordinance shall provide for the duties and powers of the Ethics Commission, enforcement of all ethical standards, procedures for processing complaints of violations and penalties consistent with this Charter. When a complaint alleging a breach of public trust is filed with the town clerk concerning a candidate for town commission or an elected town commissioner, or any member of an advisory board, the matter shall be referred to the Ethics Commission to conduct investigations and make public reports on all complaints. If the Ethics Commission determines that an ethics violation has been committed, it shall have the power to take disciplinary action, including public censure and reprimand, forfeiture of salary, restitution of any pecuniary benefits received because of the violation committed, removal from office, or a recommendation to the State of Florida that the individual be removed from public office. Any person aggrieved by a decision of the Ethics Commission shall apply to the Circuit Court for judicial relief within thirty (30) days after rendition of decision.

The town manager shall insure that all employees abide by the established standards of conduct for employees, as set forth by the Town, and shall have the power to reprimand, punish, demote, dismiss or take other disciplinary action concerning employees who breach ethical standards. The town commission shall request the Ethics Commission to review all complaints alleging ethical misconduct regarding either the town manager or the town attorney and the Ethics Commission shall make findings of fact as to whether the misconduct occurred and shall forward said findings to the town commission for further action.

ALTERNATE 2  
(DELETION OF TERM LIMITS)

ARTICLE II, SECTION 2(a)

Sec. 2. Creation of commission; residency requirements, election and terms of office of commissioners.

(a) The town commission shall consist of seven (7) electors of the Town. Two (2) commissioners shall be elected at large. The remaining five (5) Commissioners shall reside in and be nominated from each of the five districts of the Town as set forth in Section 1. Commissioners shall be elected by the qualified electors residing in all five districts at a general election and shall hold office for two years beginning on the day after their election as provided herein. One (1) commissioner-at-large and commissioners from odd-numbered districts shall be elected in even-numbered years, and one (1) commissioner-at-large and commissioners from even-numbered districts shall be elected in odd-numbered years.

ALTERNATE 3  
(DELETING \$2,000 reimbursement to Commissioners)

ARTICLE II. SECTION 3

Sec. 3. Nominations; character of service.

The town commission shall provide by ordinance for procedures for nominations for the office of town commissioner, provided all nominations and elections shall be conducted on a nonpartisan basis without regard for a designation of the political party affiliation of any nominee on any nominating petition or ballot. All members of the town commission shall serve without compensation but shall be reimbursed for expenses incurred in connection with their official duties.

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTEREditor's note:

On March 20, 1975, the town's voters approved Ord. 75-2, adopted by the Town Commission on February 19, 1975, which adopted a new Charter as herein set out. The town's previous Charter was derived from Special Acts 1957, Ch. 1540, and special Acts, Chs. 59-1511, 59-1512, 61-2422, 65-1862, and 69-1265. On November 7, 1989, the town's voters approved ordinance 89-15 adopted by the Town Commission on September 21, 1989, which adopted fourteen Charter amendments as herein set out.

Article I. Boundaries, Powers and Form of Government

1. Purpose
2. Body corporate and politic
3. Boundaries
4. Form of government
5. Powers of municipality
6. Powers of town commission
7. Amended Charter, references
8. Ethics in government

Article II. Town Commission

1. Commission districts
2. Creation of commission; residence requirements, election and terms of office of commissioners
3. Nominations; character of service
4. Elections generally
5. Conduct of elections
6. Hours polls to be open; canvass of returns; certification of election
7. Judge of qualifications
8. Vacancies
9. Recall of town commissioners
10. Mayor and vice-mayor
11. Functions and powers of mayor
12. Relationship of town commission with administration
13. Meetings
14. Special and Emergency meetings
15. Penalty for absence
16. Enactment of ordinances
17. Emergency measures
18. Codification of ordinances
19. Oath of office
20. Appointment of advisory boards
21. Duty to impose and levy taxes
22. Comprehensive plan for town
23. Investigations

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

Article III. Town Manager

1. Appointment; qualifications, compensation
2. Removal
3. Acting town manager
4. Powers and duties of the town manager

Article IV. Town Clerk

1. Appointment and qualifications
2. Powers and duties

Article V. Town Finances

1. Finance director
2. Fiscal year
3. Submission of budget and budget message
4. Budget message
5. Budget
6. Capital program
7. Town commission action on budget
8. Public Records
9. Amendments after adoption
10. Lapse of appropriations
11. Budget work programs and allotments
12. Certificate of available funds
13. Audit of accounts
14. Audit and certification of claims
15. Investment advisory committee
16. Bonds

Article VI. Town Attorney

1. Appointment and qualifications
2. Assistant town attorneys
3. Duties

Article VII. Charter Amendments

1. Proposal of amendments
2. Method of referendum
3. Referendum on Charter amendments
4. Adoption of amendment
5. Supplemental method of amendment

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

Article VIII. Transitional and Separability

1. Existing ordinances not inconsistent with amended Charter
2. Title to all properties reserved
3. Obligation of contracts preserved
4. Officers held over until successors qualify
5. Separability clause
6. Effective Date.

TC-DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

Article I. Boundaries, Powers and Form of Government

Sec. 1. Purpose.

We, the people of the Town of Longboat Key, desiring to avail ourselves of the right to establish a home rule charter form of government do, in accordance with the Constitution and the Laws of the State of Florida, ordain and establish this Charter and form of government for the Town of Longboat Key, Florida.

Sec. 2. Body corporate and politic.

The inhabitants of the Town of Longboat Key, Florida, as its boundaries are established pursuant to Article I, Section 3, shall be and continue to be a body politic and corporate to be known and designated as the "Town of Longboat Key," and as such shall have perpetual succession. The use of any word importing male gender within this charter shall extend and be applied to both male and female.

Sec. 3. Boundaries.

The corporate boundaries of the Town shall be established by ordinance and shall remain fixed as existing on the date this Charter takes effect. The Town shall have the power to change its boundaries in the manner prescribed by law.

Sec. 4. Form of government.

The form of government established under this Charter shall be a "commission-manager" form as herein defined. The commission shall consist of seven (7) electors to be nominated and elected as hereinafter provided. The commission shall constitute the governing body of the town, with the duties and responsibilities hereinafter provided, and shall appoint a chief administrative officer to be known as "town manager" to exercise all the powers, perform the duties and assume the responsibilities hereinafter provided.

Sec. 5. Powers of municipality.

In accordance with the Constitution and Statutes of the State of Florida, the Town of Longboat Key shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

render municipal services; and it may exercise any of its powers for municipal purposes, except when expressly prohibited by law, provided:

(a) The town shall not sell any real property owned by the town unless the town commission first determines that such real property may not be needed for current or future municipal use, and not less than thirty (30) days prior to sale, causes a notice to be published in a newspaper of general circulation within the town giving notice of its intention to sell.

(b) No revenue bonds as defined by State law shall be issued by the Town or any public entity controlled by the Town without approval at a referendum held in the manner prescribed by law. The Town Commission may waive the requirement for a referendum for said revenue bonds if it determines, in its sole discretion, that there exists an emergency such that it is in the best interest of the Town to issue the bonds without referendum.

(c) Notwithstanding the above, a referendum shall not be required for refinancing existing bonds.

~~(d) Notwithstanding the above, a referendum shall not be required for a self liquidating utility project. A utility project shall be deemed self liquidating if in the judgment of the town commission, the revenues and earnings of the utility will be sufficient to pay principal and interest of the bonds for such project or improvement and do not pledge the full faith and credit of the town for their repayment.~~

Sec. 6. Powers of town commission.

(a) All powers of the Town of Longboat Key, except those vested in the town manager, town clerk, and town attorney, or as otherwise provided in this Charter, are vested in the town commission. The town commission may prescribe by ordinance or resolution the manner in which such powers are exercised. The town commission shall have power to pass all ordinances and laws not inconsistent with the Constitution and the Laws of the United States and the State of Florida as in its judgment may be necessary and proper for the government and preservation of peace and order within the town.

(b) The town commission shall have the power to ~~prescribe~~ impose by ordinance such fines, penalties and forfeitures ~~to provide as it deems necessary~~ for the enforcement of ordinances of the town, ~~provided, no fine, penalty or forfeiture shall be more severe than that provided for under the laws of the State of Florida.~~

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

Sec. 7. Amended Charter; references.

(a) This Charter constitutes the amended Charter of the Town of Longboat Key and is adopted pursuant to Florida Statutes, Section 166.031.

(b) References to "Charter" or "amended Charter" throughout refer to this amended Charter; references to "town" refer to the Town of Longboat Key; references to "commission" refer to the town commission; and references to "manager" refer to the town manager.

Sec. 8. Ethics in government.

A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right, the town commission shall provide by ordinance a town ethics code establishing standards of conduct for town officers, employees, candidates and advisory board members, including without limitation elected town commissioners, and requiring disclosure of financial or other interests and voting conflicts, and providing procedures for such disclosures.

To further assure this right, the town commission shall appoint a minimum of three (3) independent Special Masters. When a complaint alleging a breach of public trust is filed with the town clerk concerning a candidate for town commission or an elected town commissioner, or any member of an advisory board, an independent Special Master shall be chosen by lot from the list maintained by the Town to conduct investigations and make public reports. The Special Masters shall be selected based upon their qualifications, which shall include at a minimum being members of the Florida Bar and neither living nor conducting substantial business within the Town of Longboat Key.

The town commission shall create by ordinance duties and powers of the Special Masters and provide for enforcement of all ethical standards, procedures for processing complaints of violations and penalties. When the Special Master has determined that an ethical violation has been committed, he shall have the power to take disciplinary action, including public censure and reprimand, forfeiture of salary, restitution of any pecuniary benefits received because of the violation committed, removal from office, or recommendation to the State of Florida that the individual be removed from public office. Any person aggrieved by a decision of a Special Master shall apply to the circuit court for judicial relief within thirty (30) days after rendition of the decision.

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

The town manager shall insure that all employees abide by the established standards of conduct for employees, as set forth by the Town, and shall have the power to reprimand, punish, demote, dismiss or take other disciplinary action concerning employees who breach ethical standards. The town commission shall select a Special Master by lot to review all complaints alleging ethical misconduct regarding either the town manager or the town attorney and the Special Master shall make findings of fact as to whether the misconduct occurred and shall forward said findings to the town commission for further action.

Any member of the town commission or an appointed board who is convicted of a felony, or for any misdemeanor arising directly out of his conduct of duties, shall forfeit his office.

The town code of ethics may have additional or different types of provisions than those of the state law, and may be stricter or more relaxed in its terms, provided however, that the provisions of the town ethics code shall not be inconsistent with state law, and all town officers and employees shall continue to be governed by the ethical standards provided therein.

Article II. Town Commission

Sec. 1. Commission districts.

There are hereby created five (5) commission districts in the Town of Longboat Key as presently established by ordinance of the town. All district boundaries shall run as nearly as possible along lot lines or street lines and as nearly as possible in an east-west direction. All districts shall have substantially an equal number of electors registered therein.

The town commission shall, by ordinance, redistrict the town within six (6) months after the general election held in March if the number of registered electors in any district exceeds by twenty percent (20%) the number of registered electors in any other district in order that all districts may have substantially an equal number of electors registered therein; provided that final action in any redistricting ordinance shall be completed by the commission at least sixty (60) days prior to any special, preliminary or general election. A district boundary shall not run through a residential structure, and all residential structures shall lie wholly within one district or another.

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTERSec. 2. Creation of commission; residency requirements, election and terms of office of commissioners.

(a) The town commission shall consist of seven (7) electors of the Town. Two (2) commissioners shall be elected at large. The remaining five (5) Commissioners shall reside in and be nominated from each of the five districts of the Town as set forth in Section 1. Commissioners shall be elected by the qualified electors residing in all five districts at a general election and shall hold office for two years beginning on the day after their election as provided herein. Beginning with the general election of 1999, No elector shall serve more than three (3) consecutive terms as town commissioner without an interval of at least two (2) years one complete term out of office. One (1) commissioner-at-large and commissioners from odd-numbered districts shall be elected in even-numbered years, and one (1) commissioner-at-large and commissioners from even-numbered districts shall be elected in odd-numbered years.

(b) Any commissioner, except those elected at large, who changes his permanent residence to an area outside the district from which elected shall be deemed to have vacated his office and position on the town commission. Any commissioner who is redistricted during the course of his term by ordinance as required by Section 1 of this Article, shall continue to hold office for that district until the expiration of his term.

Sec. 3. Nominations; character of service.

The town commission shall provide by ordinance for procedures for nominations for the office of town commissioner, provided all nominations and elections shall be conducted on a nonpartisan basis without regard for a designation of the political party affiliation of any nominee on any nominating petition or ballot. All members of the town commission shall serve without compensation but shall be reimbursed for expenses associated with their office in the amount of \$2,000.00 per year payable quarterly. Town commissioners shall not be entitled to any other benefits of the Town of Longboat Key arising out of their office except that commissioners shall be reimbursed their actual and necessary expenses incurred in performance of their duties of office for all matters outside the territorial limits of the counties of Sarasota and Manatee.

Sec. 4. Elections generally.

When there are more than two (2) qualified candidates for an elective office on the town commission, there shall be a preliminary and general election. The preliminary election shall

TC DRAFT-1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

be held on the first Tuesday of February and the general election shall be held on the third Tuesday of March, or, when practicable, in conjunction with any County election held in March by the coordinating County, either Sarasota or Manatee County. The names of the two (2) candidates who receive the first and second highest number of votes cast for a particular office in the preliminary election shall be placed on the ballot for that office at the general election. If no more than two (2) electors qualify as candidates for nomination for each office to be voted upon, then no preliminary election need be held; and such qualified candidates shall be nominees at the next following general election.

Sec. 5. Conduct of elections.

The town commission shall, by ordinance, prescribe the method and manner of holding all elections in the town and shall provide when and how special elections shall be called and held, which are not provided for by the terms of this Charter. All elections shall be conducted substantially in accordance with the laws governing state elections insofar as there is no conflict with the terms of the Charter.

Sec. 6. Hours polls to be open; canvass of returns; certification of election.

The polls shall be open at the voting places from 7:00 a.m. to 7:00 p.m., or as otherwise provided by law, on the same day, and the time shall be regulated by the customary time in standard use in the Town of Longboat Key on the date of the particular election. The result of the voting, when ascertained, shall be certified by the Supervisor of Elections or his deputy and delivered to the town clerk who shall transmit the returns to the town commission at a meeting to be held at 7:00 PM on the day following the election. At such meeting, the town commission shall canvass the returns and the result as shown by such returns shall be declared by the commission to be the result of the election. The town clerk shall thereupon furnish a certificate of election to each person shown to have been elected, and each such person shall take office at that meeting.

Sec. 7. Judge of qualifications.

The town commission shall be the judge of the election and qualification of its own members, subject to review by the courts.

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

Sec. 8. Vacancies.

(a) Vacancies in the town commission shall be filled by the town commission, with any person so appointed to be a qualified elector from the district of the vacated commissioner, to serve until the next general municipal election. At the next general municipal election, the vacancy shall be filled by election; the person elected in such election to serve the remaining unexpired term of the town commissioner whose vacant office is being filled. If a vacancy is not filled by the town commission within thirty (30) days after the vacancy occurs, a special election shall be held within ninety (90) days after such a vacancy occurs; and the person so elected shall serve the remaining unexpired term.

(b) Any vacancy resulting from a recall election shall be filled in the manner provided by state laws applicable to recall of municipal officials.

Sec. 9. Recall of town commissioners.

All members of the town commission shall be subject to recall as provided by the Laws of the State of Florida.

Sec. 10. Mayor and vice-mayor.

(a) The town commission shall, at a meeting to be held at 7:00 p.m. on the day following the general municipal election or thereafter when necessary to fill a vacancy, elect one (1) of its members as mayor of the town and another of its members as vice-mayor. If the members of the town commission are unable to agree within five (5) days after the time fixed herein or within five (5) days after any vacancy occurs, upon the selection of the mayor and vice-mayor, then such officers shall be chosen by lot, conducted by the town attorney, who shall certify the result of such lot in the minutes of the town commission.

(b) In the event of illness, disability, death or absence of the mayor, the vice-mayor shall have all powers, duties and authority of the mayor. If the vice-mayor signs any instrument in place of the mayor; then it shall be presumed without further proof that the mayor was either ill, disabled, deceased or absent from the town. In the event of the illness, disability, death or absence from the town of both the mayor and vice-mayor, a quorum of the town commission may by resolution entered in the minutes of the town commission, appoint an acting mayor for such length of time or for such particular purpose as may be necessary.

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTERSec. 11. Functions and powers of mayor.

The mayor shall preside at all meetings of the commission and perform such other duties consistent with the office as may be imposed by it, shall have a voice and a vote in the proceedings of the commission but no veto power, and may use the title of mayor in any case in which the execution of legal instruments or other necessity arising under the general laws of the state so requires. This shall not be considered as conferring upon the mayor the administrative or judicial functions of a mayor under the general laws of the state. The mayor shall be recognized as the official head of the town by the courts for the purpose of serving civil processes, by the government in the exercise of military law, and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred by the town commission in pursuance of the provisions of this charter, and no others.

Sec. 12. Relationship of town commission with administration.

(a) Except for purposes of inquiry, the town commission and its members shall deal with the administrative service solely through the town manager. Neither the town commission nor any member shall give orders to any subordinates of the town manager, either publicly or privately. No individual member of the town commission shall give orders to the town manager, either publicly or privately.

(b) The provisions of Section 12(a) shall not limit or restrict the right of the town commission as a body from inspecting or making inquiry regarding any work performed by any department or division of the town and shall not limit or restrict the right of the town commission to make investigations as provided in Section 23 of this Article.

(c) Neither the town commission nor any of its members shall in any manner dictate the appointment or removal of any town administrative officers or employees whom the town manager or any subordinate is empowered to appoint, but town commissioners may express their views and fully and freely discuss with the town manager anything pertaining to appointment and removal of such officers and employees.

Sec. 13. Meetings.

(a) At 7:00 p.m. on the Wednesday following each general municipal election under this Charter, the town commission shall meet at the usual place for holding the meeting of the legislative body of the town, at which time the newly elected

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

commissioners shall assume the duties of office. Thereafter the town commission shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than once each month for a regular voting meeting and once each month for a regular non-voting workshop, except that the regular non-voting workshop and the regular monthly voting meeting in the month of August may be cancelled by the commission if cancelled at least thirty (30) days prior to the day on which the meeting would normally be conducted.

(b) All meetings of the town commission and of the committees thereof shall be public. Any citizen shall have access to the minutes and records thereof at all reasonable times. The commission shall determine its own rules and order of business and shall keep minutes of its proceedings.

Sec. 14. Special and Emergency Meetings.

(a) Special Meetings. The mayor, or any two (2) members of the commission, may call special meetings of the commission upon at least twenty-four (24) hours written notice to each member, served personally, or left at the member's place of business or usual place of residence; provided, the aforesaid requirement of written notice of special meetings may be waived at said special meeting by the unanimous vote of the entire town commission recorded in the minutes of the meeting; but in any event, there shall be no such requirement of written notice where notice is given at the meeting immediately preceding the special meeting and so recorded in the minutes of that meeting. An affirmative vote of not less than four (4) members shall be necessary for all actions taken at a special meeting.

(b) Emergency Meetings. The mayor or two members of the commission may call emergency meetings of the commission. The most appropriate and effective notice under the circumstances shall be provided for emergency meetings. The method of providing notice shall be recorded in the minutes of the meeting. A vote that the meeting is an emergency shall be the first order of business. The affirmative vote of the majority of the commissioners present plus one shall be necessary to confirm that the meeting is an emergency meeting. Failure to obtain this affirmative vote shall preclude conducting any further business at the meeting except adjournment. An affirmative vote of not less than four (4) members shall be necessary for all other actions taken at an emergency meeting.

TC DRAFT 1 - October 6, 1998

TOWN OF LONGBOAT KEY - CHARTER

Sec. 15. Penalty for absence.

Absence from all meetings and workshops for two (2) consecutive calendar months ~~(excluding August)~~ shall operate to vacate the seat of a member, unless such absence is excused by the commission prior to the end of the two-month period. The month of August shall be excluded when computing these two consecutive months.

Sec. 16. Enactment of ordinances.

(a) The enactment of all ordinances and resolutions by the Town of Longboat Key shall be in substantial conformance with state law.

(b) The majority of the members of the town commission shall constitute a quorum. A lesser number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance. The affirmative vote of not less than four (4) members shall be necessary to adopt any ordinance or resolution and the passage of all ordinances shall be taken by "yeas" and "nays" and entered in the minutes. On final passage, the vote of each member of the town commission voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the town commission shall become effective ten (10) days after passage or as otherwise provided therein. Should an ordinance or resolution receive an affirmative vote of less than four (4), but the affirmative votes of enough when added to the absent members to make four (4), the ordinance or resolution shall be rescheduled from meeting to meeting until the matter can be decided by a concurring vote of four (4) or more members of the commission.

(c) Every ordinance or resolution shall upon its final passage be recorded in a book kept for that purpose and shall be signed by the mayor and the town clerk.

(d) Codes, including the building code and other codes of the Town of Longboat Key, which are in printed form and are on file and available for public inspection at the office of the town clerk, need not be published in a newspaper in order to become effective, but may by reference be made a part of any town ordinance now or hereafter adopted.

Sec. 17. Emergency measures.

(a) An emergency ordinance is one which, in the opinion of the town commission, is required to be passed for the immediate

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

protection and preservation of the peace and safety, health or property of the town or its inhabitants, or providing for the usual daily operations of the municipality or any of its departments; and the emergency requiring its passage shall be set forth in a preamble to the ordinance.

(b) Appropriations of money may be made by an emergency ordinance, but no ordinance making a grant, renewal or extension for a franchise or other special privilege or establishing or regulating the rates to be charged by any public utility for its services shall be passed as an emergency ordinance. Emergency ordinances shall be effective upon the date specified in the ordinance itself.

Sec. 18. Codification of ordinances.

(a) The town commission shall provide for the continuing revision and codification of all of the general and permanent ordinances of the town to be published in book form, with sufficient copies available to the general public at a reasonable cost.

(b) Every such revision or codification, after adoption by the town commission, shall be received in any of the courts of this state as prima facie evidence of the existence and contents of the laws and ordinances therein contained.

Sec. 19. Oath of office.

Every officer of the town shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed and kept in the office at the town clerk. Such oath shall be in the form prescribed for state officers by the Constitution of the state.

Sec. 20. Appointment of advisory boards.

(a) The town commission shall establish permanent boards by ordinance and ad hoc committees by resolution. Members of such boards or committees shall serve without compensation at the pleasure of the town commission for such terms as it deems necessary and desirable. At a minimum, the permanent boards of the town shall be the Planning and Zoning Board, the Zoning Board of Adjustment and the Code Enforcement Board, the duties and responsibilities of which shall be established by ordinance.

(b) The town commission, at its discretion, shall appoint a Charter Review Committee to review the Charter but in no event

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

shall such review be less than once in a ten year period from the date of adoption of this Charter.

Sec. 21. Duty to impose and levy taxes.

The town commission shall levy and impose such ad valorem and other taxes as authorized by law as, in its judgment, are necessary to provide sufficient revenues to carry on the government of the town; provided, unless levied to pay debt service including sinking fund reserves for approved bonded indebtedness of the town, no more than five (5) mills on the dollar of assessed valuation shall be levied or collected as a tax on real property unless previously approved by a majority of electors voting in a regular or special election or referendum.

Sec. 22. Comprehensive plan for town.

(a) The town commission shall cause plans to be developed on a continuing basis for the future development and maintenance of the town, considering the health, safety, morals, environmental protection, aesthetics, convenience and general welfare of the town and its residents.

(b) The present density limitations provided in the existing comprehensive plan as adopted March 12, 1984 shall not be increased without the referendum approval of the electors of Longboat Key.

Sec. 23. Investigations.

The town commission shall have power at any time to cause the affairs of any department or the conduct of any officer or employee to be investigated, and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers, and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the mayor or such other officer authorized by the town commission and shall be served by any officer authorized by law to serve such process. The town commission in making such investigation shall have the power to cause testimony to be given under oath and shall have the power to apply to any court of competent jurisdiction to punish for contempt any person refusing to testify or to produce any books, papers, documents or other evidence under his control which relates to the matter under investigation.

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

Article III. Town Manager

Sec. 1. Appointment; qualifications; compensation.

The town commission shall, by an affirmative vote of at least five (5) members, appoint a town manager who shall serve at the pleasure of the town commission and for such compensation as determined by the commission. The manager shall be appointed solely on the basis of professional and administrative qualifications.

Sec. 2. Removal.

The town manager may be removed from office upon the affirmative vote of five (5) members of the town commission. Written notice of the removal action specifying the effective date of removal shall be promptly provided to the town manager.

Sec. 3. Acting town manager.

By letter filed with the town clerk the manager, or in his absence, the town commission, shall designate a qualified town administrative officer to exercise the powers and perform the duties of manager during any temporary unavailability or inability to act. During such absence or disability, the town commission may revoke such designation at any time and appoint another officer of the town to serve until the manager shall return or the unavailability or inability to act shall cease.

Sec. 4. Powers and duties of the town manager.

The town manager shall be the chief administrative officer of the town and shall be responsible to the town commission for the administration of all town affairs. He shall establish such departments and divisions of responsibility as shall be necessary and proper for administration of the affairs of the town and performance of its municipal functions. He shall be responsible for the preservation of peace and the protection of persons and property within the town and shall be the director of all public safety forces. Subject to such personnel regulations as may be adopted by ordinance or resolution of the town commission, he shall, pursuant to this Charter, appoint, remove and fix compensation for the chiefs and all subordinate officers of the police, fire and other safety forces of the town, department heads and all other town employees except those specified elsewhere in this Charter. In addition, he shall have the following additional powers and duties:

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

- (a) Direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this Charter or by law.
- (b) Determine whether officers, clerks or employees of the town shall be bonded and the amount of the bond. The bond shall be procured from a regularly accredited surety company authorized to do business under the Laws of Florida, the premiums on such bonds to be paid by the town, and on file with the Town Clerk.
- (c) Attend all town commission meetings, unless otherwise excused by the town commission, and shall have the right to take part in discussion but may not vote.
- (d) See that all laws, provisions of this Charter and acts of the town commission are faithfully executed.
- (e) Prepare and submit the annual budget and capital program to the town commission.
- (f) Submit to the town commission and make available to the public a complete report of the finances and administrative activities of the town as of the end of each fiscal year.
- (g) Make such other reports as the town commission may require concerning the operations of town departments, offices and agencies subject to the manager's direction and supervision.
- (h) Keep the town commission fully advised as to the financial condition and future needs of the town and make such recommendations to the town commission concerning the affairs of the town as deemed desirable.
- (i) Serve as purchasing agent for the town, through whom all purchases of supplies shall be made. He shall approve all vouchers for the payment of same and conduct all sales of personal property which the commission may authorize to be sold as having become unnecessary or unfit for the town's use. All purchases and sales shall be conformed to such regulations as the town commission may from time to time prescribe.
- (j) Perform such other duties as are specified in this charter or may be required by the town commission.

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

Article IV. Town Clerk

Sec. 1. Appointment and qualifications.

The town manager, with the approval of the town commission, shall appoint a town clerk solely on the basis of professional qualifications.

Sec. 2. Powers and duties.

The town clerk shall be head of the department of records and custodian of all official records of the town, and shall be responsible to the town commission for the proper administration of all affairs concerning the records of the town placed under the town clerk's authority under this Charter, and shall:

- (a) Serve as clerk to the town commission and recorder of all its official actions.
- (b) Serve as the election official for the town.
- (c) Authenticate documents of the town where required and be custodian of the town seal.
- (d) Attest all bonds, contracts and other instruments on behalf of the town.
- (e) Administer oaths required or authorized under any laws, this Charter or ordinance of the town.
- (f) Keep as a permanent record all written contracts and bonds where the town is a party in interest.
- (g) Perform such other duties as prescribed by law or by this Charter or by any ordinances of the town or by direction of the town commission or town manager.

Article V. Town Finances

Sec. 1. Finance director.

The town manager shall appoint a finance director who shall:

- (a) Collect and invest all funds of the town, provided the town commission shall direct the policy of investment of such funds, the investment or deposit of such funds to be done and made by competitive bids therefor, after due notice, or in such other manner as in the judgment of the town commission may be

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

deemed in the best interest of the town; provided, each investment is secured in accordance with Florida State Statutes.

(b) Pay out on behalf of the town by checks or other orders for payments all payments due from the town, provided the town commission shall provide by ordinance or resolution the manner in which all checks or other orders for payment are to be signed, which shall require at least one countersignature.

(c) Supervise all accounting procedures.

(d) Audit the accounts of any officers of the town upon such officer's death, resignation, removal or expiration of term, and to notify the town manager and town commission if any of such officers are found to be indebted to the town.

(e) Certify as to available funds prior to any allocation by the town commission.

(f) Furnish to the town manager such fiscal services as required.

(g) Except as may be required by law, prescribe and require the use of a plain and uniform system of keeping records of accounts by all town departments, officers or employees who are charged with the receipt or disbursement of any of the funds of the town, or who may be authorized to purchase materials or supplies or to employ labor for the town in a manner required by law.

(h) Except as may be required by law, prescribe the forms of vouchers or other evidence of the receipt of money from the town or for the establishment of demands against the town; and require periodic reports from each department, office, officer or employee of the town receiving and disbursing funds of the town, showing all sums received and disbursed, from what source and for what purpose in a manner required by law.

Sec. 2. Fiscal Year.

The fiscal year of the town shall begin on the first day of October and end on the last day of September, or otherwise as may be provided by law.

Sec. 3. Submission of budget and budget message.

On or before the first day of June of each year, the town manager shall submit to the town commission a preliminary budget for the ensuing fiscal year and a final budget and an

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

accompanying message on or before the first day of August of each year.

Sec. 4. Budget message.

The town manager's message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the town's debt position and include such other material as the town manager deems desirable.

Sec. 5. Budget.

The budget shall contain an organizational chart showing the functions of all departments and divisions of the town, shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the town manager deems desirable or the town commission may require. It shall begin with a clear general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall include separate sections for operation, capital expenditures, and utility operations.

Sec. 6. Capital program.

(a) Submission to town commission. The town manager shall prepare and submit to the town commission a capital program on or before the first day of June of each year.

(b) Contents. The capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing.
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Sec. 7. Town commission action on budget.

(a) Notice and hearing. The town commission shall publish a general summary of the budget and notice of budget hearings in accordance with Florida Statute requirements:

(1) The times and places where copies of the message and budget are available for inspection by the public; and

(2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

(b) Amendment before adoption. After the public hearing, the town commission may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to amount greater than the total of estimated income.

(c) Adoption. On or before the last town commission meeting of each fiscal year, the town commission shall, by ordinance which may be made effective immediately, adopt the town budget for the ensuing fiscal year. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall deemed adopted for the ensuing fiscal year on a month-to-month basis, with all the items in it prorated accordingly, until such time as the town commission adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated, shall establish the salaries of the town manager and town attorney, and shall constitute a levy of the property tax specified therein.

Sec. 8. Public records.

Copies of the budget and the capital program, if adopted, shall be public records and shall be made available to the public in the town hall.

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTERSec. 9. Amendments after adoption.

(a) Supplemental appropriations. If during the fiscal year the town manager certifies there are available for appropriation revenues in excess of those estimated in the budget, the town commission by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the town commission may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the town commission may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of appropriations. If at any time during the fiscal year it appears probable to the town manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the town commission without delay, indicating the estimated amount of the deficit, any remedial action taken, or the manager's recommendations as to any other steps to be taken. The town commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose, it may by ordinance reduce one or more appropriations.

(d) Transfer of appropriations. At any time during the fiscal year, the town manager may transfer up to \$10,000.00 of funds constituting a part or all of any unencumbered appropriation balance among programs within a department, office or agency. The town manager shall thereafter give notice of any such transfer to the town commission. Upon written request by the town manager, the town commission may authorize transfers of larger amounts or unencumbered appropriations among programs within a department, office or agency and by resolution transfer part or all of any unencumbered appropriation balance from one department or agency to another.

(e) Limitations; Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Sec. 10. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

Sec. 11. Certification of available funds.

(a) Prior to the execution of any contract, other obligation involving the expenditure of money, or any order of the town commission or any officer of the town for expenditure of money, the finance director shall first certify in writing that the funds required for any such obligation are, or within the fiscal year shall be in the treasury of the town. The town commission may, however, provide for contracts or other obligations involving the expenditure of money in an immediately ensuing fiscal year, so long as the finance director shall first certify in writing as to reasonable anticipation during the next fiscal year. No such certification shall be required in connection with the issuance of bonds by the town under the provisions of this article or pursuant to general or special laws of the State of Florida. Nothing contained herein shall preclude: (i) the town commission from entering into multi-year employment contracts; or (ii) the town manager entering into multi-year leases, so long as the execution of said contracts or leases is otherwise in accordance with law.

(b) Money to be derived from bonds which have been sold and are in the process of delivery, and money which has been pledged to the town by federal, state or county agencies shall be deemed to be in the treasury to the credit of the appropriate fund.

(c) The finance director's certificate shall be filed as directed by the town manager, and thereafter such funds shall be considered encumbered and unavailable for other expenditures until the town is discharged from the particular obligations.

(d) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and such officer shall also be liable to the town for any amount so paid. However, except

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

Sec. 12. Audit of accounts

At the end of each fiscal year, and oftener if so required by the town manager, the finance director shall audit the accounts of the several departments, officers and employees, and shall audit all other accounts in which the municipality is interested. The finance director shall at all times have access to and may inspect and make copies of all books on which entries are made or are required to be made, relating to the receipt or expenditure of money on account of the town, and of all vouchers, accounts, bills, warrants, drafts, contracts or other papers relating thereto. The town commission, at the end of each fiscal year, shall cause the books of accounts of the town to be audited by an independent certified public accountant selected by the town commission. Upon completion of the audit, it shall be delivered to each member of the town commission, the finance director and the town manager, and a copy shall remain on file in the office of the finance director for inspection by any person desiring to inspect the same. A summary of said audit furnished to the town as provided by this section shall be published in a newspaper of general circulation in the Town of Longboat Key within a period of not more than thirty (30) days after the completion of any such audit.

Sec. 13. Audit and certification of claims.

All claims and demands against the town, before they are allowed by the town commission, shall be examined and adjusted and their correctness certified by the finance director, who shall keep a record of all accounts and doings and a record of all contracts to which the town is a party, and such records shall be opened to the inspection of all parties interested.

Sec. 14. Investment advisory committee.

The town commission shall appoint an investment advisory committee consisting of three (3) or more members of the town commission, which committee shall be authorized to consult with persons experienced in finance. Annually and at such other times as requested by the town commission, the committee shall render written reports as to the character and

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

extent of the town's investments, together with recommendations for any revisions in the town's investment program.

Sec. 15. Bonds.

The town commission may borrow money, contract loans, and issue bonds as defined by and as authorized by state law from time to time to finance the undertaking of any capital or other project for the purposes permitted by the State Constitution as provided by state law and this Charter.

Article VI. Town Attorney

Sec. 1. Appointment and qualifications.

The town commission shall appoint a town attorney who shall serve at the pleasure of the town commission. The town attorney shall be a member of the Florida Bar and have a minimum of three (3) years' experience in the practice of law prior to the time of appointment.

Sec. 2. Assistant town attorneys.

The town attorney may appoint members of the Florida Bar as his assistants, provided the terms of such appointments and compensation of such appointees shall be made with the advice and consent of the town commission.

Sec. 3. Duties.

The town attorney shall:

- (a) Serve as legal adviser to the town, the town commission and all of the governmental and proprietary functions of the town and its departments, divisions, officers, boards and committees;
- (b) Prepare or review all proposed ordinances and resolutions of the town;
- (c) Approve as to form and legal correctness all written contracts entered into by the town; and unless otherwise provided by ordinance, no such contracts shall take effect until his approval is endorsed thereon;
- (d) Prosecute and defend all legal actions wherein the town is a party in interest;
- (e) Perform such other legal services as requested by the town commission or town manager.

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

Article VII. Charter Amendments

Sec. 1. Proposal of amendments.

Amendments to this Charter may be framed and proposed:

(a) By ordinance adopted by the town commission setting forth the full text of the proposed amendment; or

(b) By written petition or petitions to the town commission initiated by the electors setting forth the full text of the proposed amendment and signed in person by qualified electors of the town equal to at least ten percent (10%) of the total number of qualified electors registered to vote at the preceding general town election. All required signatures to petitions initiated by the electors must bear the dates on which each signature is affixed and all required signatures must be affixed within a period of ninety (90) days prior to the date such petition is submitted to the town commission.

(c) Electors initiating a written petition or petitions to the town commission to amend the charter may, at their discretion, obtain review of the proposed text by the town attorney for legal correctness.

Sec. 2. Method of referendum

Upon adoption of an ordinance by the town commission as provided in Section 1(a) of this Article or upon delivery to the town commission of a written petition as provided in Section 1(b) of this Article, the town commission shall, within six (6) months, cause a referendum to be held on the question of adoption of such proposed amendment in the manner provided by law and this charter.

Sec. 3. Referendum on charter amendments.

(a) Any proposed amendment to the charter shall be submitted to a referendum of the electors of the town and may be presented by title, which may differ from its legal title but which shall contain a clear and concise statement describing the substance of the proposed amendment. Below the ballot title shall appear:

For \_\_\_\_\_  
Against \_\_\_\_\_

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

(b) Before any proposed amendment to this charter shall be submitted to the electors, the entire text of the same shall first be published not less than seven (7) nor more than sixty (60) days prior to the date of the referendum in a newspaper of general circulation in the town.

Sec. 4. Adoption of amendment.

Any proposed amendment to the Charter adopted by a majority of the qualified electors of the town voting in such referendum shall become effective at the time fixed in such amendment, or if no time is therein fixed, thirty (30) days after its adoption by the electors.

Sec. 5. Supplemental method of amendment

The foregoing method of proposing amendments and mechanics of holding referendums thereon shall be supplemental to the provisions of all other laws relating to amendment of municipal charters.

Article VIII. Transitional and Separability

Sec. 1. Existing ordinances not inconsistent with amended Charter.

All existing ordinances of the town, not in conflict with the provisions of this Charter, shall continue in effect and unimpaired until repealed, amended or modified by the town commission.

Sec. 2. Title to all properties reserved.

The title rights, ownership of property and all claims of the Town of Longboat Key, including all suits, actions and choses in actions owned by the town, shall continue under this Charter, and no pending causes shall be abated as a result of adoption of this Charter.

Sec. 3. Obligation of contracts preserved.

No debt or contract of the municipality, including bonds heretofore issued, shall be impaired or voided by the adoption of this Charter.

Sec. 4. Officers held over until successors qualify.

All officers of the town heretofore elected or appointed and holding office in the town shall continue to hold their

TC DRAFT 1 - October 5, 1998

TOWN OF LONGBOAT KEY - CHARTER

respective offices and to discharge their duties thereof until their successors are elected or appointed under the provisions of this charter. This Charter shall not affect or impair any vested rights or privileges of any persons who are town officers or employees at the time of its adoption.

Sec. 5. Separability clause.

If any article or any part hereof, or any section or part thereof of this Charter as it now exists or as it may be amended is held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not invalidate or impair the validity, force or effect of any other article or part thereof, or any other section or part thereof, unless it clearly appears that such other article or part thereof, or section or part thereof, is wholly or necessarily dependent for its operation upon the article or part thereof, or Section or part thereof, held to be invalid or unconstitutional.

Sec. 6. Effective Date.

This amended charter shall become effective upon ratification by a majority of the qualified electors of the Town of Longboat Key voting on the question of the approval or disapproval at a referendum to be called and held in a matter prescribed by law.

c:\line\tdraft1

REGULAR WORKSHOP - October 15, 1998  
AGENDA ITEM # 6

Agenda Item: Canal Dredging Follow-up

Presenter: Town Manager; Dr. Cliff Truitt; Staff

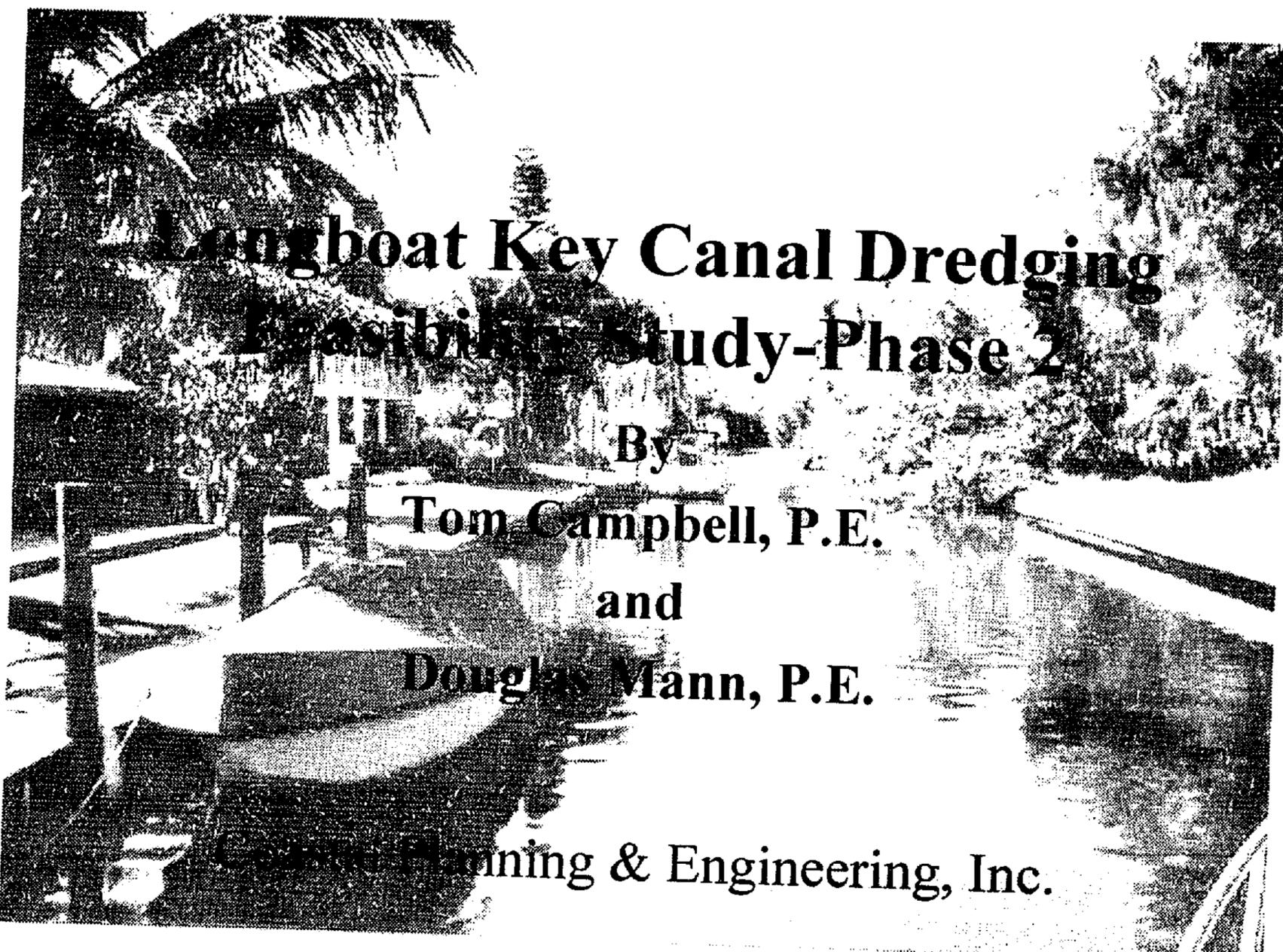
Summary: As a follow-up to the Special Workshop on this subject, this item was forwarded for further consideration to this meeting. Materials from the workshop presentation are attached for your review at this time.

Attachments: Canal Dredging Presentation by CPE, presented 10-8-98

Recommended  
Action: Direction to Manager concerning how to proceed.

/dhs  
10-8-98

TCRW 10-15-1998



**Longboat Key Canal Dredging  
Feasibility Study-Phase 2**

By

**Tom Campbell, P.E.**

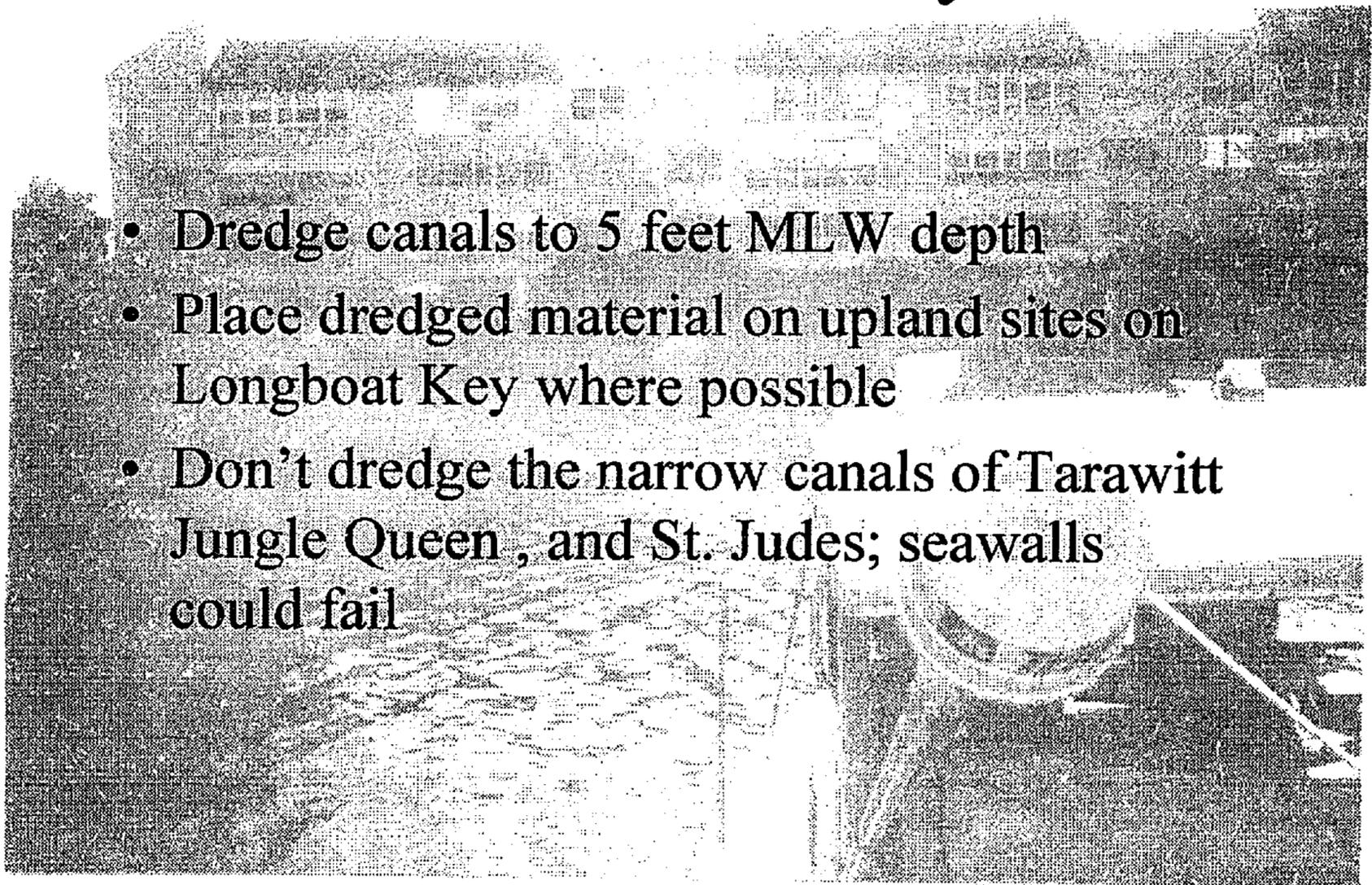
and

**Douglas Mann, P.E.**

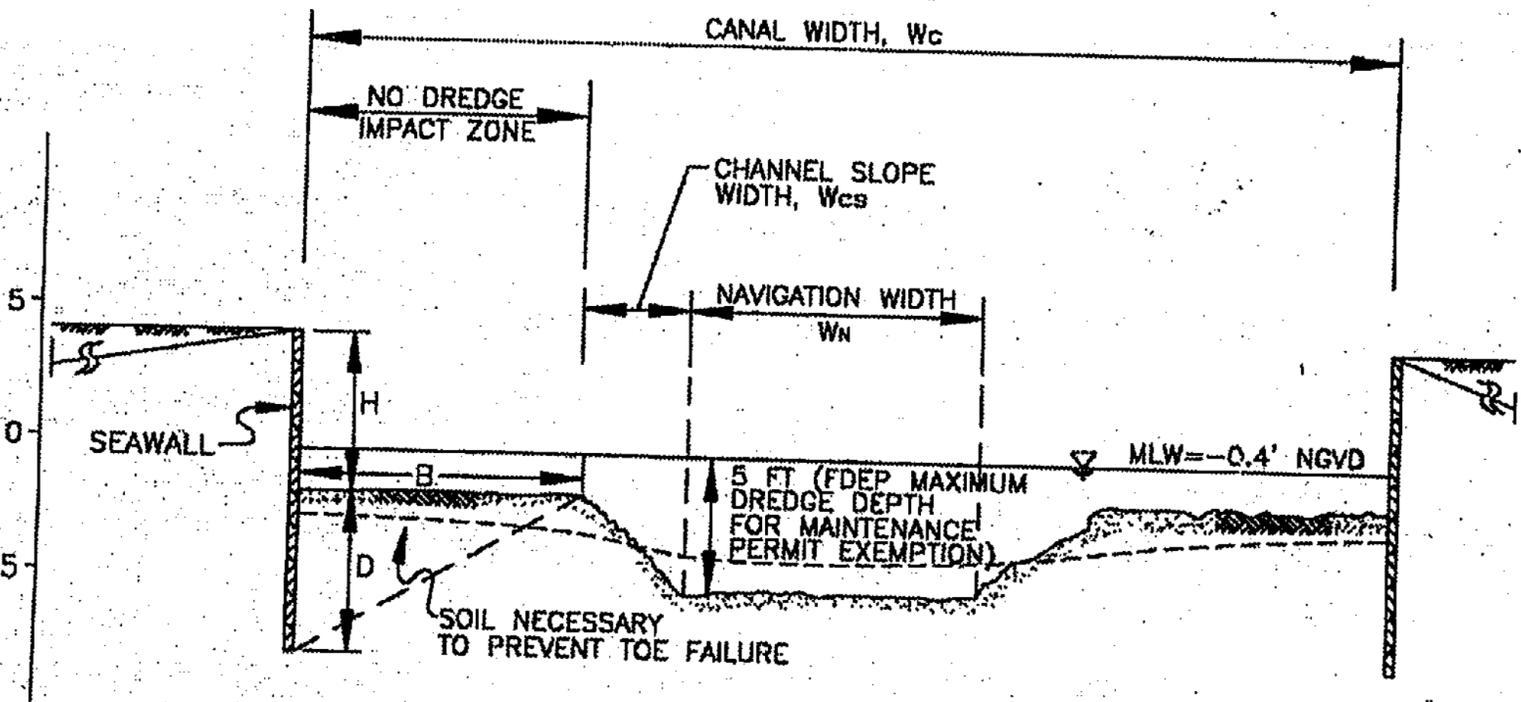
**Environmental Planning & Engineering, Inc.**

## Phase 1 Summary:

- Dredge canals to 5 feet MLW depth
- Place dredged material on upland sites on Longboat Key where possible
- Don't dredge the narrow canals of Tarawitt Jungle Queen, and St. Judes; seawalls could fail



ELEVATION IN FEET NGVD

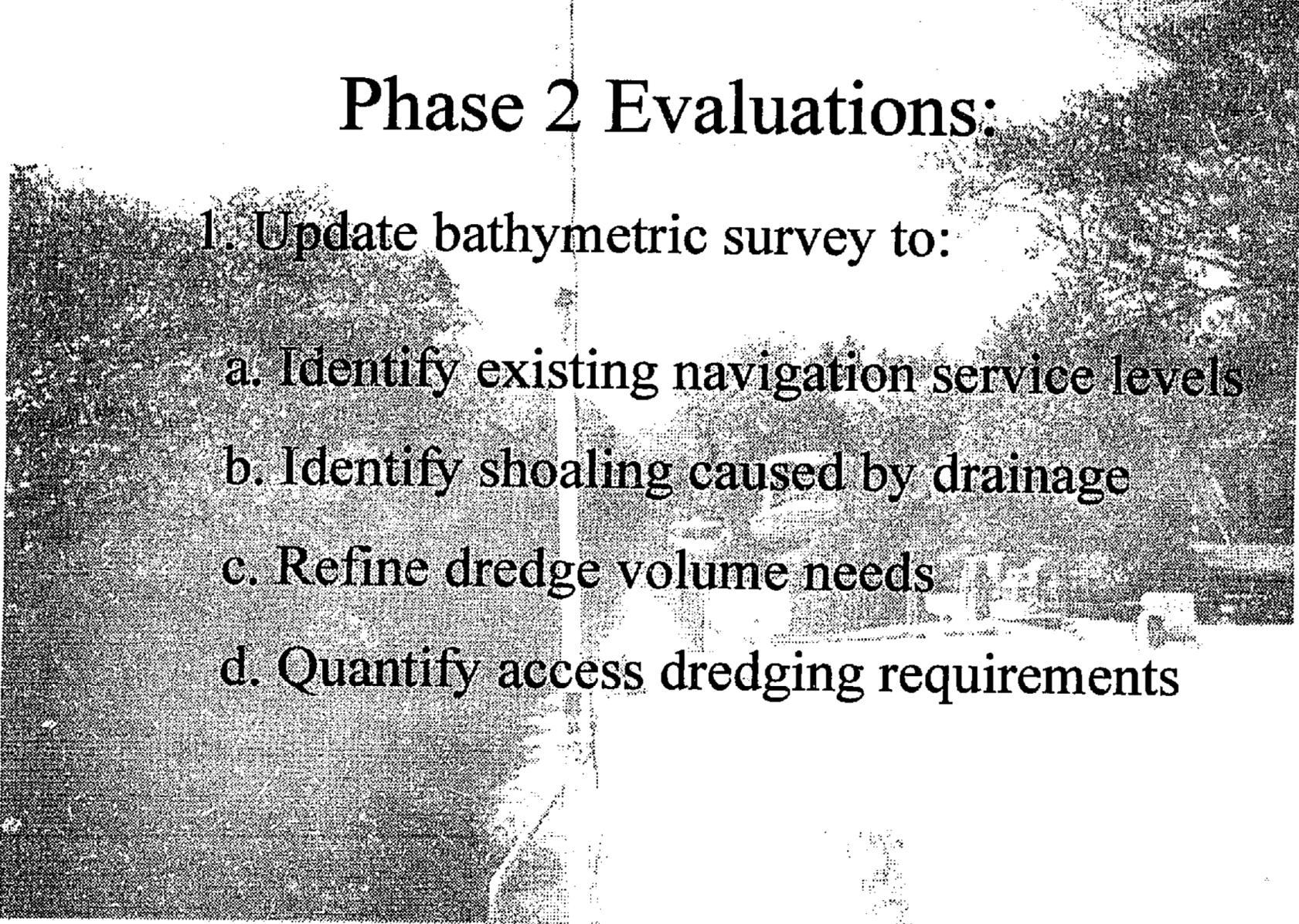


**NOTES:**

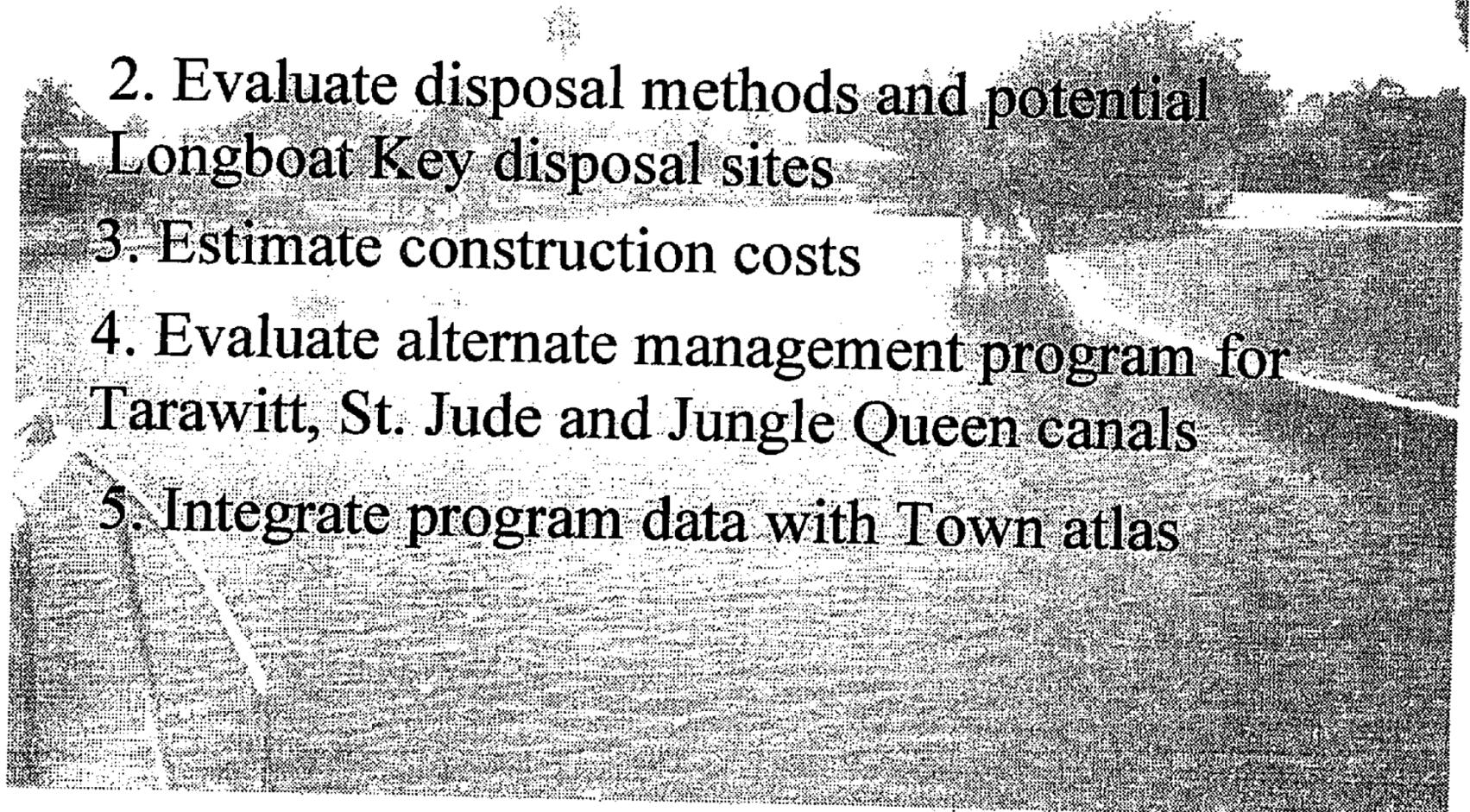
FOR A TIE BACK SEAWALL IN SANDY SOIL SEAWALL PENETRATION, D, IS TYPICALLY EQUAL TO THE SEAWALL FREE FACE, H, FOR SANDY SOIL (FRICTION ANGLE=30°). TOE PROTECTION WIDTH, B=1.7D.

$$W_n = W_c - 2(B + W_{cs})$$

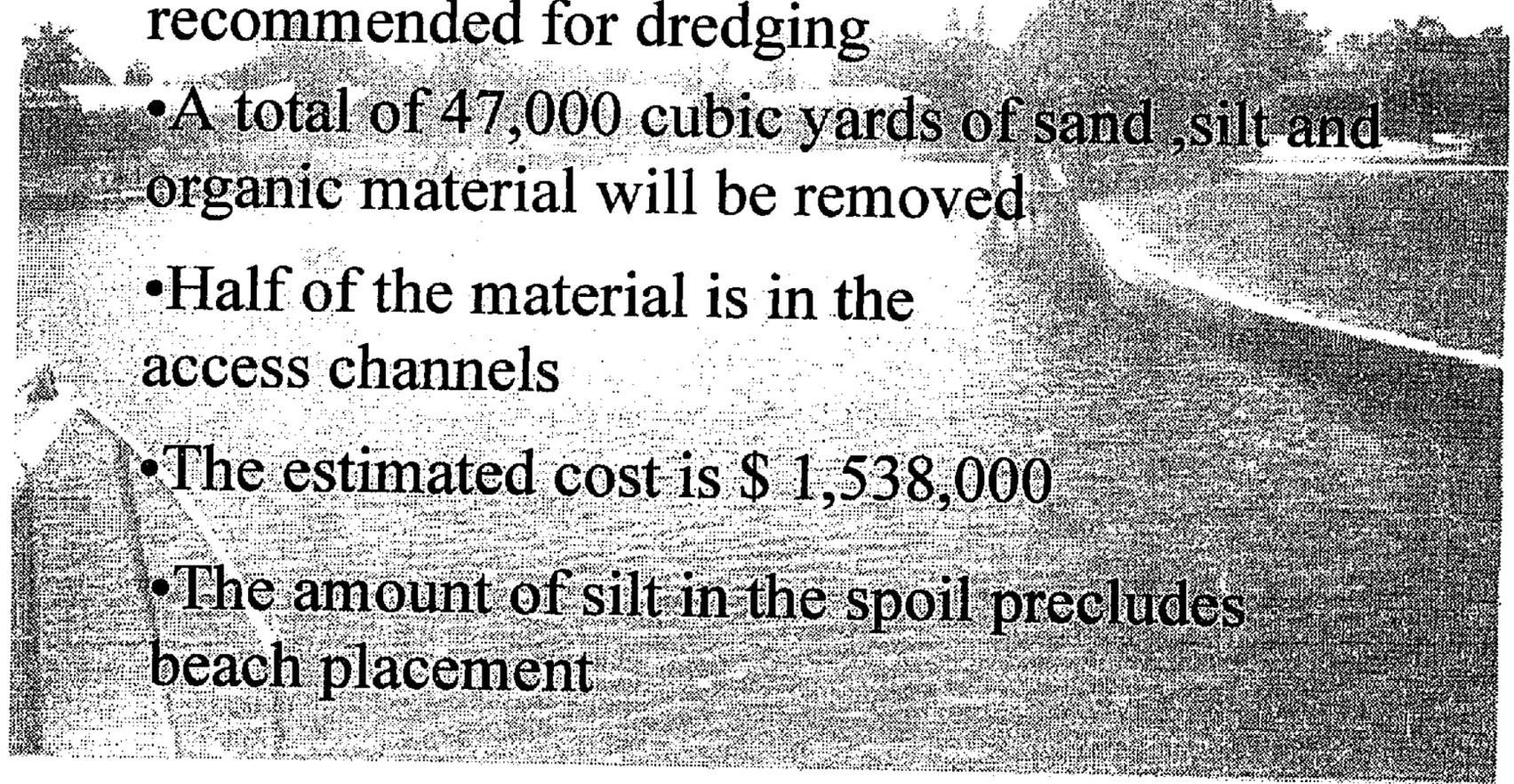
## Phase 2 Evaluations:

1. Update bathymetric survey to:
    - a. Identify existing navigation service levels
    - b. Identify shoaling caused by drainage
    - c. Refine dredge volume needs
    - d. Quantify access dredging requirements
- 

## Phase 2 Evaluations: (continued)

2. Evaluate disposal methods and potential Longboat Key disposal sites
  3. Estimate construction costs
  4. Evaluate alternate management program for Tarawitt, St. Jude and Jungle Queen canals
  5. Integrate program data with Town atlas
- 

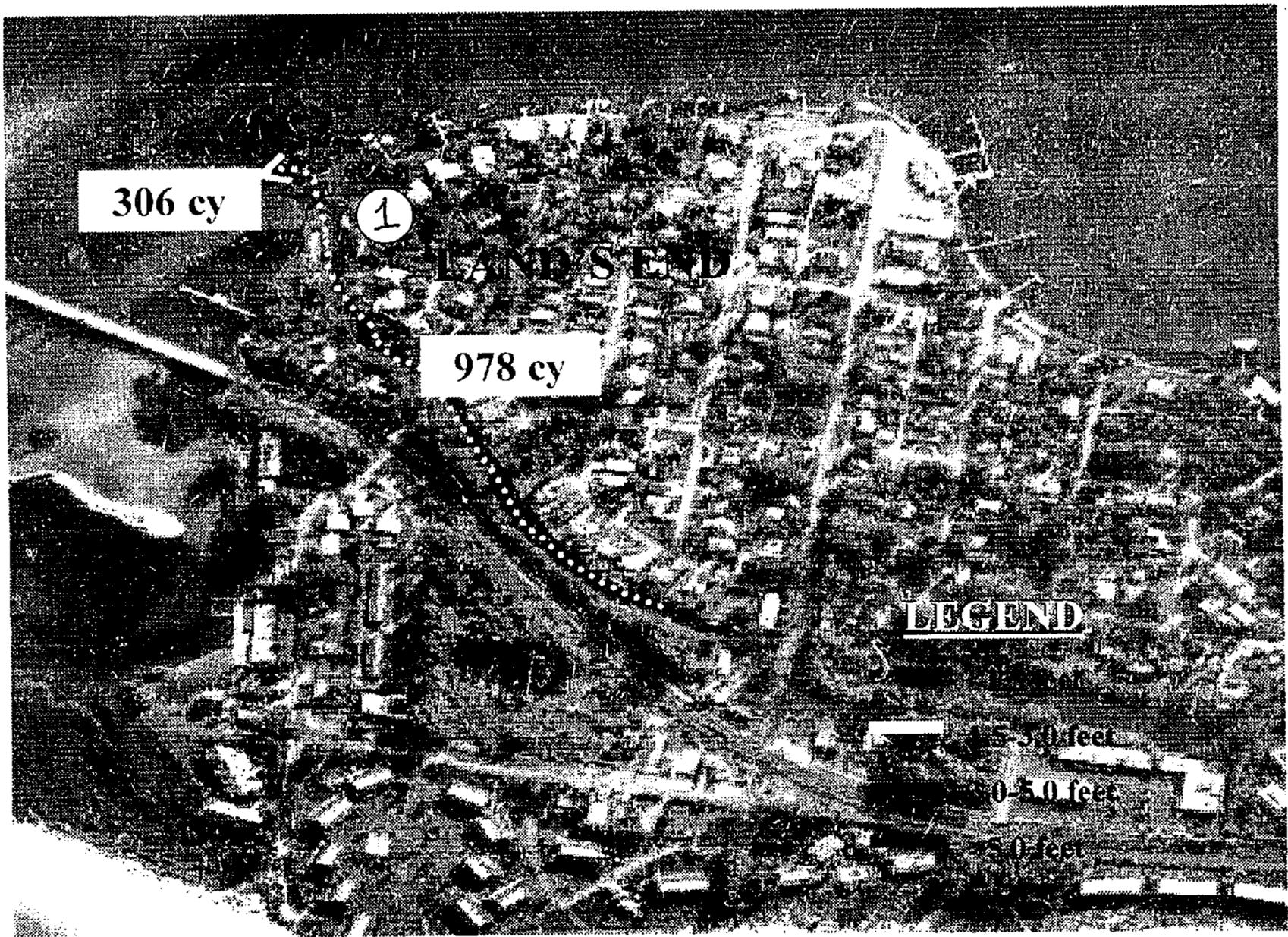
## Phase 2 Findings

- Of the 53 canals in Longboat Key, 48 are recommended for dredging
  - A total of 47,000 cubic yards of sand, silt and organic material will be removed
  - Half of the material is in the access channels
  - The estimated cost is \$ 1,538,000
  - The amount of silt in the spoil precludes beach placement
- 

## Permitting and Approvals

- Canal dredging will be allowed with State and Federal permits and is exempt from Outstanding Florida Water designation .

- Bay access dredging permission will be more difficult to obtain because the dredging will be subject to Outstanding Florida Water rules which requires proof of public interest. Some accesses are adjacent to seagrass beds.

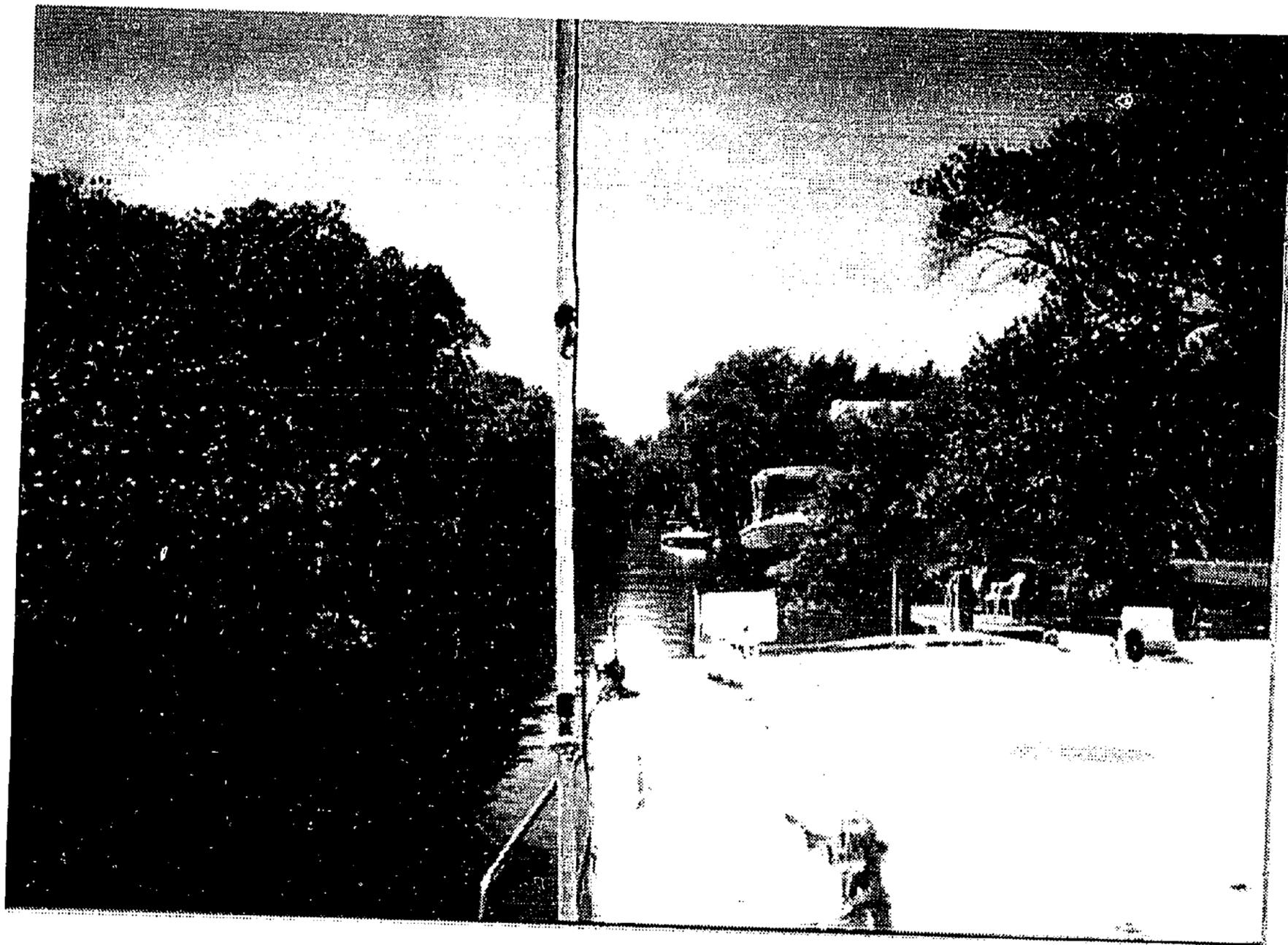


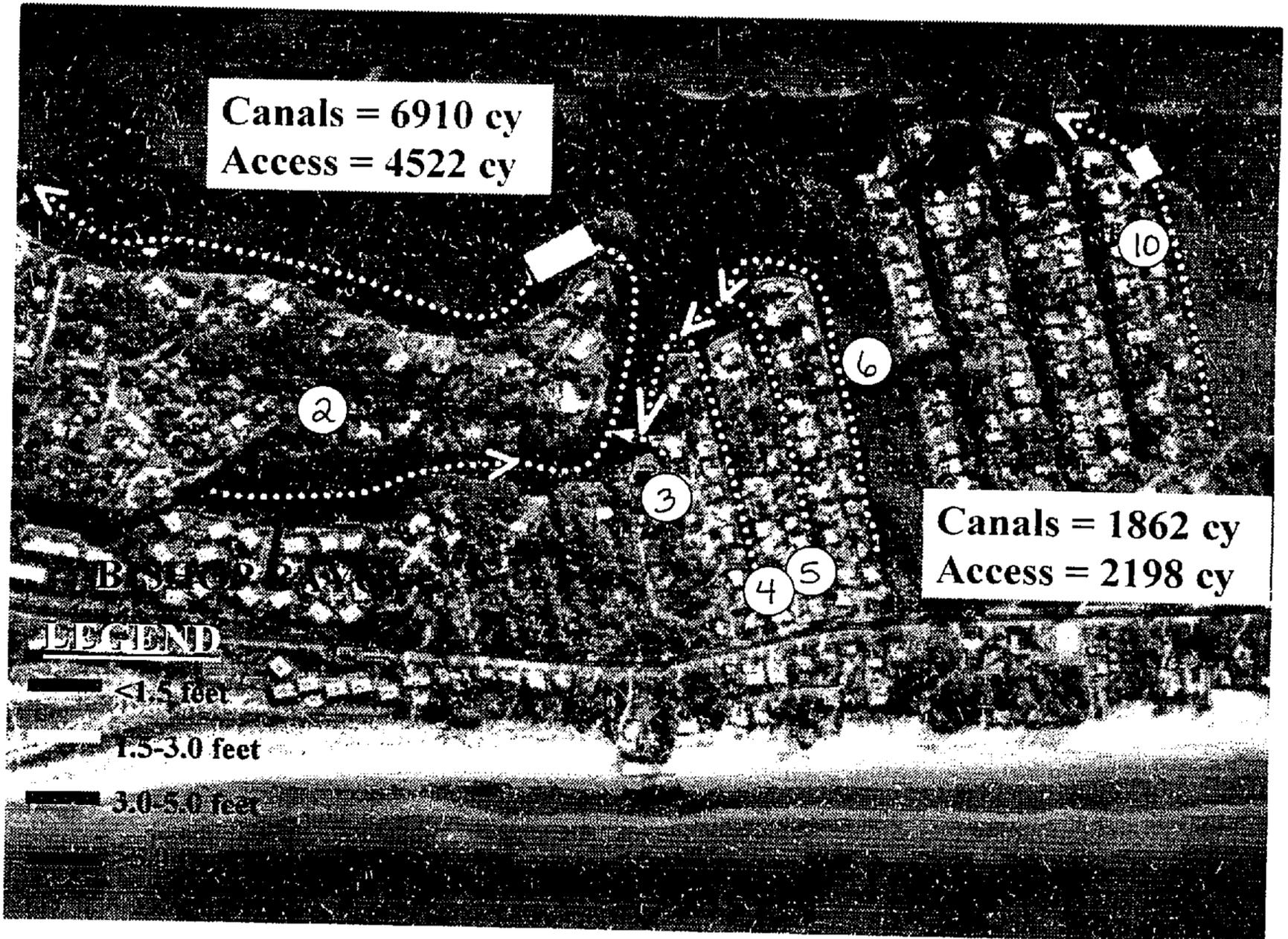
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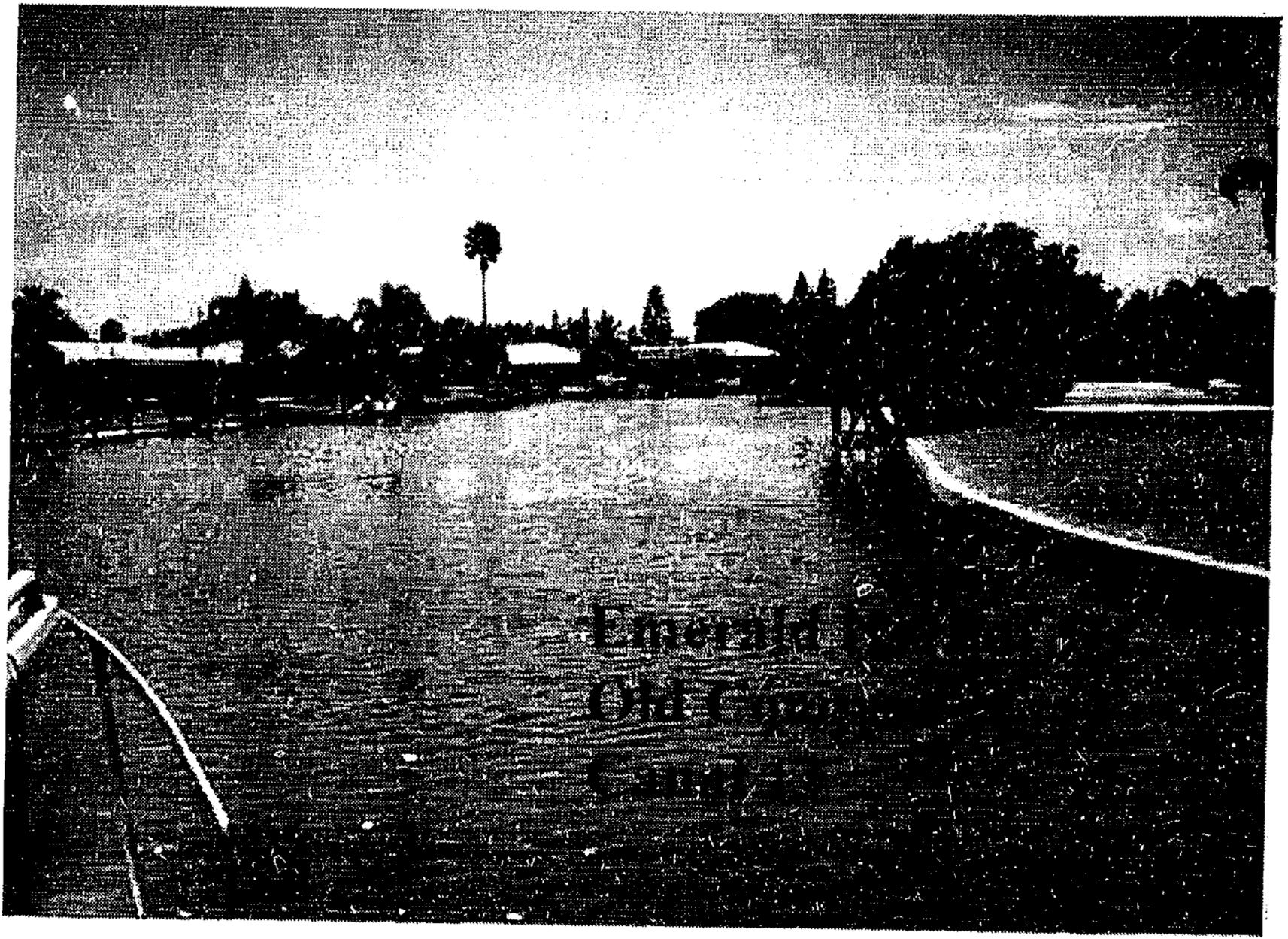
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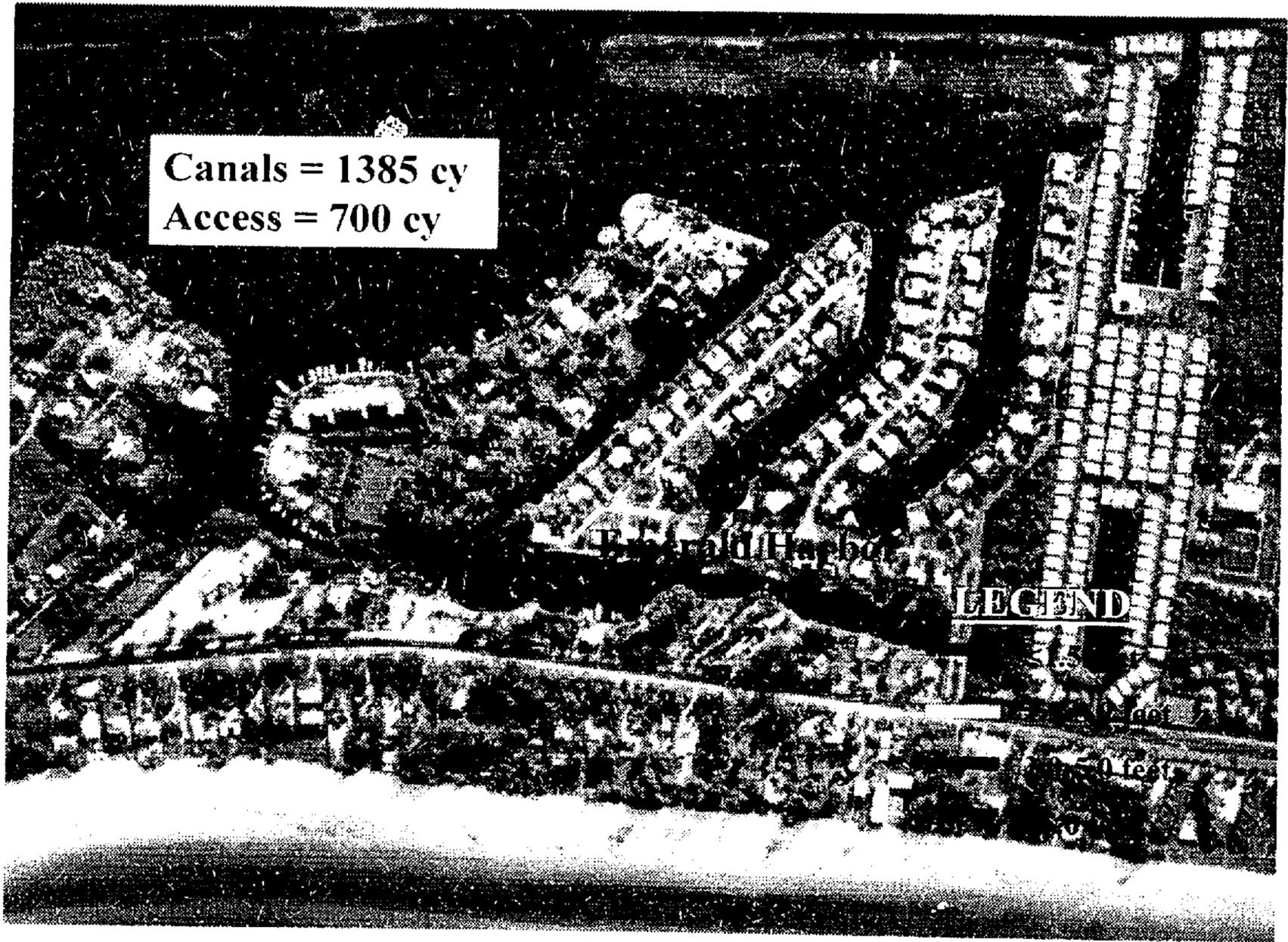
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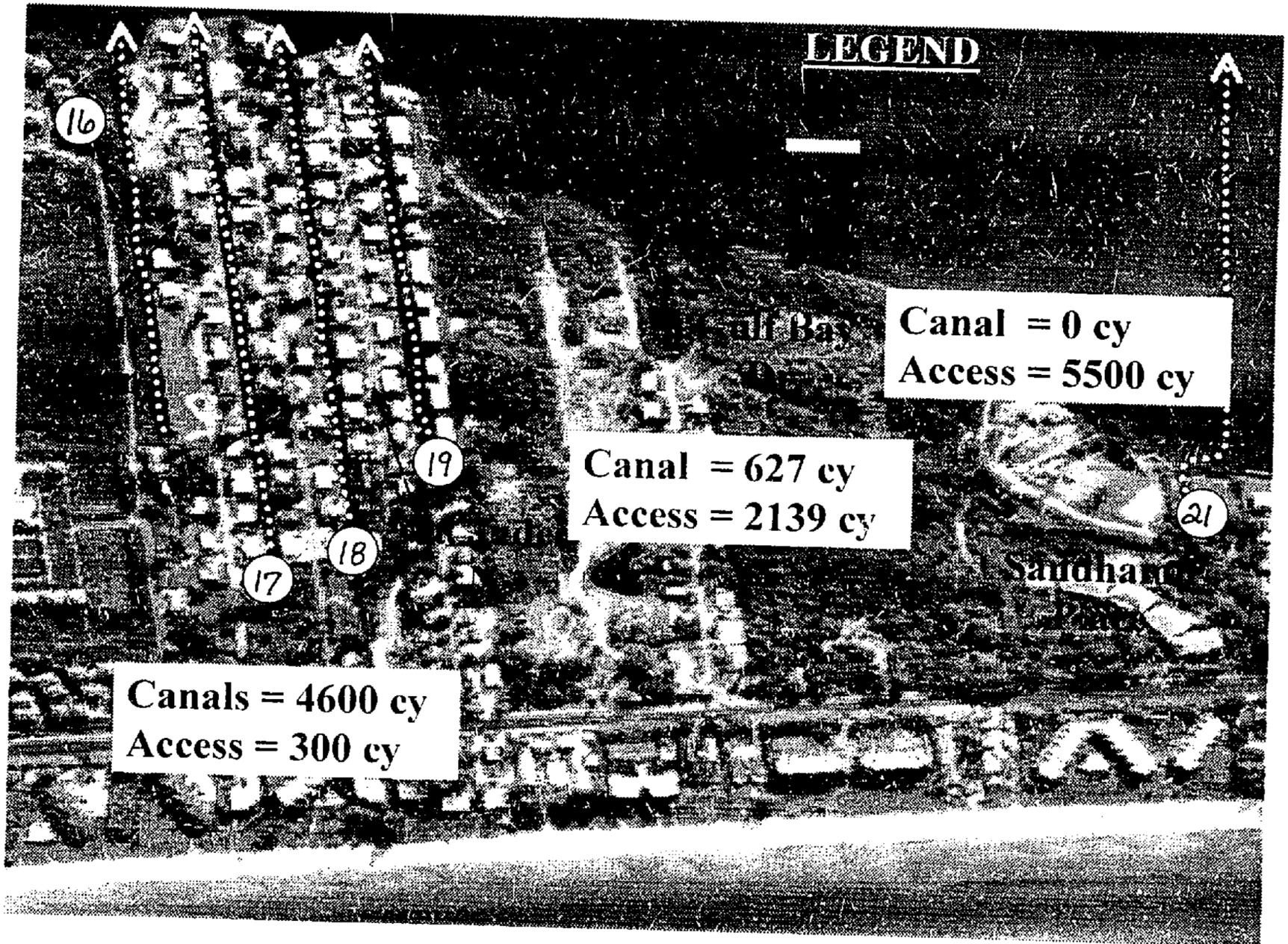




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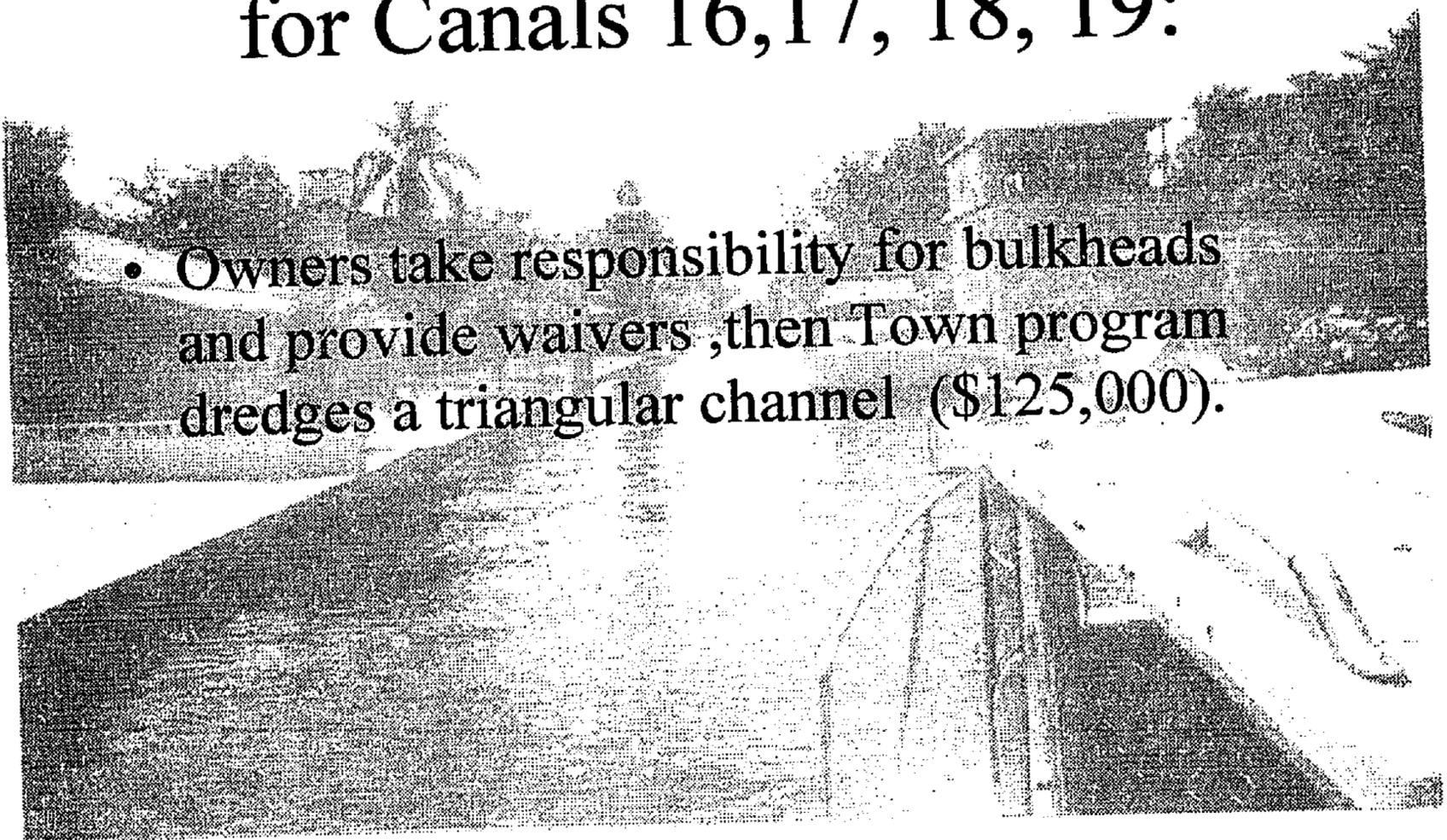
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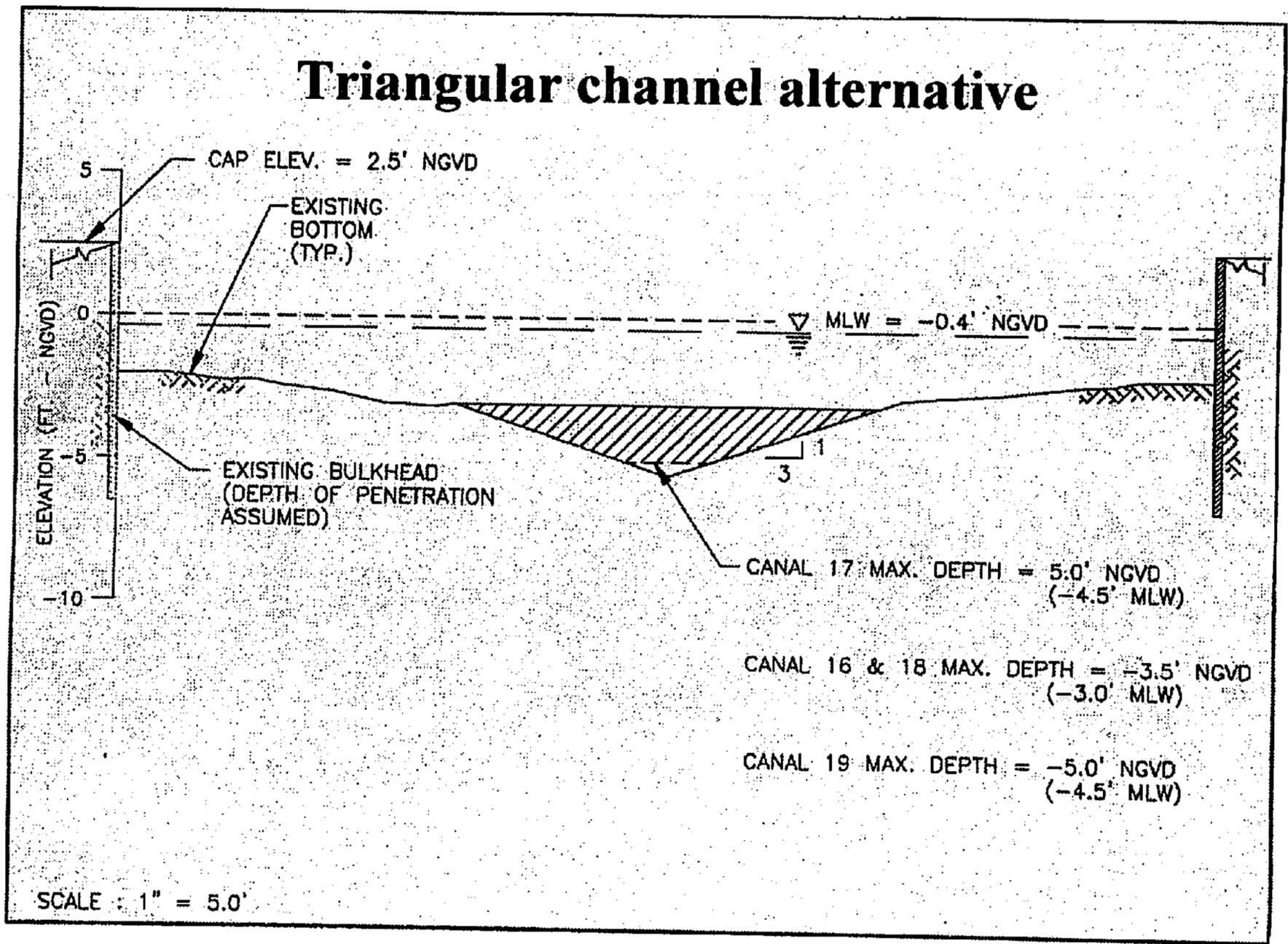


## Recommended Alternative for Canals 16,17, 18, 19:

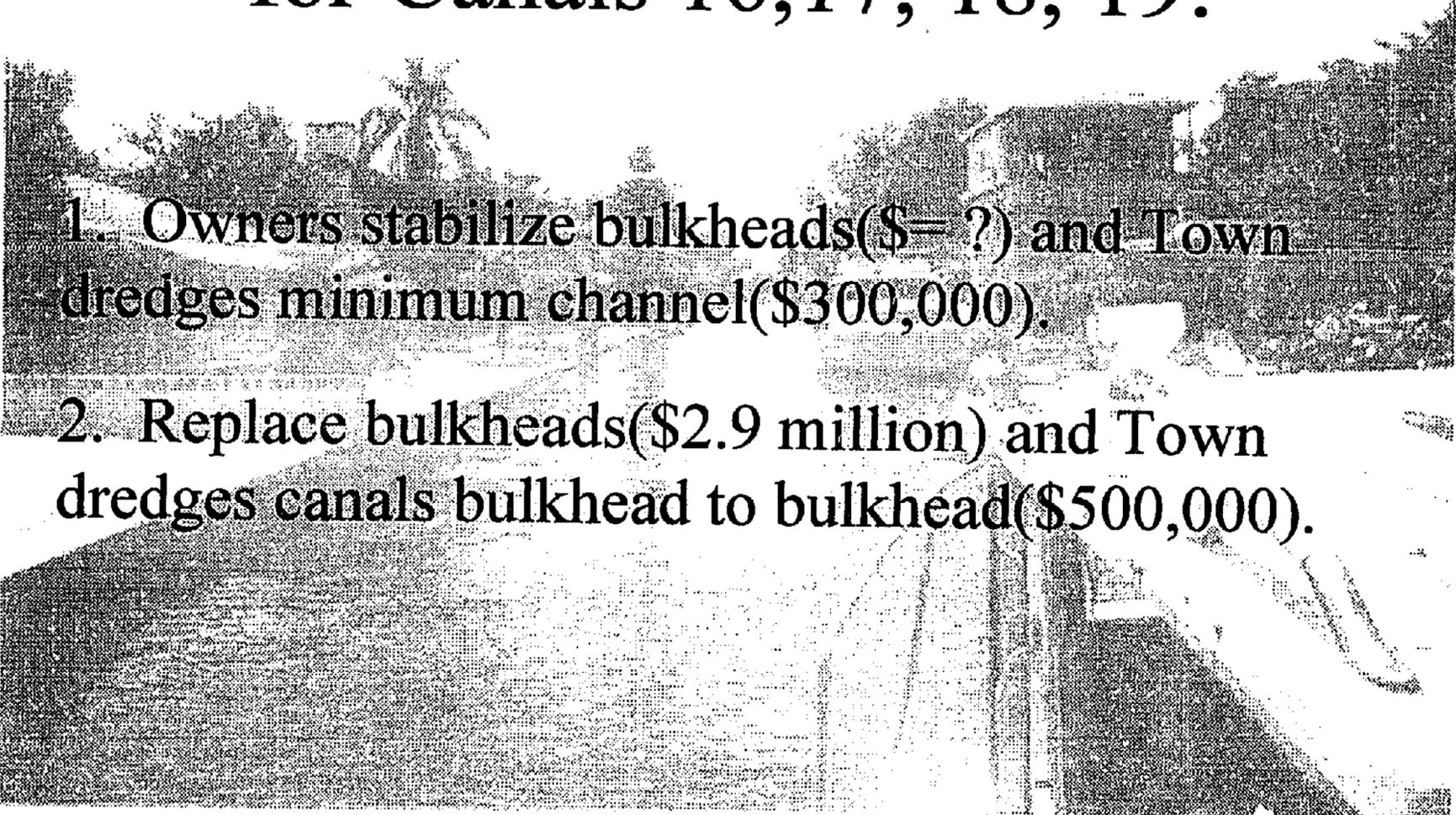
- Owners take responsibility for bulkheads and provide waivers, then Town program dredges a triangular channel (\$125,000).



# Triangular channel alternative



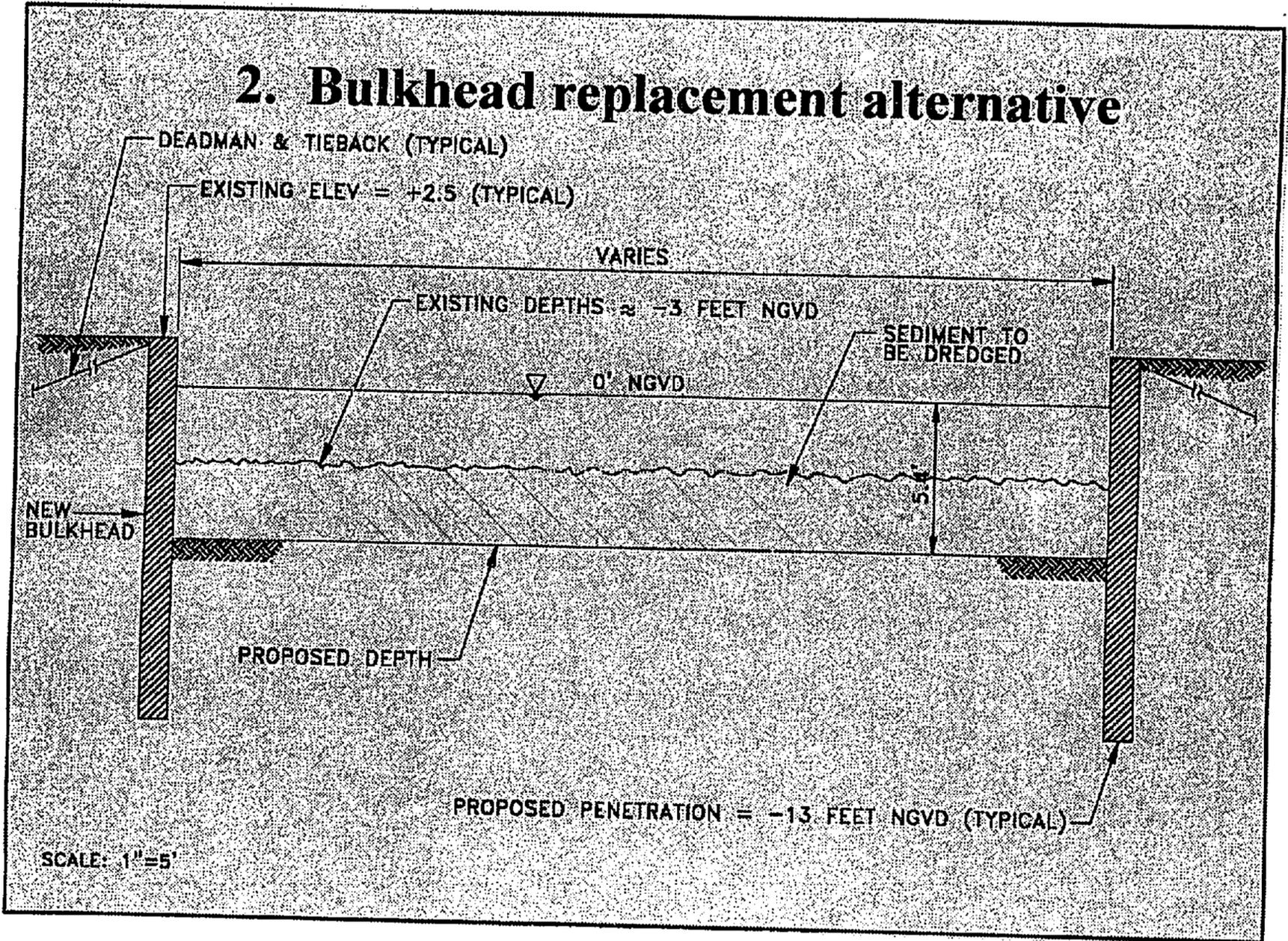
## Four Other Alternatives for Canals 16,17, 18, 19:



1. Owners stabilize bulkheads(\$= ?) and Town  
dredges minimum channel(\$300,000).

2. Replace bulkheads(\$2.9 million) and Town  
dredges canals bulkhead to bulkhead(\$500,000).

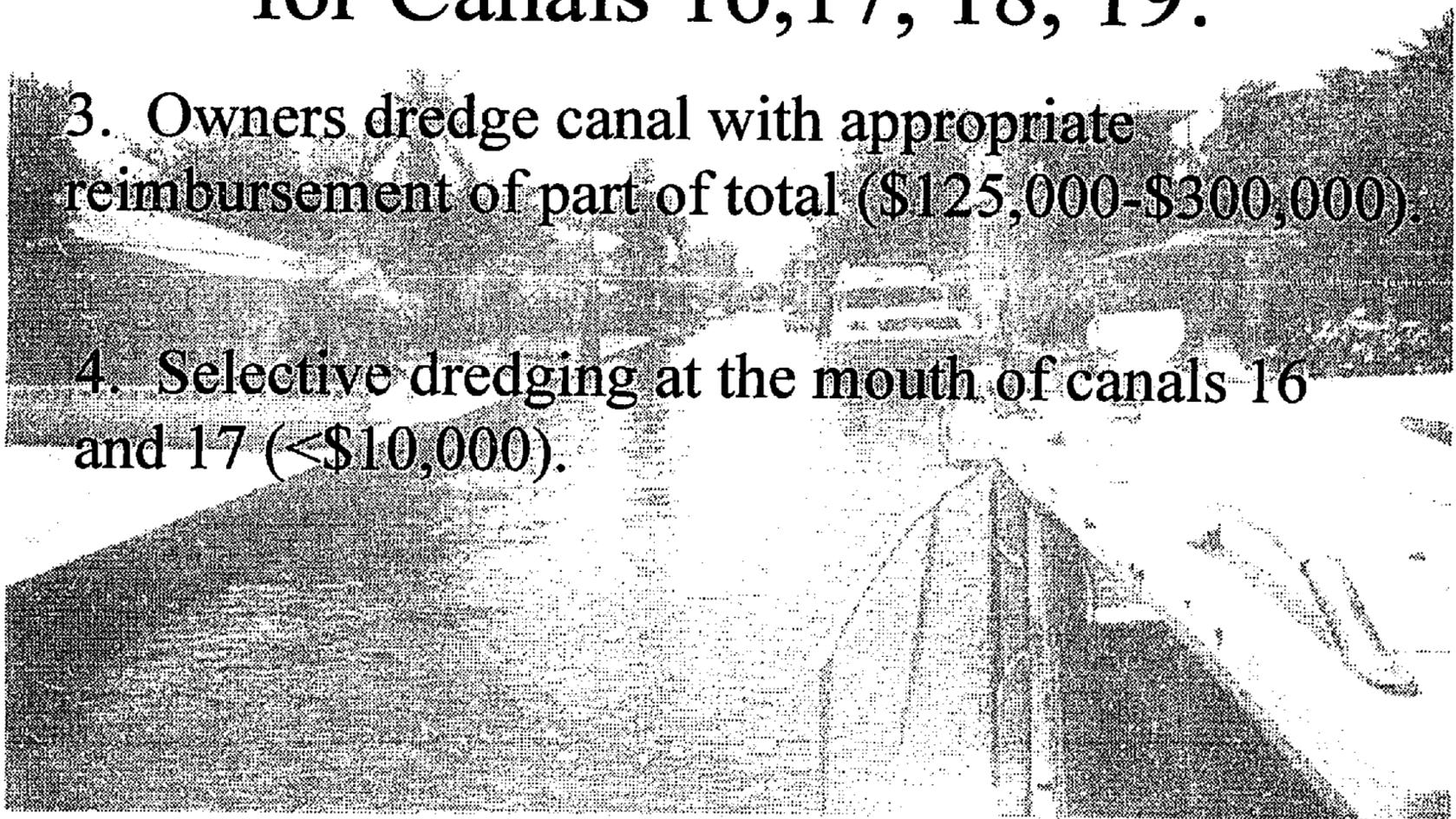
## 2. Bulkhead replacement alternative



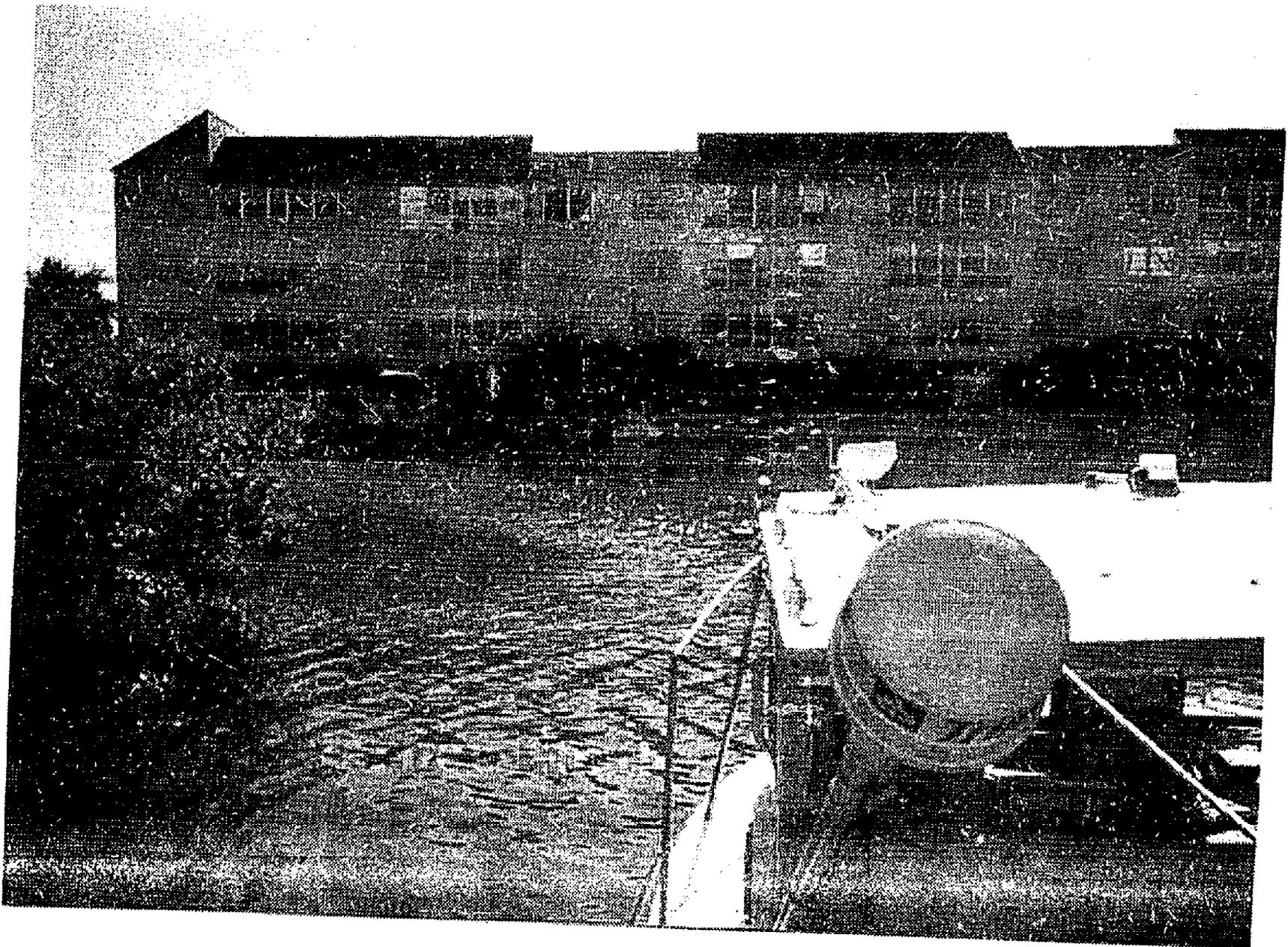
## Four Other Alternatives for Canals 16,17, 18, 19:

3. Owners dredge canal with appropriate reimbursement of part of total (\$125,000-\$300,000).

4. Selective dredging at the mouth of canals 16 and 17 (<\$10,000).



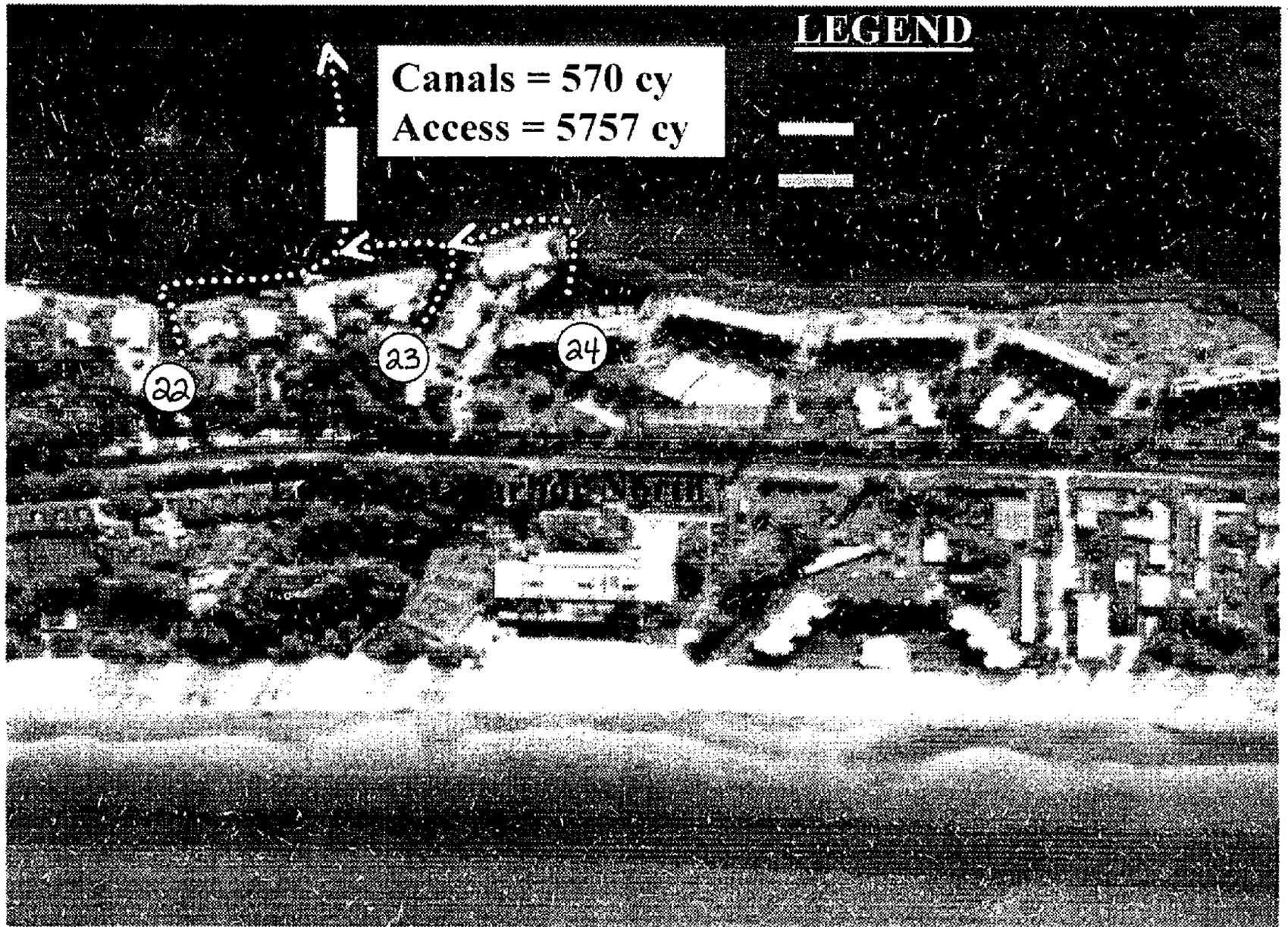
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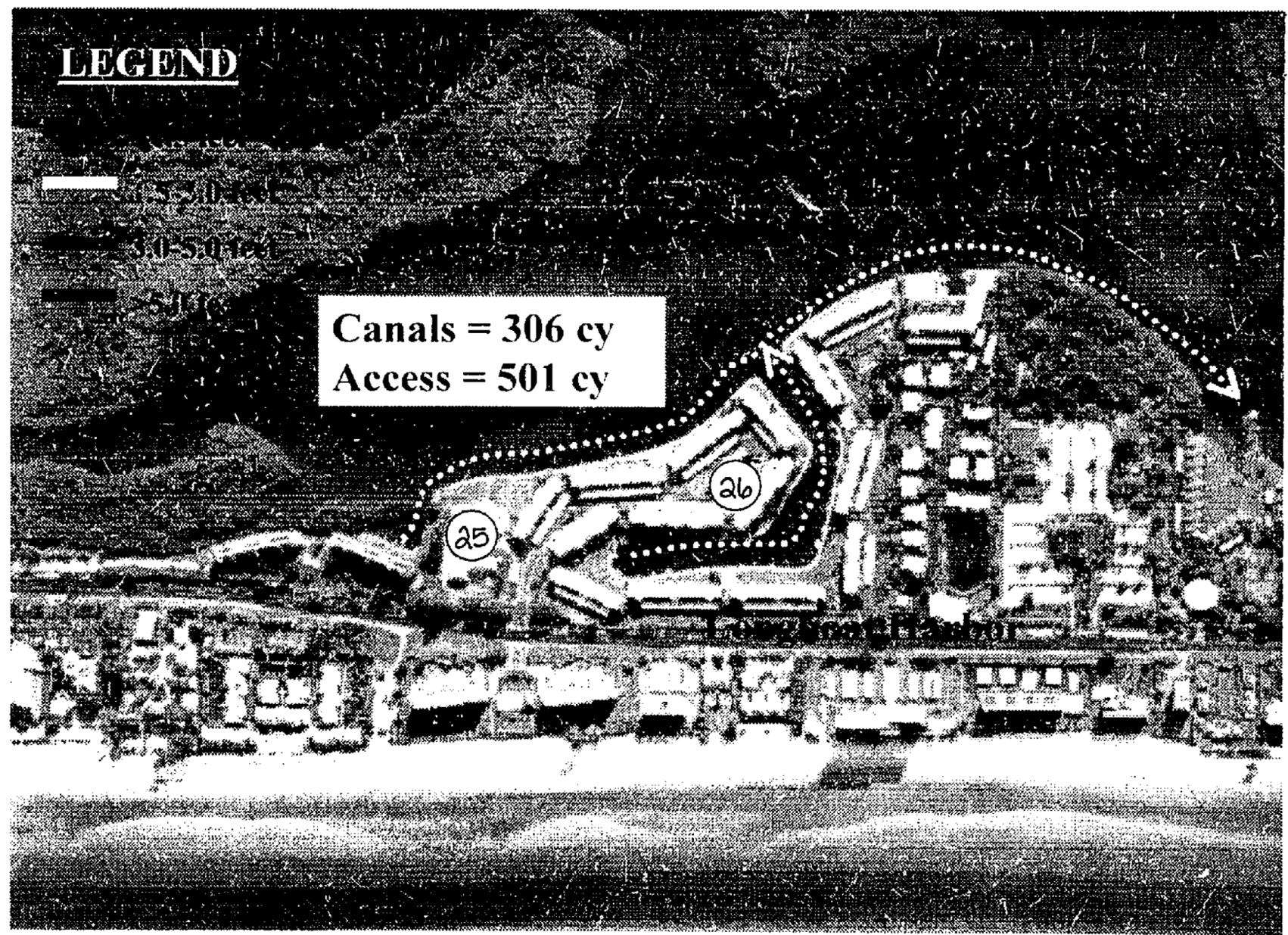
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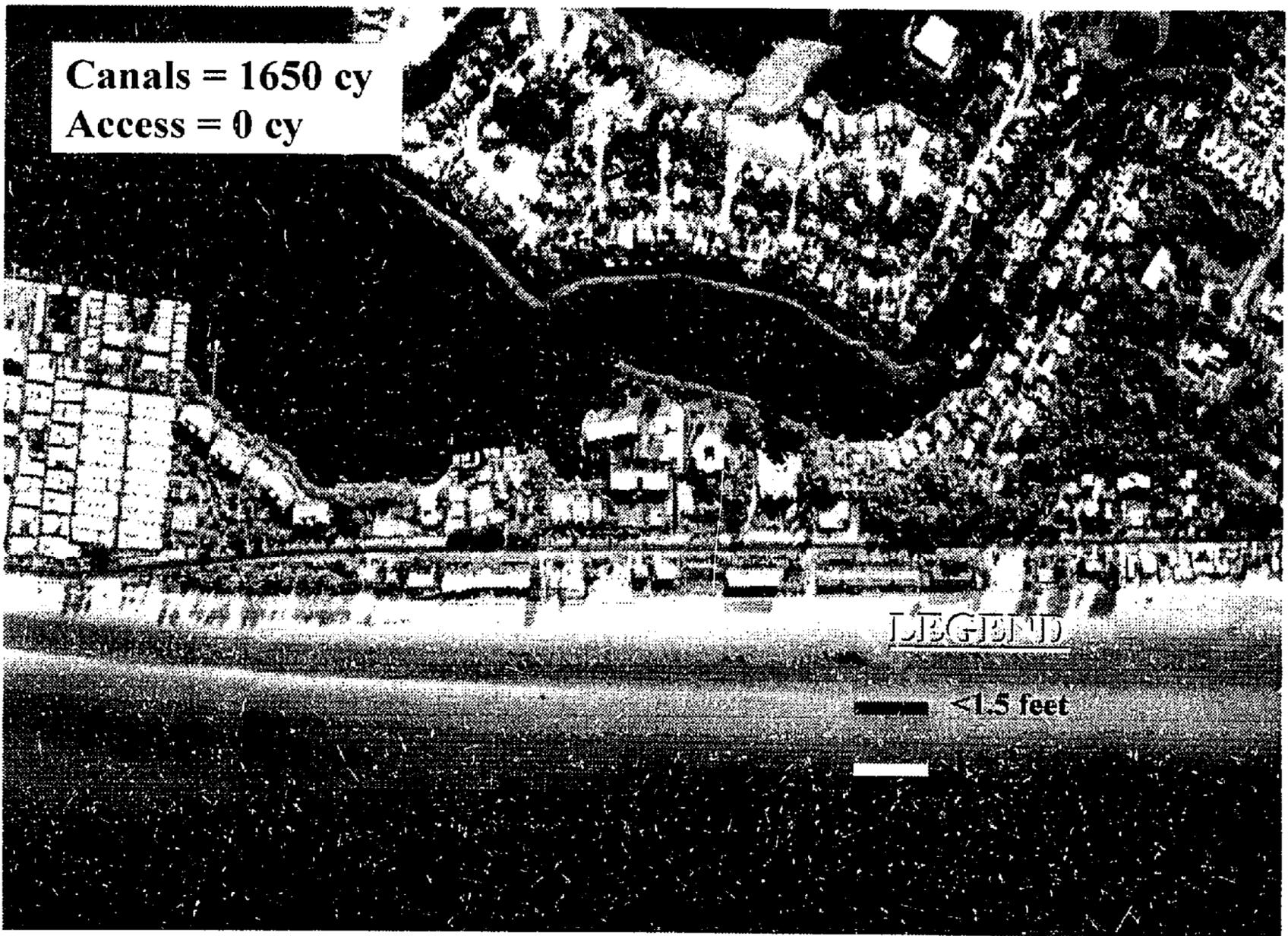
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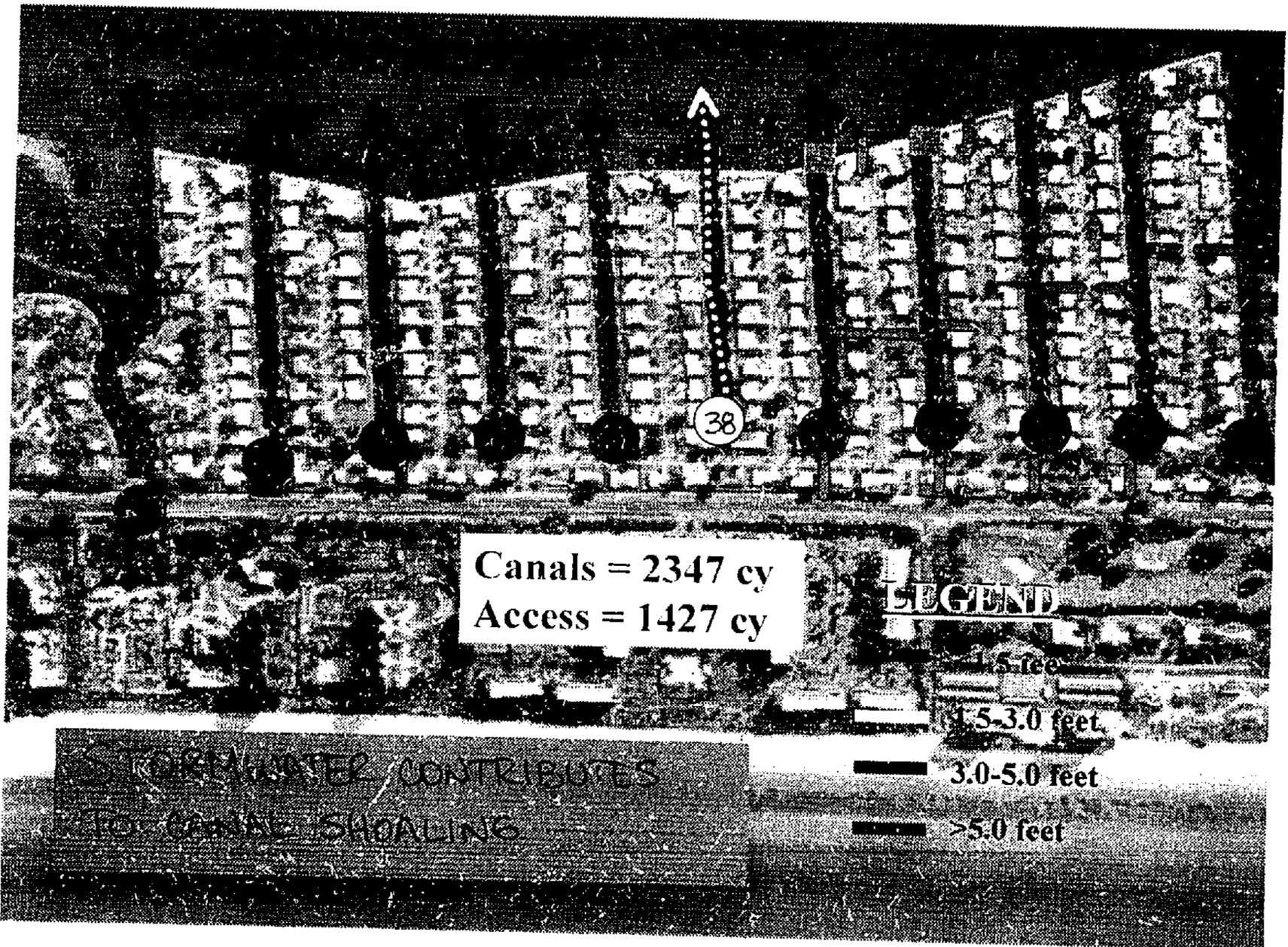




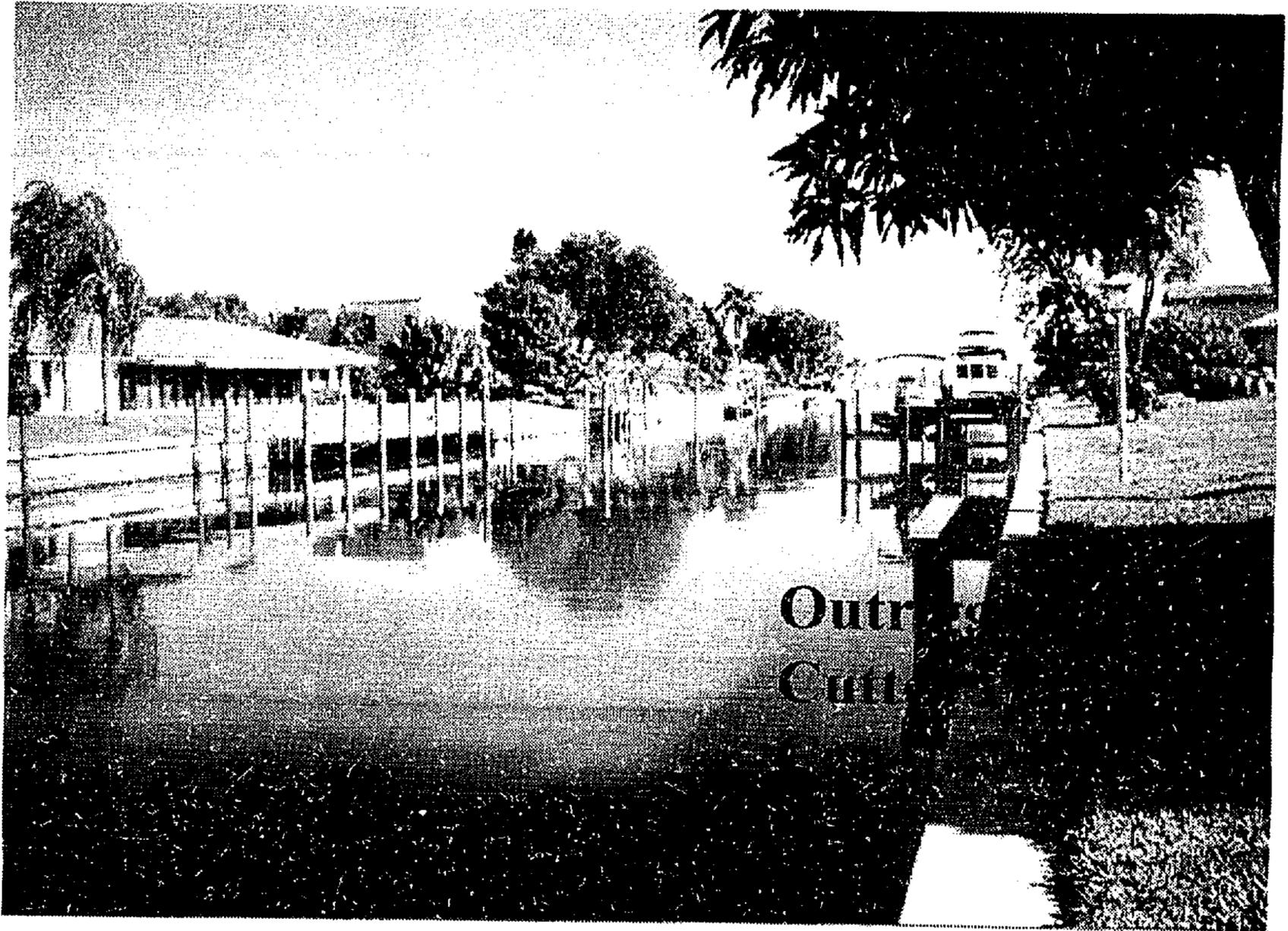


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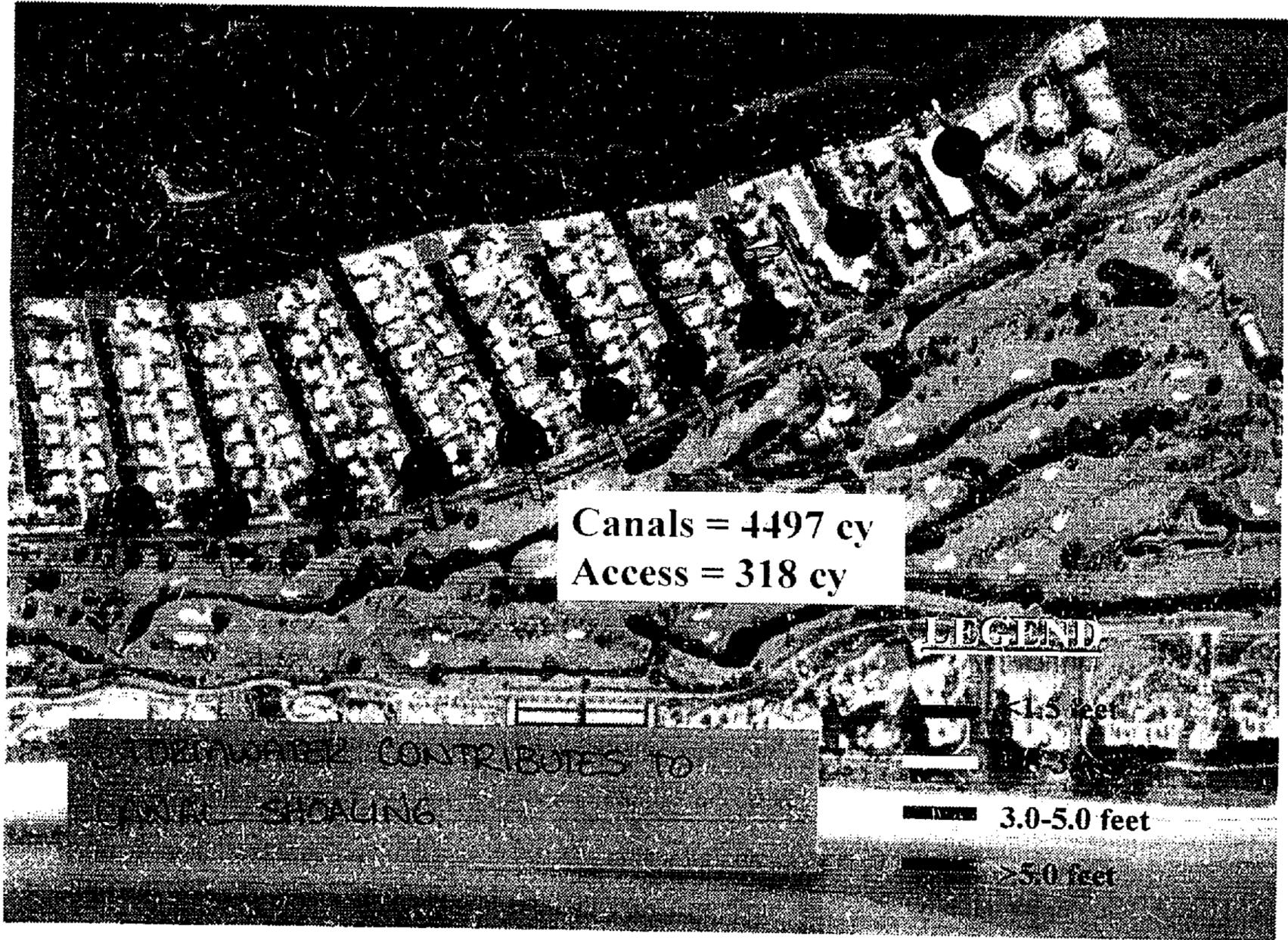




TCRW 10-15-1998



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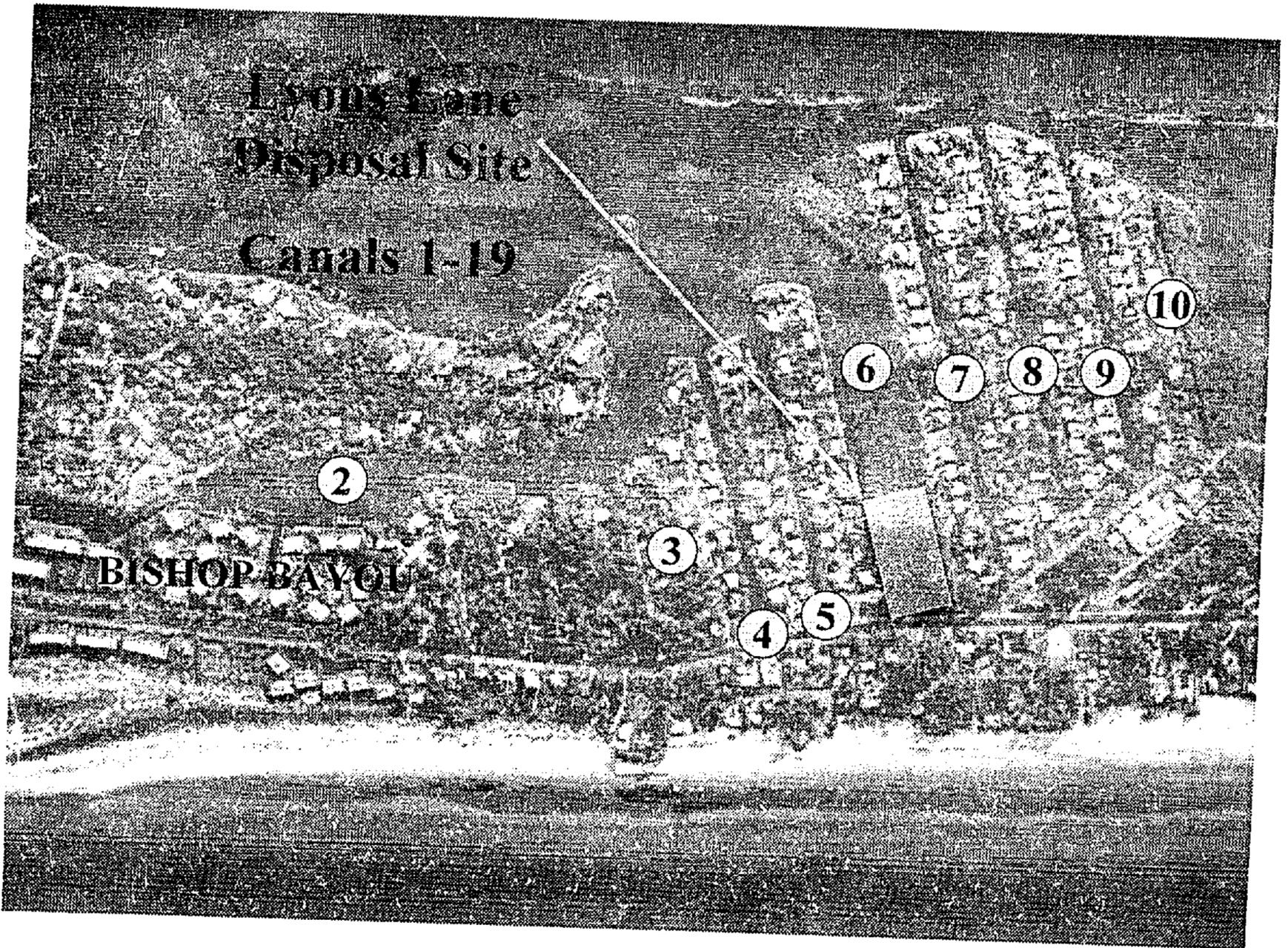
## Disposal Sites

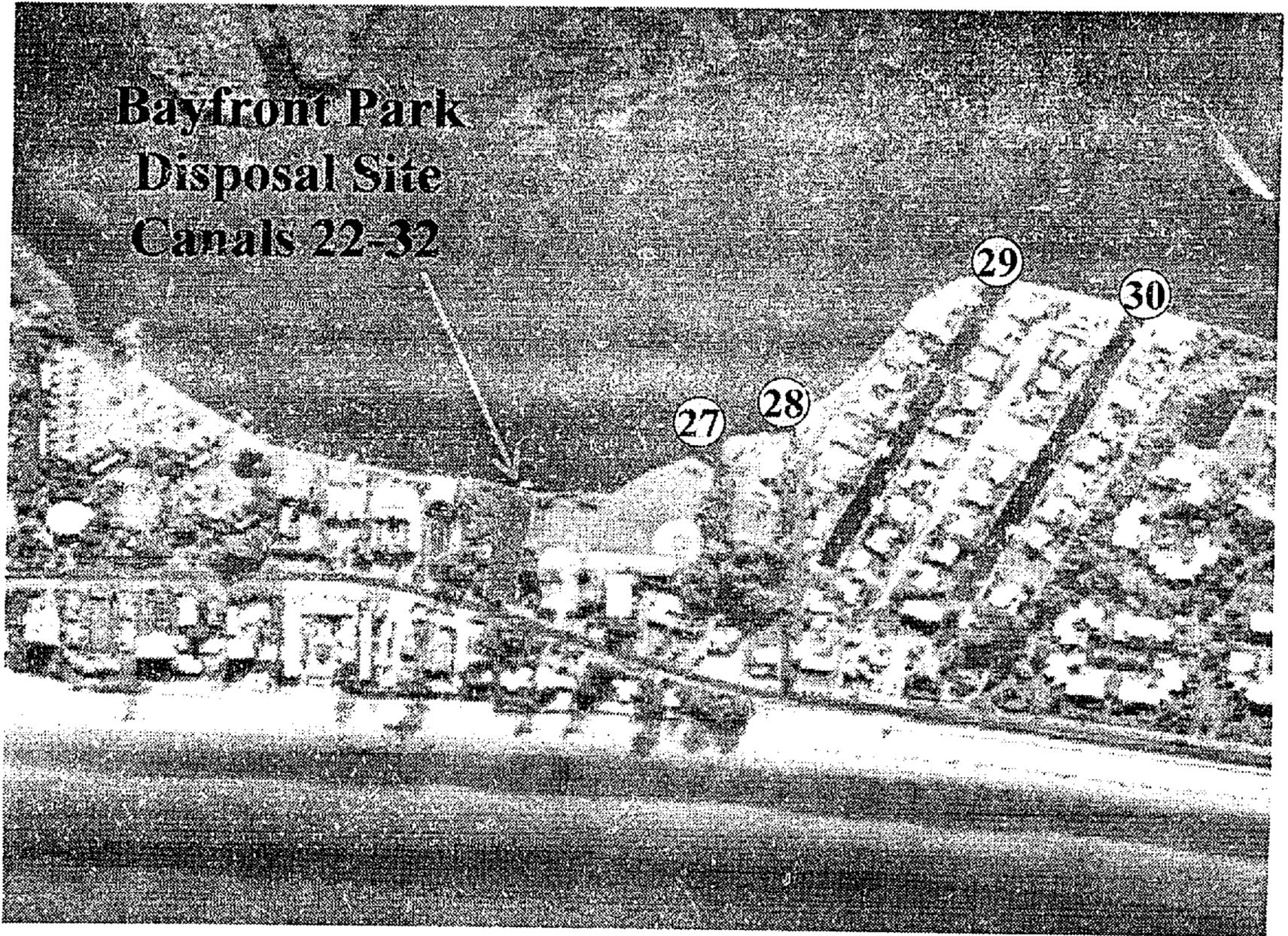
Evaluated 17 sites within Town limits including :

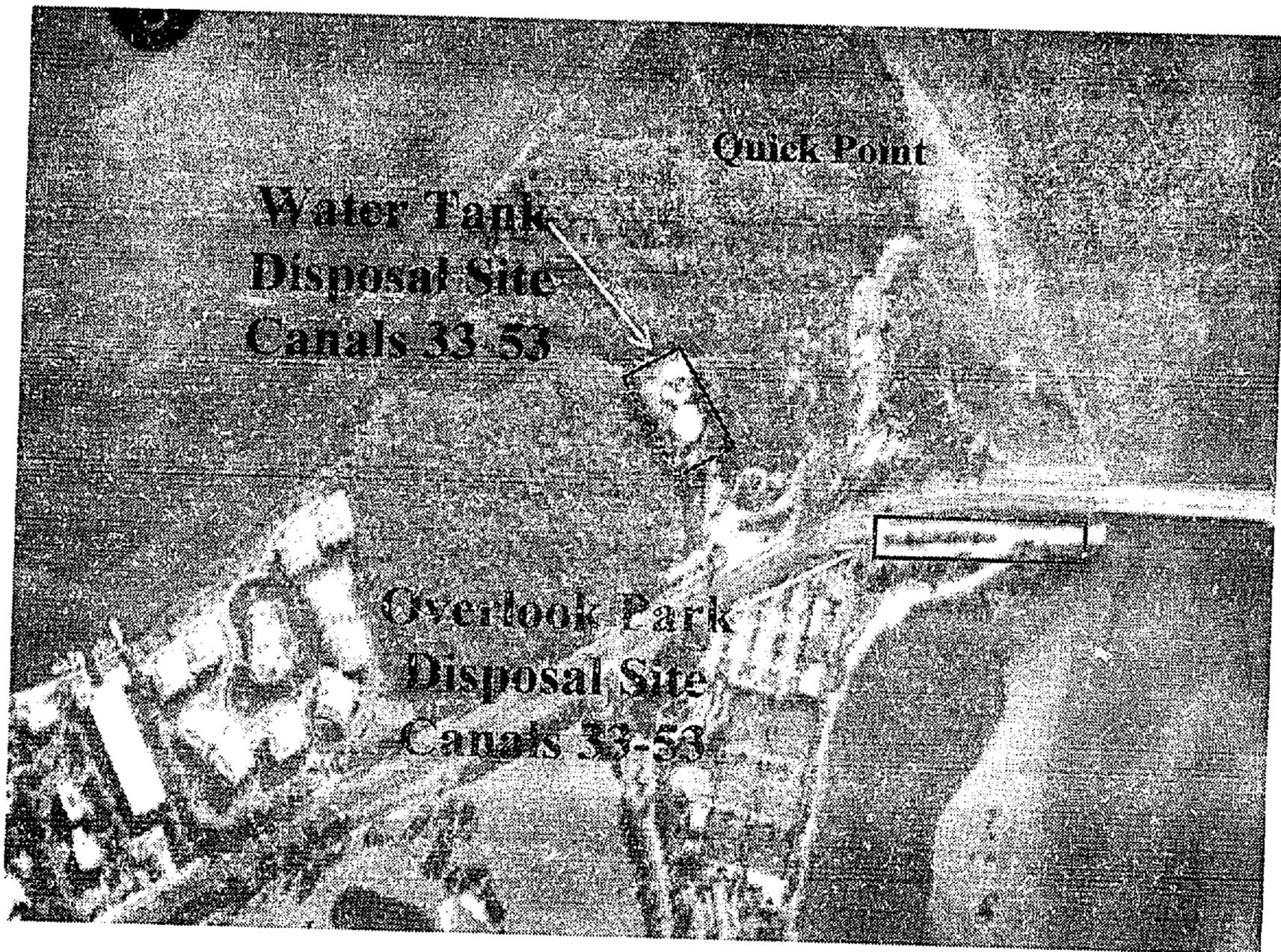
- Town Owned
- Intracoastal
- Undeveloped sites

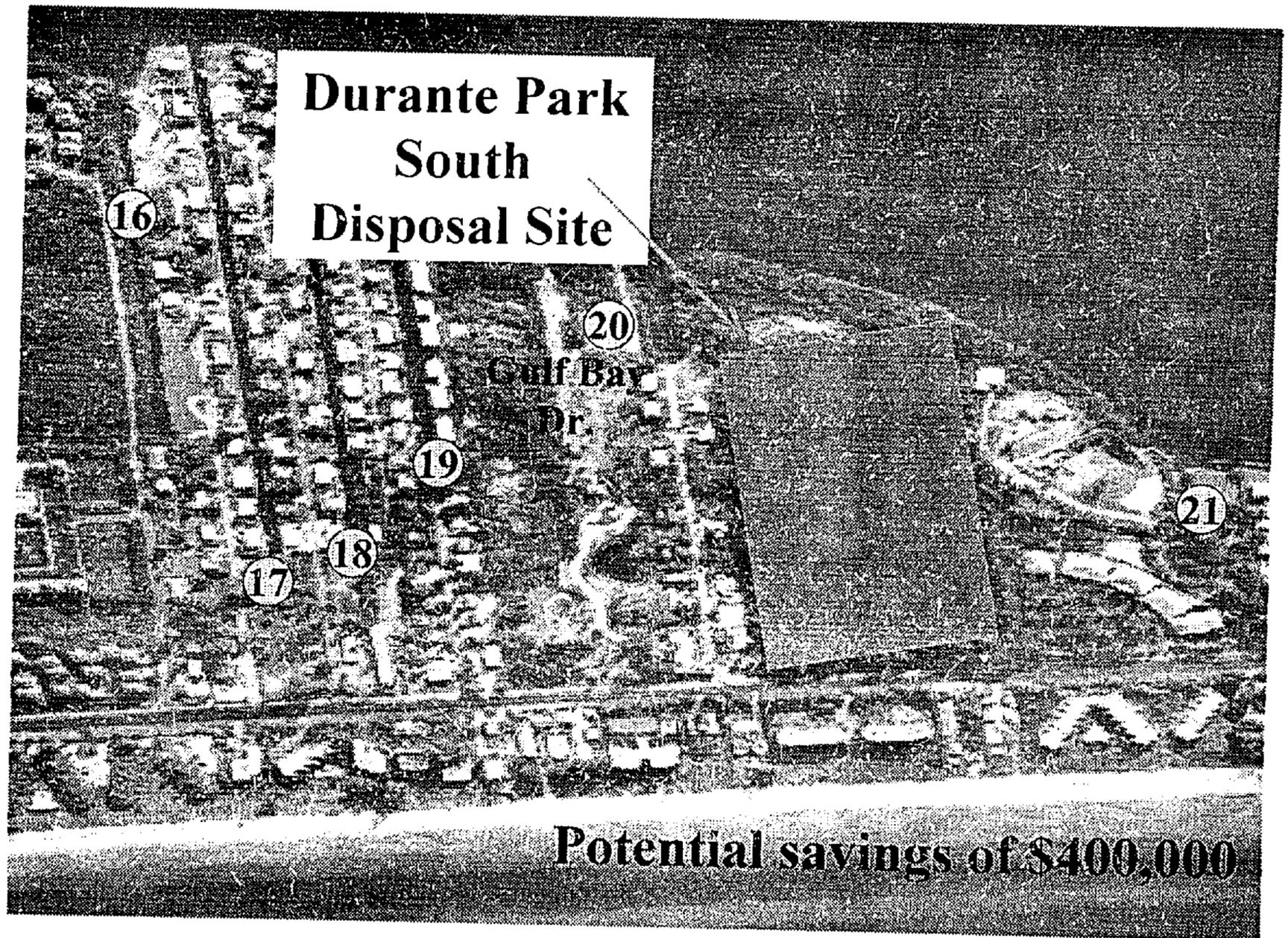
## Feasible Disposal Sites

- Lyons Lane Site
- Bayfront Park
- Water Tank Site
- Overlook Park Parking Lot
- Durante Park South - Currently precluded because of planned conservation site-could accommodate permanent storage





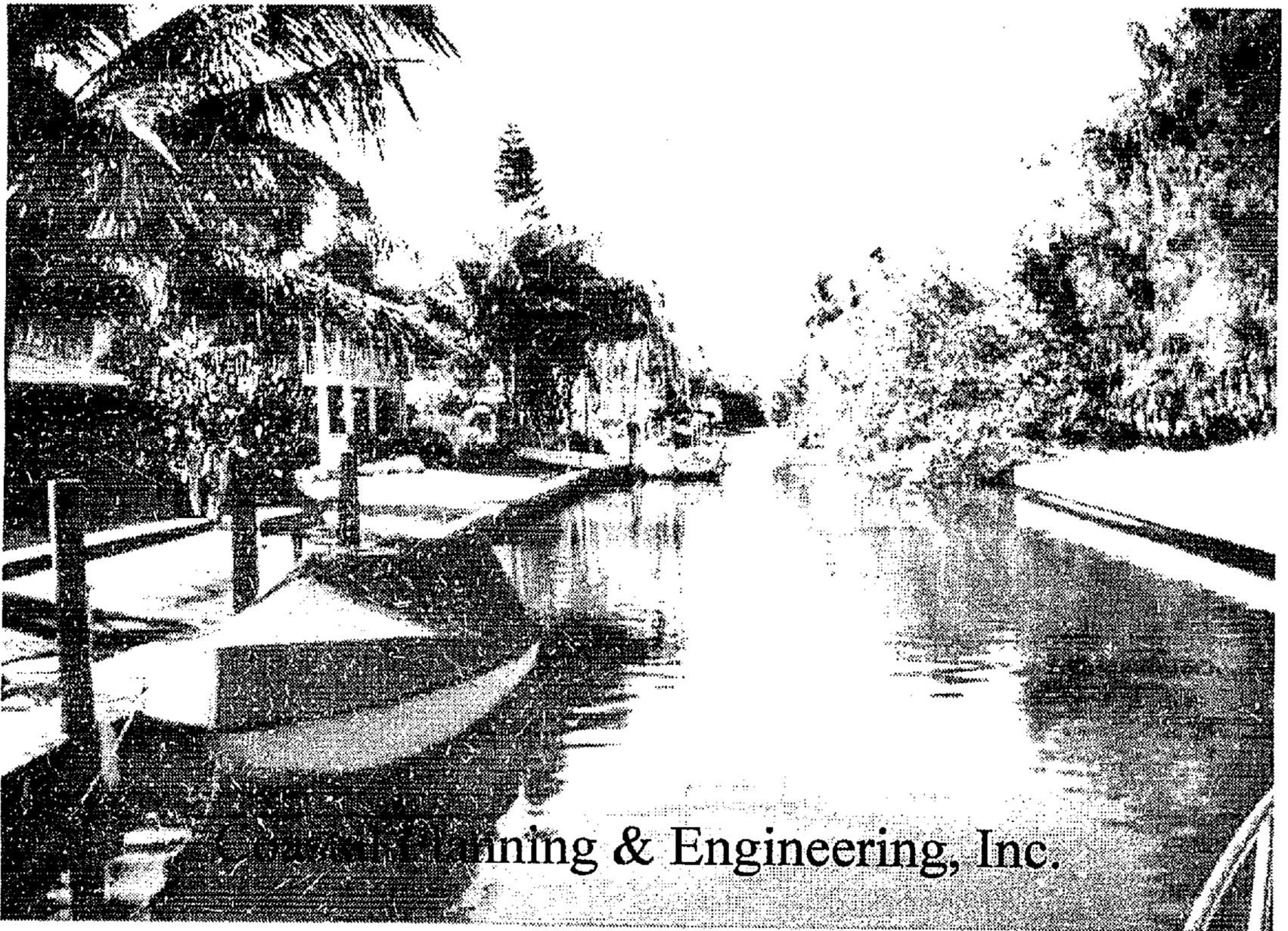




## Cost Estimates

Disposal Site	Canals	Cost
Lyons Lane	1-19	\$743,000
Bayfront Park	22-32	\$390,000
Overlook Park or Water Tank	33-53	\$405,000
<b>Total</b>		<b>\$1,538,000</b>

TCRW 10-15-1998



Planning & Engineering, Inc.

## Program Decisions

- How does the Town want to address the Jungle Queen, Tarawitt and St Judes canals?
- Are the spoil disposal sites acceptable?
- Does the Town want to rethink the use of the Durante Park South disposal site?
- Funding alternatives?

WORKSHOP, OCTOBER 15, 1998  
AGENDA ITEM # 7

- Agenda Item:** Consideration of the Town of Longboat Key Local Mitigation Strategy
- Presenter:** Town Manager and Staff
- Summary:** In compliance with the Town's contract with Sarasota County for the Town's participation in the development of a local mitigation strategy, the Town has submitted a report containing deliverables for contract period #1 and #2. The report identifies Town departments that have hazard mitigation functions and identifies and evaluates existing Town policies, programs and regulations that are related to hazard mitigation.
- A copy of the report was submitted to the Manatee County for their review. The coordination with Manatee County will ensure that the entire Town will be eligible for available pre- and post-disaster funding.
- The next set of contract deliverables, due April 15, 1999, includes an inventory of critical facilities and repetitive loss properties and a list of potential hazard mitigation projects that will compete for state and federal funding.
- Attachments:** 10-2-98 Memo, Black to St. Denis;  
Deliverables for Contract Periods #1 and #2 for the Town Local Mitigation Strategy.
- Recommended Action:** Review and discussion.

MB/sp  
10/08/98

**MEMORANDUM**

**DATE: 10-2-98**

**TO: Bruce St. Denis, Town Manager**

**FROM: Martin P. Black, AICP**  
Community Services Director 

**SUBJECT: LOCAL MITIGATION STRATEGY**

In compliance with the Town's contract with Sarasota County for our participation in the development of a local mitigation strategy, I am pleased to report that under Scott Pickett's direction as Project Manager, the Town of Longboat Key is the only municipality to have timely completed and submitted all required deliverables. We continue to coordinate with Manatee County and have provided copies of the deliverables to Karen Windon for their review.

We expect to schedule Town Commission review of these items during their October regular workshop. It can be presented as a consent item since there are no substantive policy changes.

MPB/dmc

xc: Scott Pickett, Town Planner

TCRW 10-15-1998

**TOWN OF LONGBOAT KEY  
LOCAL MITIGATION STRATEGY**



Prepared by the Town of Longboat Key

September 1998

**TOWN COMMISSION**

Hal Lenobel, Mayor  
John R. Redgrave, Vice-Mayor  
Gordon Haglund, Commissioner  
Jim Patterson, Commissioner  
Kennedy Legler, Jr., Commissioner  
Raymond W. Metz, Commissioner  
Ronald A. Johnson, Commissioner

**TOWN STAFF**

Bruce St. Denis, Town Manager

Martin P. Black, AICP Community Services Director	John Kintz Police Chief
Terry Sullivan Finance Director	John Howe Fire Chief
Patrizia Arends Town Clerk	Kathi Pletzke MIS Director

Deborah Heger  
Administrative Services Director

## TABLE OF CONTENTS

<u>Contract Deliverables</u>	<u>Page</u>
Affirmation of Compliance with Items A-E Concerning Town Participation in LMS Working Group	1
Public Works Department Mitigation Functions	2-7
Planning, Zoning & Building Department Mitigation Functions	8-14
Fire Department Mitigation Functions	15-18
Police Department Mitigation Functions	19-21
A Listing, Description and Evaluation of Existing Town Policies, Ordinances, and Programs that Affect Mitigation <b>Note:</b> The Evaluation includes an Identification of how Existing Town Policies, Ordinances and Programs can be Strengthened to Achieve the Town's Mitigation Goals and Objectives.	22-40
A List of Town Mitigation Goals and Objectives that will Serve to Guide a Coordinated and Comprehensive Strategy to Address Hazard Mitigation	41-46
A County-wide Hazard Identification and Vulnerability Assessment	47
An Identification of Private Sector Interests and Methods for Private Sector Involvement	48-49
Procedures to Prioritize both Municipal and County Mitigation Initiatives	50

The following information affirms compliance with the Town of Longboat Key's contractual requirement to participate in the Sarasota County Local Mitigation Strategy Working Group:

Municipal Contract Person: Bruce St. Denis, Town Manager  
510 Bay Isles Road  
Longboat Key, FL 34228  
Phone: (941) 316-1999  
Fax: (941) 316-1942

The Town of Longboat Key has had at least one Town representative actively participating in all Working Group meetings.

A Town of Longboat Key representative has actively assisted in the development of procedures to resolve conflict between government entities which may arise from the development of the local mitigation strategy.

A Town of Longboat Key representative has actively assisted in the development of evaluation criteria and procedures, to regularly review, update and revise the local mitigation strategy.

A Town of Longboat Key representative has actively assisted in the development of Community Guiding Principles.

**CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.

**PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.

**TASK:** *Identify Public Works mitigation functions with regard to water and wastewater pumping stations.*

**RESPONSIBLE PARTY:** Neal Martin, Public Works Supervisor

Critical infrastructure facilities include:

- 2 master wastewater pumping stations
- 3 water pumping stations
- 6 intermediate wastewater pumping stations
- 38 local wastewater pumping stations

Public Works conducts chloride reduction program, inflow and infiltration program and conducts preventative maintenance and upgrades of stations. Upgrade and maintenance activities include:

1. replacement of below ground non-submersible equipment.
2. waterproofing of control equipment.
3. waterproofing of pump station covers.
4. addition of electronic telemetry equipment.
5. replacement of power disconnect and generator receptacles to one single power distribution panel of stainless steel and waterproofed.

The above infrastructure programs reduce the amount of damage caused to the stations as a consequence of severe flooding, and will enable the Town to re-establish service as soon as possible after a hazard event.

**CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.

**PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.

**TASK:** *Identify Public Works mitigation functions with regard to the Town water storage facilities.*

**RESPONSIBLE PARTY:** *Neal Martin, Public Works Supervisor*

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The Public Works Department is responsible for the maintenance and upgrade of the Town's two water storage facilities.

The two water storage facilities need to be floodproofed to prevent damage to these critical facilities' motors, pumps, electronic control panels and other equipment.

**CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.

**PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.

**TASK:** *Identify Public Works mitigation functions with regard to all Town buildings except the Fire Stations.*

**RESPONSIBLE PARTY:** *Kevin Webb, Public Works Superintendent*

**Town Hall and Police Department (501 Bay Isles Road)**

The Police Department is the older half of this complex. It is built at a lower elevation than the newer Town Hall half. The Police Department and dispatch center is subject to early flooding, requiring evacuation at an early stage of a storm. Town Hall is newer and built at a higher elevation and will be usable for a longer period of time.

Both sections of this complex are protected with roll down storm shutters on all doors and windows.

The Police Department and dispatch center need to be relocated to an elevated structure to mitigate damage from flooding.

**Public Works/Planning, Zoning & Building (600 & 610 General Harris Street)**

Both of these complexes are below 100 year flood elevations. The Public Works section has been flooded with up to 2 feet of water on several occasions in the past. We have to evacuate all movable equipment from this complex at an early stage of all tropical storms. All office equipment and materials left at the complex has to be raised up off the floors and put on concrete blocks.

The only solution for better protection of these facilities is to rebuild in compliance with the Town Flood Control Code, on higher ground.

**CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.

**PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.

**TASK:** *Identify Public Works mitigation functions with regard to Australian Pine tree removal/trimming.*

**RESPONSIBLE PARTY:** *Steve Schield, Parks and Environmental Officer*

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The Public Works Department is budgeted \$20,000 per year to remove or trim Australian Pines trees that are located along S.R. 789 as well as Town streets to prevent the trees from falling and blocking evacuation routes for Town residents.

- CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.
- PRODUCT:** A listing of municipal agencies and mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.
- TASK:** *Identify Public Works mitigation functions with regard to the Town Beach Renourishment Program.*
- RESPONSIBLE PARTY:** *Scott Pickett, Planner*
- 

The Town's on-going Beach Renourishment Program protects coastal private property and public infrastructure from damage caused by storm surge and tidal flooding. The beach profile is monitored on a regular basis. A Town Reserve Trust Fund is in place to fund portions of the Beach Renourishment Program. Additional federal and state funding to augment this mitigation effort is appropriate to assist with preventative measures to protect state and local infrastructure, private property, and life.

**CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.

**PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.

**TASK:** *Identify Public Works mitigation functions with regard to transporting Public Works vehicles off island in the event of a tropical storm or the securing of vehicles that remain on the Key.*

**RESPONSIBLE PARTY:** *Kevin Webb*

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The Town of Longboat Key Public Works Department owns 18 trucks ranging in size from a small Ranger up to a couple of dump trucks. We also have a sewer T.V. van, street sweeper, 2 small tractors with back blades, 1 tractor with a front end bucket, 1 full size backhoe, 1 full size front end loader, 1 Bobcat skid loader with a bucket and backhoe attachment. We also have 2 trailer mounted emergency generators used for pumping down lift stations with no power.

In past preparation for tropical storms, we have removed non-essential equipment off the Island to an open area provided by Manatee County.

The heavy equipment and trucks that are not used in transporting employees to and from the Island are split up so that some are left on each end of the Island. We try and leave the equipment on the highest ground that we are able to locate.

To better secure the vehicles and equipment that is left on the Island during the storm, would be to provide a secure storage building on each end of the Island. This building would need to be at a high enough elevation to stay above the tidal surge and also be resistant to withstand hurricane force winds.

- CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.
- PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.
- TASK:** *Identify Planning, Zoning & Building mitigation functions with regard to participation in the Community Rating System (CRS).*
- RESPONSIBLE PARTY:** *Curt Engert, Administrative Assistant*
- 

The Town Planning, Zoning & Building Department is responsible for the certification and recertification of the Town's CRS program. This involves the implementation of the Town Repetitive Loss Plan and the identification of Town-wide hazard mitigation activities that are implemented on an on-going basis.

**CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.

**PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.

**TASK:** *Identify Planning, Zoning & Building Department mitigation functions with regard to enforcement of applicable building code standards.*

**RESPONSIBLE PARTY:** *Randy Fowler, Building Official*

All hazard mitigation-related regulations are enforced by Code Enforcement staff and the Town Code Enforcement Board.

**CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.

**PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.

**TASK:** *Identify Planning, Zoning & Building mitigation functions with regard to enforcement of flood control code standards.*

**RESPONSIBLE PARTY:** *Randy Fowler, Building Official*

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By adoption and enforcement of the Flood Code that restricts or prohibits uses which are dangerous to health, safety and property due to water erosion hazards or which result in damage increases in erosion or in flood heights or velocities require that uses vulnerable to floods, including facilities which serve these uses by protecting against flood damage at the time of initial construction and remodel.

Control the alteration of natural flood plains and natural protective barriers, which are involved in the accommodation of flood water.

Control filling and grading which may increase erosion or flood damage.

Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.

**PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.

**TASK:** *Identify Planning, Zoning & Building mitigation functions with regard to enforcement of applicable Comprehensive Plan Goals, Objectives and Policies.*

**RESPONSIBLE PARTY:** *Scott Pickett, Planner*

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The Planning and Zoning staff of the Planning, Zoning & Building Department enforce the Town of Longboat Key Comprehensive Plan hazard mitigation-related goals, objectives and policy identified in the enclosed Table titled, "Existing Town of Longboat Key Mitigation Policies, Regulations and Programs".

**CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.

**PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.

**TASK:** *Identify Planning, Zoning & Building mitigation functions with regard to Town Charter residential density cap.*

**RESPONSIBLE PARTY:** *Scott Pickett, Planner*

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The Planning and Zoning staff of the Planning, Zoning & Building Department enforce the Town of Longboat Key Town Charter residential density cap identified in the enclosed Table titled, "Existing Town of Longboat Key Mitigation Policies, Regulations and Programs".

**CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.

**PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.

**TASK:** *Identify Planning, Zoning & Building mitigation functions with regard to enforcement of applicable Zoning Code and Subdivision Code standards.*

**RESPONSIBLE PARTY:** Scott Pickett, Planner

The Planning and Zoning staff of the Planning, Zoning & Building Department enforce the Town of Longboat Key Zoning Code and Subdivision Code hazard mitigation-related regulations identified in the enclosed Table titled, "Existing Town of Longboat Key Mitigation Policies, Regulations and Programs".

**CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.

**PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.

**TASK:** *Identify Planning, Zoning & Building mitigation functions with regard to transporting Planning, Zoning & Building vehicles off island in the event of a tropical storm.*

**RESPONSIBLE PARTY:** *Randy Fowler, Building Official*

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The Planning, Zoning & Building vehicles will be moved to off-island locations as designated by Manatee County for equipment storage.

Staff members assigned to a vehicle will be responsible through the Director to have vehicles off the island prior to storm event.

<b>CONTRACT DELIVERABLE:</b>	A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.
<b>PRODUCT:</b>	A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.
<b>TASK:</b>	<i>Identify Fire Department mitigation functions with regard to the two Fire Station buildings.</i>
<b>RESPONSIBLE PARTY:</b>	<i>Carroll Mooneyhan, Fire Marshall</i>

The fire station buildings both have been built in compliance with all applicable codes and standards. Below is a list of pertinent safeguards:

- Both are equipped with fire protection and fire detection systems
- Both have emergency generators
- Both have communication systems for local and surrounding counties
  - Portables
  - Base Stations
  - Tied into generator systems
- Glass windows and doors have either storm shutters or rated storm glass in excess of 100 mph winds
- Both stations are above flood elevation
- The North Station was designed on an east/west axis (the front faces south) for Gulf/Bay incoming storms
- The North Station has a metal pre-fabricated roof designed for high winds and impact resistance
- Both stations' interior floor plans have been designed separating all spaces and areas by a minimum of two hour rating (concrete block)
  - This is so that no one area can affect another, in case of impact
- Both station have built-in security locks and safeguards to prevent tampering, disabling or intrusion
- Finally, both stations have attic storage areas for incidental storage of files and other documents

<b>CONTRACT DELIVERABLE:</b>	A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.
<b>PRODUCT:</b>	A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.
<b>TASK:</b>	<i>Identify Fire Department mitigation functions with regard to hazardous material sites in the Town that have been identified by Manatee and Sarasota Counties.</i>
<b>RESPONSIBLE PARTY:</b>	<i>Carroll Mooneyhan, Fire Marshall</i>

Hazard material sites in the Town can be listed and defined into several categories:

- Outside above-ground fuel tanks to supply emergency generators
- Storage of cleaners, solvents, herbicides, insecticides, etc. used by Town condos, businesses and Town's facilities

All associations and facilities are inspected on an annual basis for compliance of both fire and building codes. These codes regulate and require proper storage and handling of all hazardous material. Stringent requirements are met such as, but not limited to:

- Rated storage rooms, buildings and areas
- Proper removal and disposal
- Where required, fire protection and detection systems

**CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.

**PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.

**TASK:** *Identify Fire Department mitigation functions with regard to transporting Fire Department vehicles to off-island locations in the event of a tropical storm.*

**RESPONSIBLE PARTY:** Carroll Mooneyhan, Fire Marshall

Tentatively, all Fire Department vehicles will be some of the last vehicles to leave. However, when the order is given, all vehicles will be taken to the Braden River Fire Department located approximately one mile east of I-75. Should the need present itself, further east locations may be used.

- CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.
- PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.
- TASK:** *Identify Fire Department mitigation functions with regard to transporting emergency evacuees off island in the event of a tropical storm.*
- RESPONSIBLE PARTY:** Carroll Mooneyhan, Fire Marshall

As it stands now, there is an agreement with both Manatee and Sarasota County Transit Authorities to provide bus transportation. This is primarily for those emergency evacuees that are pre-registered as special needs clients, however, they will not turn away others who need it.

**CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.

**PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.

**TASK:** *Identify Police Department mitigation functions with regard to facilitating evacuation in the event of a tropical storm.*

**RESPONSIBLE PARTY:** *John Kintz, Police Chief*

---

The Police Department is the lead Town agency responsible for all facets of the evacuation process. Involvement includes pre- and post-storm mobilization and Police Department personnel are among Town representatives required to be present at the Manatee and Sarasota County EOC during a hazard event, provide public information on storm tracking and evacuation / emergency measures.

- CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.
- PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.
- TASK:** *Identify Police Department mitigation functions with regard to alerting Longboat Key residents of the need to evacuate the Key.*
- RESPONSIBLE PARTY:** *John Kintz, Police Chief*

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The Police Department promotes the sale and distribution of a Safety Alert Monitor (SAM) which is installed in the homes on Town residents. The Police Department activates the SAM during a hazard event to notify residents of the need to take action.

During an evacuation the Police Department personnel distribute flyers and go door to door giving evacuation notices. The Police Department personnel also broadcast the evacuation order on a street by street basis over a PA system. A fax tree is established in conjunction with the Town Chamber of Commerce to notify Town merchants of the need to evacuate and to provide instant notice of storm updates. Finally, the Police Department arranges the broadcasting of evacuation orders over AM radio stations and cable television.

- CONTRACT DELIVERABLE:** A municipal representative to the Working Group shall actively assist in the development of Community Guiding Principles.
- PRODUCT:** A listing of municipal agencies and the mitigation functions they perform. Include a narrative description of how these agencies help reduce losses from hazards.
- TASK:** *Identify Police Department mitigation functions with regard to transporting Police Department vehicles off island in the event of a tropical storm.*
- RESPONSIBLE PARTY:** *John Kintz, Police Chief*

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Through mutual aid agreements with Manatee County Public Works Department and the Sheriff offices of Manatee and Sarasota County, Police Department vehicles and personnel are transported off-Key by Police Department personnel to pre-arranged locations when the sustained winds from a storm reach 45 mph.

## EXISTING TOWN OF LONGBOAT KEY MITIGATION POLICIES, REGULATIONS AND PROGRAMS

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<p><b><u>Charter -</u></b></p> <ul style="list-style-type: none"> <li>The present density limitations provided in the existing Comprehensive Plan as adopted March 12, 1984 shall not be increased without the referendum approval of the electors of Longboat Key.</li> </ul>	Town of Longboat Key Charter, Article II, Section 24, Comprehensive Plan for Town	Creates very strong disincentive for Comprehensive Plan Amendments / rezoning petitions that increase existing residential density.	Since adoption of this Charter provision, there has been no Comprehensive Plan Amendment or rezoning that increased residential density.
<b><u>Disaster Recovery Planning Guide -</u></b>	Disaster Recovery Planning Guide for the Town of Longboat Key, Florida, October 1992	Identifies policies, procedures and specific tasks to successfully prepare for a disaster.	Implemented through adoption of General Operating Procedures for the Disaster Planning Guide, October 1992; establishment of hurricane standard operating procedures, May 1994; and preparation of an updated Disaster Planning and Recovery Guide, July 1996.
<b><u>CRS Program -</u></b>	Current Certified CRS Report	Identification and implementation of Town-wide hazard mitigation activities that reduce loss of property or life from a hazard event.	Implemented through annual recertification of Town programs and on-going programming of mitigation activities.
<b><u>Repetitive Loss Program -</u></b>	1992 Town of Longboat Key Repetitive Loss Plan	Acquisition of repetitive loss properties to reduce the loss of property or life caused by flooding.	To-date, two repetitive loss properties have been acquired as open space. Need to initiate annual review of program. Effectiveness highly dependent on availability of State/Federal funds and Town Open Space and Land Acquisition Funds.
<b><u>Open Space and Land Acquisition Program-</u></b>	Chapter 158, Article I, General Provisions, Section 158.017	Provision of open space or fee in lieu of conveyance to reduce loss of property caused by hazard event.	Through this program the Town has purchased or acquired several properties for open space purposes. The program is effective in reducing damage from hazard events. Directing future expenditures toward the purchase of repetitive loss properties would increase the effectiveness of the program.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<p><b>Comprehensive Plan -</b></p> <ul style="list-style-type: none"> <li>Protect the Conservation-Protected lands designated in the Conservation and Coastal Management Element</li> </ul>	Future Land Use Element; Goal 1, Objective 1.1, Policy 1.1.1 (c)	Establishes basis for land development regulations for conservation-protected lands.	Implemented through enforcement of land development regulations protecting established conservation lands.
<ul style="list-style-type: none"> <li>Beach Renourishment Program</li> </ul>	Town Capital Improvement Program	Protection of coastal private property and public infrastructure from damage caused by storm surge or tidal flooding	To-date the Beach Renourishment Program has been successful in providing its mitigation function. On-going monitoring of the beach allows the Town to program expenditures. A reserve fund is established to fund future Beach Renourishment, however, additional state and federal resources would aid effectiveness.
<ul style="list-style-type: none"> <li>Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management</li> </ul>	Future Land Use Element; Goal 1, Objective 1.1, Policy 1.1.1 (d)	Establishes basis for drainage and stormwater management regulations.	Implemented drainage and stormwater management regulations. Cost-benefit analysis to determine if regulations could be strengthened to require drainage plans for SWFWMD exempt properties may be appropriate.
<ul style="list-style-type: none"> <li>As set forth in the Town of Longboat Key Zoning Code Chapter 158.138 and 158.139, land development regulations shall allow for the reconstruction of legal conforming and nonconforming structures in the event of involuntary damaged or destroyed structure, building, or use to its pre-existing density, area, and cubic content.</li> </ul>	Future Land Use Element; Goal 1, Objective 1.1, Policy 1.1.5	Establishes basic property rights in the event of involuntary damaged or destroyed structures.	Evaluation of effectiveness limited due to few isolated applications of this policy. Policy very important for private investment decisions.
<ul style="list-style-type: none"> <li>The Town will adopt land development and performance regulations and standards that ensure the protection of environmentally sensitive land which at a minimum will:               <ol style="list-style-type: none"> <li>Protect conservation lands as designated in the Conservation Element.</li> <li>Adhere to appropriate FEMA regulations regarding development.</li> <li>Adhere to appropriate state and local building regulations and standards regarding designated wetlands, dunes, surface waters, etc.</li> </ol> </li> </ul>	Future Land Use Element; Goal 1, Objective 1.1, Policy 1.1.6	Establishes basis for local regulations and policies which protect wetlands, coastal dunes and other conservation lands; requires enforcement of FEMA regulations.	Implemented, no net loss in wetland areas and coastal dunes from land development, and strict adherence to FEMA regulations.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<ul style="list-style-type: none"> <li>Proposals for development within the designated floodplains will be approved only if significant alteration of the functions of the floodplain will not occur (i.e., no increase in flood hazards should be permitted) and if the proposed development is consistent with performance standards of the appropriate agencies regulating development within designated floodplain areas.</li> </ul>	Future Land Use Element; Goal 1, Objective 1.2, Policy 1.2.1	Reduction of loss of life and property caused by tidal flooding or rainstorm flooding.	Implemented through enforcement of flood control and wetland regulations.
<ul style="list-style-type: none"> <li>The developer/owner of any site will be responsible for the onsite management of runoff in such a manner that post-development discharge rates will not exceed pre-development conditions.</li> </ul>	Future Land Use Element; Goal 1, Objective 1.2, Policy 1.2.2	Reduction of life and property caused by rainstorm flooding.	Policy effectively accomplishes mitigation function for SWFWMD permitted projects.
<ul style="list-style-type: none"> <li>The Town of Longboat Key will continue to coordinate with Sarasota and Manatee Counties and adjacent municipalities in order to ensure the safe evacuation of all residents and visitors on a timely basis in the event of severe weather conditions.</li> </ul>	Transportation Element; Goal 1, Objective 1.9, Policy 1.9.1	Prevention of loss of life through safe, coordinated evacuation routes.	Mitigation function addressed through on-going Town participation with MPO and coordination with the Counties and adjacent municipalities.
<ul style="list-style-type: none"> <li>... The data on the distribution system should include a list of the system's components and their locations, the age and condition of the facilities, and the expected life of the various components of the system.</li> </ul>	Potable Water Subelement; Goal 2, Objective 2.1, Policy 2.1.1	Requires establishment and maintenance of database for critical potable water facility.	Implemented through implementation of 5 year water and wastewater inspection reports.
<ul style="list-style-type: none"> <li>The existing water distribution system will be converted into a looped system, where and when practicable, to mitigate against the loss of water pressure during periods of high water use, to enable the Town to isolate sections for emergency repairs without interruption of service to the rest of the Town, and to reduce the number of dead-end lines which degrade water quality.</li> </ul>	Potable Water Subelement; Goal 2, Objective 2.4, Policy 2.4.1	Prevention of loss or interruption of critical potable water facility.	Policy researched and considered; due to fiscal and physical constraints, no pending action. Reconsider review at future date if conditions change.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<ul style="list-style-type: none"> <li>To identify alternatives for potable water service in emergency or post-disaster circumstances.</li> </ul>	Potable Water Subelement; Goal 3, Objective 3.3	Maintain provision of critical potable water service.	In the event of a hazard event emergency generators are in place to pressurize the water system and the two water storage facilities are maintained at full capacity to meet emergency needs. In addition, the Town has two water mains serving the Key: the main extending from Bradenton Beach and a subaqueous main in Sarasota Bay. The subaqueous line is available to provide emergency water service. If the above alternative sources fail to meet emergency needs the Town will rely on the U.S. Army Corp to provide temporary service of potable water.
<ul style="list-style-type: none"> <li>Negotiations will be held with the City of Sarasota on backup systems for potable water supply, for use in emergency situations, subject to funding of the interconnect project by the Peace River Manasota Regional Water Supply Authority.</li> </ul>	Potable Water Subelement; Goal 3, Objective 3.3, Policy 3.3.1	Maintain provision of critical potable water service.	Interconnect project by Peace River Manasota Regional Water Supply Authority is programmed. Agreement has not been reached for connecting the Town to City of Sarasota water system.
<ul style="list-style-type: none"> <li>To prohibit the improper storage and disposal of solid and hazardous waste.</li> </ul>	Solid Waste Subelement; Goal 1, Objective 1.2	Prevention of loss of life or property caused by spills / non-containment of hazardous waste.	Implemented through enforcement of land use regulations and this policy; limited hazardous material on Key is properly stored.
<ul style="list-style-type: none"> <li>The Town will participate in any area wide program for management of hazardous materials in commercial, service, or institutional land uses.</li> </ul>	Solid Waste Subelement; Goal 2, Objective 2.1, Policy 2.1.3	Prevention of loss of life or property caused by spills / non-containment of hazardous waste.	On-going coordination with Manatee County in identifying post-disaster hazardous material burn sites.
<ul style="list-style-type: none"> <li>To provide an effective drainage system to protect human life and to minimize property damage while preventing environmental degradation.</li> </ul>	Drainage Subelement; Goal 1	Protection of life and minimized property damage caused by tidal or rainstorm flooding.	Existing drainage system effectively reduces non-tidal stormwater flooding. The Town will continue to provide or require drainage improvements in areas that are still prone to non-tidal stormwater flooding.
<ul style="list-style-type: none"> <li>To provide a drainage system that will minimize flooding of streets and will strive to protect property from flood damage. Drainage systems on Jewish Key will be owned and maintained privately.</li> </ul>	Drainage Subelement; Goal 1, Objective 1.1	Reduction of loss of life caused by flooded evacuation routes, reduction of loss of life or property caused by tidal or rainstorm flooding.	The drainage system along SR789 effectively minimizes flooding of the road. The Town and FDOT are actively addressing isolated areas along 789 that are prone to flooding. Isolated flooding of local streets are being addressed on an on-going basis.
<ul style="list-style-type: none"> <li>The current drainage system will continue to be inventoried and evaluated and any areas which currently have flooding problems will be identified.</li> </ul>	Drainage Subelement; Goal 1, Objective 1.1, Policy 1.1.1	Reduction of loss of property caused by tidal or rainstorm flooding.	Implemented through Public Works Department regular maintenance program for Town drainage system and participation in NPDES program.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<ul style="list-style-type: none"> <li>Development will continue to be restricted in those areas where unresolved problems exist. All new development will be required to incorporate stormwater management systems consistent with applicable state, local laws and regulations into the site plan.</li> </ul>	Drainage Subelement; Goal 1, Objective 1.1, Policy 1.1.2	Reduction of loss of property caused by tidal or rainstorm flooding.	Implemented, all new developments are required to obtain Town and State approved stormwater management systems.
<ul style="list-style-type: none"> <li>A drainage improvement program will continue to be set up to maintain and improve the drainage system. A data base will be maintained on the age and condition of drainage facilities to aid in identifying and scheduling maintenance and improvements. This program will be coordinated with the Town's capital improvements plan.</li> </ul>	Drainage Subelement; Goal 1, Objective 1.1, Policy 1.1.3	Reduction of loss of property caused by tidal or rainstorm flooding as a result of a funded maintenance / improvement program of drainage system.	Formalized drainage improvement program not established nor coordinated with the Town's Capital Improvement plan. Existing drainage systems are primarily FDOT or private facilities.
<ul style="list-style-type: none"> <li>To preserve wetlands as natural storage areas and utilize wetlands as part of a stormwater management program.</li> </ul>	Drainage Subelement; Goal 2	Reduction of loss of property caused by tidal or rainstorm flooding.	Implemented through enforcement of wetland regulations and land development approval process; wetlands have been preserved and utilized in drainage plans.
<ul style="list-style-type: none"> <li>To restrict development in wetland areas and strictly monitor and control development adjacent to wetland areas.</li> </ul>	Drainage Subelement; Goal 2, Objective 2.1	Reduction of loss of property caused by tidal or rainstorm flooding.	Implemented through enforcement of wetland regulations and land development approval process.
<ul style="list-style-type: none"> <li>Wetlands will be identified as stormwater retention areas. Development regulations which reinforce the importance of wetlands will be adopted and development that would reduce their ability to function as part of the stormwater management system will be restricted.</li> </ul>	Drainage Subelement; Goal 2, Objective 2.1, Policy 2.1.1	Reduction of loss of property caused by flooding.	Implemented through enforcement of wetland regulations and land development approval process.
<ul style="list-style-type: none"> <li>Public education regulations regarding wetlands and the importance of wetlands in maintaining water quality will be promoted.</li> </ul>	Drainage Subelement; Goal 2, Objective 2.1, Policy 2.1.2	Reduction of loss of property caused by tidal or rainstorm flooding.	Public education implemented through availability of wetlands information at Planning, Zoning & Building Department, educational signage at Quick Point Park and Durante Park, two wetland restoration projects, and requiring informational wetlands signage for new residential development.
<ul style="list-style-type: none"> <li>To require developers to submit, for Town approval, drainage plans consistent with applicable local and state law for stormwater management systems, before building permits are approved or issued.</li> </ul>	Drainage Subelement; Goal 3, Objective 3.2	Reduction of loss of property caused by tidal or rainstorm flooding.	Implemented through enforcement of land development regulations and land development approval process.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<ul style="list-style-type: none"> <li>Drainage plans will include a hydrological survey of the site showing natural and manmade drainage systems, a survey of drainage systems on adjacent properties which may be impacted by the development, and the calculations used to estimate stormwater runoff.</li> </ul>	Drainage Subelement; Goal 3, Objective 3.2, Policy 3.2.1	Reduction of loss of property caused by tidal or rainstorm flooding.	Implemented through enforcement of land development regulations and land development approval process.
<ul style="list-style-type: none"> <li>Drainage plans will incorporate detention and retention of stormwater as much as possible. For example, retention and/or detention areas can be incorporated on roofs, parking areas, and open or landscaped areas.</li> </ul>	Drainage Subelement; Goal 3, Objective 3.2, Policy 3.2.2	Reduction of loss of property caused by tidal or rainstorm flooding.	Implemented through enforcement of land development regulations and land development approval process.
<ul style="list-style-type: none"> <li>The amount of stormwater discharged from the site after development should not exceed the amount discharged prior to development.</li> </ul>	Drainage Subelement; Goal 3, Objective 3.2, Policy 3.2.3	Reduction of loss of property caused by tidal or rainstorm flooding.	Implemented through enforcement of land development regulations and land development approval process.
<ul style="list-style-type: none"> <li>All new development within the Town of Longboat Key must comply with the applicable Southwest Florida Water Management District Stormwater Treatment and Storage Regulations.</li> </ul>	Drainage Subelement; Goal 3, Objective 3.2, Policy 3.2.5	Reduction of loss of property caused by tidal or rainstorm flooding.	Implemented through enforcement of land development regulations and land development approval process; new single-family development not part of approved site plan is exempt from SWFWMD regulations.
<ul style="list-style-type: none"> <li>Adopt and maintain a 25 yr/24 hr frequency storm drainage system level of service in accordance with the Town's Concurrency Management System.</li> </ul>	Drainage Subelement; Goal 3, Objective 3.2, Policy 3.2.6	Reduction of loss of property caused by tidal or rainstorm flooding.	Implemented through enforcement of this policy and land development regulations.
<ul style="list-style-type: none"> <li>To ensure provision of sufficient recreation facilities and open space areas to satisfy the health, safety, and welfare needs of the Town of Longboat Key community.</li> </ul>	Recreation and Open Space Element; Goal 1	Acquisition of open space land reduces the amount of private property that may be damaged by hazards.	Implemented through past and programmed purchase of open space.
<ul style="list-style-type: none"> <li>The Town of Longboat Key hereby adopts a level of service (LOS) of twelve (12) acres per 1,000 population (LOS 12/1000) as the Recreation and Open Space level of service standards to be utilized in meeting public demand.</li> </ul>	Recreation and Open Space Element; Goal 1, Objective 1.1, Policy 1.1.3	Acquisition of open space land reduces the amount of private property that may be damaged by hazards.	Implemented through enforcement of this policy and open space and land acquisition regulations.
<ul style="list-style-type: none"> <li>To protect lands designated as open space on the existing Future Land Use Map from incompatible land uses and to ensure that open space lands remain functionally intact.</li> </ul>	Recreation and Open Space Element; Goal 1, Objective 1.2	Reduction of loss of property caused by hazards.	Implemented through enforcement of this policy and land use regulations.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<ul style="list-style-type: none"> <li>The Town will consider developing a list of criteria for open space land acquisition rather than a set list of properties to purchase.</li> </ul>	Recreation and Open Space Element; Goal 1, Objective 1.2, Policy 1.2.2	Provision of evaluative criteria to guide purchase of open space.	List of criteria for open space land acquisition is included in Comprehensive Plan.
<ul style="list-style-type: none"> <li>Acquisition of land and capital improvements of existing land will continue to be funded by the Town of Longboat Key's Parks and Open Space Land Acquisition Fund.</li> </ul>	Recreation and Open Space Element; Goal 1, Objective 1.2, Policy 1.2.4	Provision of funding source for acquisition of open space.	Implemented through enforcement of open space and land acquisition regulations.
<ul style="list-style-type: none"> <li>From 1986, the Town will protect the acreage and extent of coastal wetlands remaining in the Town.</li> </ul>	Conservation and Coastal Management Element; Goal 1, Objective 1.1	Reduction of loss of property caused by tidal or rainstorm flooding.	Implemented through enforcement of wetland regulations.
<ul style="list-style-type: none"> <li>No development activity shall be allowed in a wetland area unless "competent evidence" indicates that 1) dominant vegetation is no longer comprised of wetland types, and 2) the water regime has been permanently altered naturally or artificially in a manner to preclude its associated watershed areas from functioning as wetlands.</li> </ul>	Conservation and Coastal Management Element; Goal 1, Objective 1.1, Policy 1.1.1	Reduction of loss of property caused by tidal or rainstorm flooding.	Implemented through enforcement of wetland regulations.
<ul style="list-style-type: none"> <li>The Town will maintain and finance as appropriate the program to maintain the Town's beach restoration project and control effects of erosion which threaten developed community properties.</li> </ul>	Conservation and Coastal Management Element; Goal 1, Objective 1.4	Reduction of loss of life or property caused by tidal or rainstorm flooding and storm surge.	Beach restoration project maintained and funding programmed for continued restoration efforts.
<ul style="list-style-type: none"> <li>The Town will not permit development on dunes or in areas that threatens current natural beach patterns.</li> </ul>	Conservation and Coastal Management Element; Goal 1, Objective 1.4, Policy 1.4.1	Reduction of loss of life or property caused by tidal or rainstorm flooding and storm surge.	Implemented through enforcement of policy and 150 ft. minimum gulf waterfront yard regulations.
<ul style="list-style-type: none"> <li>The Town will encourage owners of structures threatened by destruction to relocate their buildings.</li> </ul>	Conservation and Coastal Management Element; Goal 1, Objective 1.4, Policy 1.4.2	Reduction of loss of life or property caused by tidal or rainstorm flooding and storm surge.	Implemented through land development approval process and enforcement of 150 ft. minimum gulf waterfront yard regulations.
<ul style="list-style-type: none"> <li>The Town shall implement the basic provisions of the 1996 long-term comprehensive beach management plan in cooperation with other agencies.</li> </ul>	Conservation and Coastal Management Element; Goal 1, Objective 1.4, Policy 1.4.3	Reduction of loss of property caused by tidal flooding and storm surge.	Implemented through implementation of on-going Town-wide beach renourishment program.
<ul style="list-style-type: none"> <li>Any action taken must include the purpose of restoring and maintaining beaches and dunes to their natural functions.</li> </ul>	Conservation and Coastal Management Element; Goal 1, Objective 1.4, Policy 1.4.4	Reduction of loss of property caused by tidal flooding and storm surge.	Implemented through implementation of on-going Town-wide beach renourishment program.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<ul style="list-style-type: none"> <li>The Town will continue to support mitigation and construction standard programs promoted by FEMA and FDEP</li> </ul>	Conservation and Coastal Management Element; Goal 1, Objective 1.4, Policy 1.4.5	Promotion of hazard mitigation programs.	Implemented by enforcement of Town Flood Control Standard, support of FDEP standards and participation in development of LMS.
<ul style="list-style-type: none"> <li>No motorized vehicles, except for emergency purposes or unless there is an overriding public interest for the community, shall be allowed on the gulf-front beaches of Longboat Key</li> </ul>	Conservation and Coastal Management Element; Goal 1, Objective 1.4, Policy 1.4.7	Protection of beach profile and beach and dune vegetation to reduce loss of property caused by tidal flooding and storm surge.	Implemented through enforcement of this policy.
<ul style="list-style-type: none"> <li>As long as the Town's existing beach restoration project is basically maintained, no new shoreline armoring shall be permitted, except for emergency repairs, on the gulf-front beaches of Longboat Key.</li> </ul>	Conservation and Coastal Management Element; Goal 1, Objective 1.4, Policy 1.4.8	Maintenance of beach restoration program to reduce loss of property caused by tidal flooding and storm surge.	Implemented through enforcement of this policy and the shoreline construction code.
<ul style="list-style-type: none"> <li>Prior to the completion of any island-wide beach renourishment program, new armoring shall only be permitted for those properties where there is imminent danger of the primary inhabitable structure or public facility being destroyed or suffering extreme damage.</li> </ul>	Conservation and Coastal Management Element; Goal 1, Objective 1.4, Policy 1.4.9	Maintenance of beach restoration program to reduce loss of property caused by tidal flooding and storm surge.	Implemented through enforcement of this policy and the shoreline construction code.
<ul style="list-style-type: none"> <li>Man-made structures shall not be erected seaward of the Town's coastal construction set-back line that existing prior to 1987, with the exception of those structures allowed by the Town's building code for single-family homes, safety, recreational and wind protection purposes. Development permitted by this policy shall not be in conflict with Policy 1.4.8 and 1.4.9 above. Areas seaward of the Town's newly established Coastal Construction Control line by FDEP shall require approval by FDEP of development proposals prior to or as a condition of the Town committing to providing infrastructure, or authorizing the provision of infrastructure by other public entities.</li> </ul>	Conservation and Coastal Management Element; Goal 1, Objective 1.4, Policy 1.4.10	Maintenance of beach restoration program to reduce loss of property caused by tidal flooding and storm surge.	Policy implemented and enforced through land development regulations.
<ul style="list-style-type: none"> <li>Sand dunes and natural landscape barriers fronting on the Gulf of Mexico shall be preserved, enhanced and restored to the greatest extent possible through the land development process.</li> </ul>	Conservation and Coastal Management Element; Goal 1, Objective 1.4, Policy 1.4.11	Protection of beach profile and beach and dune vegetation to reduce loss of property caused by tidal flooding and storm surge.	Implemented through enforcement of this policy and 150 ft. minimum gulf waterfront yard regulations.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<ul style="list-style-type: none"> <li>In landscaping efforts, priority is given to removing nuisance exotic, maintaining native trees, and using vegetation that is dry season and wet season tolerant.</li> </ul>	Conservation and Coastal Management Element; Goal 1, Objective 1.7, Policy 1.7.2	Reduction of loss of property caused by fallen trees, maintenance of an open evacuation route.	Implemented through Town Australian Pine Tree removal program and site plan condition of approval requiring removal of Australian Pine Trees. Additional funding needed to accelerate Australian Pine Tree removal program.
<ul style="list-style-type: none"> <li>The Town shall invest in infrastructure necessary to meet its future land use demand for coastal infrastructure consistent with public health, welfare and safety.</li> </ul>	Conservation and Coastal Management Element; Goal 2	Maintenance of existing infrastructure to prevent loss of critical facilities caused by hazard events.	Implemented through infrastructure maintenance program. Additional funds needed to optimize hazard mitigation.
<ul style="list-style-type: none"> <li>The Town will continue to limit development throughout the planning period to that for which existing or planned facilities can service.</li> </ul>	Conservation and Coastal Management Element; Goal 2, Objective 2.1	Reduction of loss of life and property caused by hazard events.	Implemented through enforcement of above referenced Town Charter provision and land development regulations.
<ul style="list-style-type: none"> <li>No additional road, water, sewer, or drainage shall be provided that increases capacity beyond that population forecasted for the Town during peak season.</li> </ul>	Conservation and Coastal Management Element; Goal 2, Objective 2.1, Policy 2.1.1	Limit extent of critical infrastructure that is vulnerable to loss from hazard event.	Implemented through enforcement of this policy.
<ul style="list-style-type: none"> <li>The Town shall minimize the addition of road, water, sewer, or drainage, or public building infrastructure in the V-Zone, nor shall additional infrastructure be cited in potential breach areas. Further, new development in the Coastal Construction Control line area as established by FDEP shall not be provided infrastructure by the Town unless FDEP concurs with the development proposal.</li> </ul>	Conservation and Coastal Management Element; Goal 2, Objective 2.1, Policy 2.1.2	Limit extent of critical infrastructure and reduction of loss of life and property caused by tidal flooding or storm surge.	Implement through enforcement of policy and enforcement of land development regulations.
<ul style="list-style-type: none"> <li>Shoreline residential developments shall not obstruct view of water for long, unbroken distances.</li> </ul>	Conservation and Coastal Management Element; Goal 2, Objective 2.2, Policy 2.2.9	Reduction of loss of property caused by tidal flooding or storm surge.	Implemented through enforcement of land development regulations.
<ul style="list-style-type: none"> <li>The Town's total growth will not exceed the area's ability to manage the Town's evacuation in the event of hurricanes.</li> </ul>	Conservation and Coastal Management Element; Goal 3	Reduction of loss of life caused by ineffective evacuation.	Implemented through enforcement of above reference Town Charter provision and enforcement of land development regulations.
<ul style="list-style-type: none"> <li>From 1988, the Town's growth will be regulated to the extent needed to ensure that there is no probable cause to expect that the Town's population cannot be evacuated from the Town limits in the event of an evacuation order.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.1	Reduction of loss of life caused by ineffective evacuation.	Implemented through enforcement of above referenced Town Charter provision and enforcement of land development regulations.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<ul style="list-style-type: none"> <li>The Town shall not have development to such an extent that the population cannot be evacuated to a place of shelter within 18 hours of an evacuation order being issued.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.1, Policy 3.1.1	Reduction of loss of life caused by ineffective evacuation.	Implemented through enforcement of above referenced Town Charter provision and enforcement of land development regulations.
<ul style="list-style-type: none"> <li>The Town will support continued identification by Sarasota and Manatee counties of public and private shelter, including rental space, for all Town residents.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.1, Policy 3.1.2	Reduction of loss of life caused by hazard event requiring evacuation.	Successfully implemented through coordination with Sarasota and Manatee County Emergency Operation Centers.
<ul style="list-style-type: none"> <li>The Town declares "standing" in all development decisions along the Town's evacuation routes, including immediate routes to I-75, that would adversely affect the Town's evacuation times.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.1, Policy 3.1.3	Reduction of loss of life caused by hazard event requiring evacuation.	Implemented through review and comment of any outside jurisdiction development proposal or highway project that may adversely impact evacuation of Town residents.
<ul style="list-style-type: none"> <li>The Town will participate in all transportation planning efforts to ensure the 18-hour maximum total hurricane evacuation time, as suggested by the Southwest Florida Regional Planning Council, can be maintained during an evacuation on the Town's evacuation route.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.1, Policy 3.1.4	Reduction of loss of life caused by hazard event requiring evacuation.	Implemented through participation of MPO transportation planning efforts.
<ul style="list-style-type: none"> <li>The Town will participate in beach renourishment or other appropriate erosion control efforts for those areas along the Town's evacuation route likely to be breached due to erosion trends.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.1, Policy 3.1.5	Reduction of loss of life caused by hazard event requiring evacuation.	Implemented through on-going Town beach renourishment program and review of beach renourishment programs outside Town that are located along Town evacuation route.
<ul style="list-style-type: none"> <li>The Town shall consider a hurricane shelter policy of vertical refuge as a policy of last resort in hurricane evacuation comprehensive planning efforts.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.1, Policy 3.1.6	Reduction of loss of life caused by tidal flooding or storm surge.	The standard operating procedure of the Town is to enforce mandatory evacuation orders. All residents are to evacuate the Key. Only essential Town personnel will remain on the Key and will utilize pre-arranged vertical refuge until sustained winds reach 45 mph when all personnel are instructed to leave the Key.
<ul style="list-style-type: none"> <li>From 1988, the Town will reduce the number of structures subject to damage in high hazard areas.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.2	Reduction of loss of life and property caused by tidal flooding or storm surge.	Implemented through buy-out of repetitive loss properties and enforcement of land development regulations.
<ul style="list-style-type: none"> <li>The Town will promote the relocation of structures in V-Zones to safer locations, consistent with road right of way needs.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.2, Policy 3.2.1	Reduction of loss of life and property caused by tidal flooding or storm surge.	Implemented through enforcement of land development regulations.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<ul style="list-style-type: none"> <li>The Town will support owners taking advantage of "buy out" programs for structures in the V-Zones.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.2, Policy 3.2.2	Reduction of loss of life and property caused by tidal flooding or storm surge.	Implemented through buy-out of repetitive loss properties in V-zones.
<ul style="list-style-type: none"> <li>The Town will enforce FEMA and FDEP Coastal Construction Control Line (CCCL) requirements for the safety of structures.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.2, Policy 3.2.3	Reduction of loss of life and property caused by tidal flooding or storm surge.	Implemented through enforcement of Town Flood Control regulations and requiring adherence to FDEP permit requirements.
<ul style="list-style-type: none"> <li>The Town will not fund new armoring or groin construction along the Gulf, unless such structures are temporary and integrated into the long term beach nourishment project. No new private efforts will be permitted unless such structures are temporary and maybe integrated into the Town's long term beach nourishment project.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.2, Policy 3.2.4	Reduction of loss of life and property caused by tidal flooding or storm surge.	Implemented through enforcement of this policy and shoreline construction code.
<ul style="list-style-type: none"> <li>The Town shall require all future building setbacks, fronting the Town's north and south passes, to be equal to or greater than those setbacks required for construction along the Gulf of Mexico.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.2, Policy 3.2.5	Reduction of loss of life and property caused by tidal flooding or storm surge.	Implemented through enforcement of Town Land Development regulations.
<ul style="list-style-type: none"> <li>After 1988, the Town will not allow build-back in high hazard (V-Zone and breach) areas, except under the circumstances described in the policies below.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.3	Reduction of loss of life and property caused by tidal flooding or storm surge.	Implemented through enforcement of this policy and enforcement of land development regulations.
<ul style="list-style-type: none"> <li>In the event a hurricane strikes, the recovery effort will be accelerated by emergency permits to repair and cleanup damage to private and public structures and utilities, to the extent such situations are still marginally (in excess of 50%) usable without such repair.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.3, Policy 3.3.1	Maximization of post-disaster recovery process.	Effectiveness of policy not measurable since there has been no hurricane strike on the Key.
<ul style="list-style-type: none"> <li>Structures suffering in excess of 50 percent damage will be examined to determine if they are in the V-Zone, or in an area breached by storm action (high hazardous areas). If so, they will not be issued a permit to rebuild as originally designed.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.3, Policy 3.3.2	Reduction of loss of life or property due to tidal flooding or storm surge.	Implemented by enforcement of this policy and building permitting process.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<ul style="list-style-type: none"> <li>• Structures denied permits to rebuild as originally designed shall be offered one of the following options:               <ol style="list-style-type: none"> <li>1. Redesigning structure to meet FEMA height and FDEP (CCCL) requirements.</li> <li>2. Collection of FEMA insurance and not rebuilding, demolishing the remnants.</li> <li>3. Collection of FEMA insurance and sale of remainder of the property to the Town or to any Federal or State program available for such purposes.</li> </ol> </li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.3, Policy 3.3.3	Reduction of loss of life or property due to tidal flooding or storm surge.	Highly effective means to accomplish mitigation function; implemented through enforcement of this policy and enforcement of Flood Control regulations and land development regulations and Town purchase of property.
<ul style="list-style-type: none"> <li>• The Town shall not allow the increase in density or intensity of structures damaged by a storm.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.3, Policy 3.3.4	Reduction of loss of life or property due to tidal flooding or storm surge.	Implemented through enforcement of land development regulations.
<ul style="list-style-type: none"> <li>• No further storage of hazardous materials will be allowed in any structure damaged by storm action.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.3, Policy 3.3.5	Reduction of loss of life or property due to tidal flooding or storm surge.	To be implemented by enforcement of this policy, to date has not been implemented.
<ul style="list-style-type: none"> <li>• No property owner shall be denied a permit to rebuild an involuntarily damaged or destroyed structure, building, or use to its pre-existing density, areas, and cubic content.</li> </ul>	Conservation and Coastal Management Element; Goal 3, Objective 3.3, Policy 3.3.6	Establishes basic property rights in the event of involuntarily damaged or destroyed structures.	Evaluation of effectiveness limited due to few applications of this policy. Policy very important for private investment decisions.
<ul style="list-style-type: none"> <li>• To provide a process for intergovernmental coordination among the counties, neighboring municipalities, and the Town of Longboat Key through a memorandum agreement.</li> </ul>	Intergovernmental Coordination Element; Goal 1, Objective 1	Provides for multi-jurisdictional hazard mitigation efforts.	Implemented through existing interlocal agreements concerning hurricane preparedness and post disaster recovery.
<ul style="list-style-type: none"> <li>• Mutual aid agreements will continue to be formalized with other jurisdictions to coordinate the delivery of fire protection, police protection, and rescue and pre-hospital emergency medical care to avoid unnecessary duplication of service and to provide prompt response during an emergency               <ol style="list-style-type: none"> <li>1. Rehabilitate lift stations, lines and manholes/\$30,000 yr.</li> <li>2. Rehabilitate stand-by pumps in lift stations/ \$10,000 yr.</li> <li>3. Beach Trust (Maintenance)/ \$300,000 yr.</li> </ol> </li> </ul>	Intergovernmental Coordination Element; Goal 1, Objective 2, Policy 2.3	Reduction of loss of life and property caused by hazard event.	Mutual aid agreements are in place and are reviewed on an annual basis by Town emergency personnel.
<ul style="list-style-type: none"> <li>1. Rehabilitate lift stations, lines and manholes/\$30,000 yr.</li> <li>2. Rehabilitate stand-by pumps in lift stations/ \$10,000 yr.</li> <li>3. Beach Trust (Maintenance)/ \$300,000 yr.</li> </ul>	Capital Improvements Element; Table 1, Longboat Key Capital Improvements Necessary to Maintain LOS Standards, 1996-2000	Program funding to mitigate loss of critical infrastructure caused by hazard event, program funding for beach renourishment to reduce loss of life or property caused by tidal flooding or storm surge.	Implemented, reserve trust funds maintained for programmed expenditures. Additional funding to expedite improvements would accelerate program and reduce levels of risk exposure of existing infrastructure.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<ul style="list-style-type: none"> <li>The Town shall, as a matter of priority, schedule and fund all capital improvement projects in the 5-Year Schedule of Improvements, starting with the projects identified in the Capital Improvements Element as correcting existing deficiencies and maintaining adopted levels of service, and continuing with Town contributions to the Beach Maintenance Program</li> </ul>	Capital Improvements Element; Goal 1, Objective 1.1, Policy 1.1.2	Programming of expenditures to reduce loss of critical infrastructure caused by hazard event, programming of expenditures for beach maintenance program to reduce loss of property caused by tidal flooding or storm surge.	Implemented, reserve trust funds maintained for programmed expenditures.
<ul style="list-style-type: none"> <li>Public expenditures that subsidize development in high hazard coastal areas will be limited to those improvements included in the Conservation and Coastal Management Element.</li> </ul>	Capital Improvements Element; Goal 1, Objective 1.2	Limit loss of property in high hazard coastal areas.	Policy implemented through Town budgeting process.
<ul style="list-style-type: none"> <li>The Town shall expend funds in high hazard coastal areas for the replacement and renewal of existing public facilities, including contributions to the Beach Maintenance Project.</li> </ul>	Capital Improvements Element; Goal 1, Objective 1.2, Policy 1.2.1	Public expenditures limited to replacement of existing infrastructure and beach renourishment program. Reduction of loss of critical infrastructure caused by hazards.	Implemented through Town budgeting process.
<ul style="list-style-type: none"> <li>The Town shall continue to charge land acquisition fees as a condition for building permits, with the proceeds to be used for acquisition of or improvements to parks and open space.</li> </ul>	Capital Improvements Element; Goal 1, Objective 1.4, Policy 1.4.1	Establishes funding sources of Town open space and land acquisition program.	Implemented through collection of open space and land acquisition fees.
<ul style="list-style-type: none"> <li>The Town shall continue to charge water and sewer connection fees which reflect a proportionate share of facility costs.</li> </ul>	Capital Improvements Element; Goal 1, Objective 1.4, Policy 1.4.2	Establishes funding source for maintenance of critical infrastructure.	Implemented through collection of connection fees.
<ul style="list-style-type: none"> <li>A minimum of \$300,000 per year for seven years, shall be allocated revenues from Infrastructure Sales Taxes and Tourist Development Taxes to the Beach Maintenance Trust Fund for the sole purpose of implementing a Beach Restoration and Renourishment Program.</li> </ul>	Capital Improvements Element; Goal 1, Objective 1.5, Policy 1.5.3	Establishes funding sources for beach restoration / renourishment program.	Implemented through Town budgeting process.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<b><u>Subdivision Code -</u></b>			
• Design Standards, Suitability of land	Chapter 157, Section 157.40	Reduction of loss of property caused by rainstorm or tidal flooding or improper drainage.	Implemented through enforcement of subdivision regulations.
• Required Improvements, Elevation and land filling	Chapter 157, Section 157.57	Filling, dredging, clearing of land and changing character of land regulated to prevent loss of property caused by rainstorm or tidal flooding.	Implemented through enforcement of subdivision regulations.
• Required Improvements, Drainage	Chapter 157, Section 157.59	Requirement of approved drainage plans to reduce loss of property caused by rainstorm or tidal flooding.	Implemented through enforcement of subdivision regulations.
<b><u>Zoning Code -</u></b>			
• Definitions	Chapter 158, Article I, General Provisions, Section 158.006	Limitation on the design of beach shelters to reduce damage caused by airborne debris during a storm event.	Implemented through enforcement of Zoning Code.
• Parks and Open Space Land Acquisition	Chapter 158, Article I, General Provisions, Section 158.017	Provision of open space or fee in lieu of conveyance to reduce loss of property caused by hazard event.	Implemented through enforcement of Zoning Code.
• Open Space	Chapter 158, Article III, Site and Development Plans, Division 1, Planned Unit Developments, Section 158.069	Require 50% minimum open space for residential uses and 20% minimum open space for non-residential use; reduction of loss of property caused by hazard events.	Implemented through enforcement of Zoning Code.
• Residential Density	Chapter 158, Article III, Site and Development Plans, Division 1, Planned Unit Developments, Section 158.070	Require maximum density for planned unit developments to reduce loss of property caused by hazard events.	Implemented through enforcement of Zoning Code.
• Application for site plan approval	Chapter 158, Article III, Site and Development Plans, Division 2, Site Development Plans, Section 158.097	Require surface water management plans for site plans to reduce loss of property caused by rainstorm or tidal flooding.	Implemented through enforcement of Zoning Code.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
• Performance standards for site and development plans	Chapter 158, Article III, Site and Development Plans, Division 2, Site Development Plans, Section 158.102(c)	Maximum floor area ratio and minimum open space ratio; reduction of loss of life or property caused by hazard events.	Implemented through enforcement of Zoning Code.
• Open Space and Landscape	Chapter 158, Article III, Site and Development Plans, Division 2, Site Development Plans, Section 158.102(F)(1,2,3)	Require 50% minimum open space for residential uses and 20% minimum open space for nonresidential use to reduce loss of property caused by hazard events.	Implemented through enforcement of Zoning Code.
• Wetland Development Restrictions	Chapter 158, Article III, Site and Development Plans, Division 2, Site Development Plans, Section 158.102(G)	Reduction of loss of property caused by rainstorm or tidal flooding.	Implemented through enforcement of Zoning Code.
• Distance Between Buildings	Chapter 158, Article III, Site and Development Plans, Division 2, Site Development Plans, Section 158.102(L)(2)	Reduction of loss of life and property caused by hazard event.	Implemented through enforcement of Zoning Code.
• Schedule of Use Regulations	Chapter 158, Article IV, General Regulations, Division 1, Use Regulations, Section 158.125	Prohibition of industrial uses and other uses that are incompatible with barrier island to reduce loss of life or property caused by hazard event.	Implemented through enforcement of Zoning Code.
• Accessory use or building	Chapter 158, Article IV, General Regulations, Division 1, Use Regulations, Section 158.127	Prohibition of accessory uses or structures on vacant property to reduce loss of property caused by hazard event and require anchorage standards for antennas to prevent airborne debris caused by tropical storm.	Implemented through enforcement of Zoning Code.
• Mobile home parks	Chapter 158, Article IV, General Regulations, Division 1, Use Regulations, Section 158.133	Prohibition of new mobile home parks to reduce loss of life and property caused by hazard event.	Implemented through enforcement of Zoning Code.
• Status of nonconformities	Chapter 158, Article IV, General Regulations, Division 1, Use Regulations, Section 158.138	Provides restrictions on non-conforming structures or buildings to reduce loss of property caused by hazard event.	Implemented through enforcement of Zoning Code.
• Reconstruction of nonconformities in the event of involuntary destruction or damage	Chapter 158, Article IV, General Regulations, Division 1, Use Regulations, Section 158.139	Prohibition on increase in extent of nonconformities when rebuilding in event of involuntary destruction or damage, reduces loss of life and property caused by hazard event.	Implemented through enforcement of Zoning Code.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
• Schedule of lot, yard and bulk regulations	Chapter 158, Article IV, General Regulations, Division 2, Lot, Yard and Bulk Regulations, Section 158.145	Establishes minimum lot, yard & bulk standard to reduce loss of life and property caused by hazard event.	Implemented through enforcement of Zoning Code.
• Yard Regulations	Chapter 158, Article IV, General Regulations, Division 2, Lot, Yard and Bulk Regulations, Section 158.150	Requires 150 ft. gulf and pass front setbacks to reduce loss of property caused by tidal flooding or storm surge.	Implemented through enforcement of Zoning Code.
• Minimum regulations for accessory structures	Chapter 158, Article IV, General Regulations, Division 2, Lot, Yard and Bulk Regulations, Section 158.151	Requires 150 ft. gulf and pass front setbacks to reduce loss of property caused by tidal flooding or storm surge.	Implemented through enforcement of Zoning Code.
• Lot excavation, grades, and frontage	Chapter 158, Article IV, General Regulations, Division 2, Lot, Yard and Bulk Regulations, Section 158.156	Prohibits lowering of gulf front elevations to reduce loss of property caused by tidal flooding as storm surge.	Implemented through enforcement of Zoning Code.
• Personal Wireless Service Facilities	Chapter 158, Article IV, General Regulations, Division 2, Lot, Yard and Bulk Regulations, Section 158.1361	Requires a 140 mph wind load rating for antennas and towers to reduce loss of life and property caused by a tropical storm event.	Implemented through enforcement of the Zoning Code.
<b>Sewer Code -</b>			
• Connections to be gas - and water tight	Town Code, Title V, Public Works, Chapter 52, Sewers, Section 52.18	Prevention of infiltration of flood water into sewer line.	Implemented for construction of new sewer facility. Some of the existing Town sewer distribution lines are not water tight and would benefit from mitigation funding to reduce risk levels and losses.
• Manholes	Town Code, Title V, Public Works, Chapter 52, Sewers, Section 52.35	Manhole lids required to be water tight to prevent infiltration of flood water into sewer line.	Implemented for construction of new sewer facility. Town has successfully implemented a program of making water tight manhole lids in low lying flood prone areas; additional water tightening of Town manhole lids needed; need to coordinate with selected property owners to water tighten private manholes. Additional mitigation funding appropriate from state and federal sources.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<b><u>Plumbing Code -</u></b>			
• Backflow prevention	Chapter 155, Plumbing Code, Section 155.02 (H)	Prevents non-potable water from entering Town's water system.	Implemented for all new permitted improvements. Regulation could be strengthened by requiring annual inspections, requiring for irrigation systems and require backflow preventors where none exist.
<b><u>Building Code -</u></b>			
• Building Code	Chapter 150	Adopts 1997 Edition of Southern Building Code, Chapter 1606 for coastal wind load requirements and minimum building requirements (110 mph wind load)	Implemented through enforcement of Building Code.
• Coastal Construction Standards	Chapter 150, Section 150.61	Establishes criteria for coastal construction; correlates with Chapter 154, Flood Control.	Needs updating to reflect new codes and standards (wind loading)
• Coastal Building Zone Applications	Chapter 150, Section 150.63	All construction in the Town is required to be prepared by and certified by an architect or professional engineer registered in the State of Florida.	Town standard exceeds the Florida statutory requirement which exempts single-family and two-family construction.
<b><u>Flood Control Code -</u></b>			
• Flood Control Code	Town Code, Chapter 154	Establishes Town flood control program. Sets minimum criteria for new construction and substantial improvements of non-elevated buildings.	Implemented as an integral part of permitting process; updated as necessary to comply with provision of 44 CFR.
• 50% Substantial Improvement Program	Town Code, Chapter 154	Strict compliance with the 50% Substantial Improvement rule reduces the loss of property subject to hurricane damage.	The program is one of the most restrictive among Florida coastal communities. Establishes alternative methods for evaluating estimated costs of construction.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
<b><u>Electric Code -</u></b>			
<ul style="list-style-type: none"> <li>Adoption of National Electrical Code</li> </ul>	National Electrical Code, 1996 Edition	No hazard mitigation standards specific to the Town.	The Town will evaluate the National Electrical Code to determine if specific mitigation standards applicable to the Town are desired. Two following specific mitigation related policies / requirements are being considered by the Town: 1) required lightning arrestors, and 2) require underground placement of electric service lines when service for reconnection requested.
<b><u>Tree Code -</u></b>			
<ul style="list-style-type: none"> <li>Tree Permit Exemptions</li> </ul>	Chapter 98; Trees, Section 98.02(A)(C)(D), Permit Required and Exemption	Exemption for evasive exotic trees from permit requirements and trees that would endanger public safety or utilities and right-of-ways. Also exempts utility systems to restore or prevent interrupted service.	Implemented through enforcement of Tree Code.
<ul style="list-style-type: none"> <li>Conditions to issue tree permits</li> </ul>	Chapter 98; Trees, Section 98.05, Issuance of Permits	Permits removal of trees that could materially impair the utility or structural integrity of existing or proposed structure; or public utility lines or service; the tree is dead or diseased and presents a threat of damage to persons or property.	Implemented through enforcement of Tree Code.
<ul style="list-style-type: none"> <li>Money budgeted for Australian Pine removal</li> </ul>	Capital Budget	\$20,000 budgeted per year for the removal of trimming of Australian Pines within right-of-ways or public property to prevent future damage to structures, roads or utility systems during storm events.	Implemented through budget process.

Policy, Regulation and Program	Source	Mitigation Function	Evaluation
• Removal of nuisance exotic trees on open space / park properties	Open Space / Park Restoration Plans	Removal of nuisance exotic trees on open space properties. Replace with native species.	Implemented through site plan approval of parks.
• Prohibited Plants	Chapter 98; Trees, 98.08, Prohibited Plantings	It is unlawful to plant Australian Pines, Brazilian Pepper, Punk Trees or any tree that would materially impair the utility or structural integrity of public utility lines or service or roads, sidewalks and bike paths.	Implemented through enforcement of Tree Code.  Improvements that could be made are: (A) Require property owner to remove diseased or dead tree that could damage or disrupt service of nearby structure, utility system or roadway; (B) Require property owner along Gulf of Mexico Drive to remove / trim Australian Pines that could fall and disrupt utilities the use of the evacuation route along Gulf of Mexico Drive.
<b><u>Sign Code -</u></b>			
• Placement and Construction Standards	Chapter 166, Section 156.10(B), Construction Standards	Maintain structure during storm event, wind and water; withstand 120 mph wind	Implemented through enforcement of Sign Code.
<b><u>Fire Prevention Code -</u></b>			
• Fire Prevention Code	Town Code, Title IV, General Regulations, Chapter 94, Fire Prevention Code	Mandates and regulates Life Safety standards for the protection of life and property.	Implemented by Fire Department.
• Fire Department Annual Inspection Program	Fire Department Program	Prevention of potential loss of life or property from annual inspection of all non single-family / two-family structures.	Implemented by Fire Department on an annual basis
• Fire Department Building Plan Review Program	Joint Planning, Zoning & Building Department & Fire Department Program	Fire Department Life Safety review of all Building permit application mitigates potential loss of life and property caused by fire or other hazard.	Implemented as joint Planning, Zoning & Building and Fire Department Program.

**Goal 2**

THE TOWN OF LONGBOAT KEY SHALL REDUCE THE VULNERABILITY OF CRITICAL PUBLIC FACILITIES FROM NATURAL DISASTERS.

**Objective 2.1**

*The Town shall identify and secure funding for the replacement of Town facilities which are currently not in conformance with the Town Flood Control and Building Code standards to mitigate the loss of these critical facilities from hazard events.*

**Objective 2.2**

*The Town shall identify and secure funding for the upgrade and floodproofing of the Town's potable water and wastewater infrastructure facilities mitigate the loss of these critical facilities from hazard events.*

**Objective 2.3**

*To evaluate an alternative source of potable water for maintaining acceptable water pressures for fire protection and to provide an alternative source of drinking water in the event of disruption of service to the existing Town potable water facility, the Town in conjunction with the City of Sarasota shall evaluate the feasibility of connecting the existing Town potable water system to the City of Sarasota's potable water system.*

**Goal 3**

THE TOWN OF LONGBOAT KEY SHALL CONTINUE TO FUND AND IMPLEMENT ITS ON-GOING BEACH RENOURISHMENT PROGRAM AS A MEANS TO MITIGATE LOSSES OF LIFE AND PROPERTY FROM TIDAL FLOODING OR STORM SURGES.

**Objective 3.1**

*The Town will maintain and finance as appropriate the program to maintain the Town's beach restoration project and control effects of erosion which threaten developed community properties.*

**Objective 3.2**

*The Town will not permit development on dunes or in areas that threatens current natural beach patterns.*

**Objective 3.3**

*The Town shall implement the basic provisions of the 1996 long-term comprehensive beach management plan in cooperation with other agencies, including seeking federal and state funding to implement this mitigation effort.*

**Objective 3.4**

*Any action taken in furtherance of the beach management plan must include the purpose of restoring and maintaining beaches and dunes to their natural functions.*

**Objective 3.5**

*The Town will continue to support mitigation and construction standard programs promoted by FEMA and FDEP.*

**Objective 3.6**

*No motorized vehicles, except for emergency purposes or unless there is an overriding public interest for the community, shall be allowed on the gulf-front beaches of Longboat Key.*

**Objective 3.7**

*No new shoreline armoring shall be permitted, except for emergency repairs, on the gulf-front beaches of Longboat Key.*

**Objective 3.8**

*Prior to the completion of any island-wide beach renourishment program, new armoring shall only be permitted for those properties where there is imminent danger of the primary inhabitable structure or public facility being destroyed or suffering extreme damage.*

**Objective 3.9**

*Man-made structures shall not be erected seaward of the Town's coastal construction setback line that existed prior to 1987, with the exception of those structures allowed by the Town's building code for single-family homes, safety, recreational and wind protection purposes. Development permitted by this objective shall not be in conflict with Objective 3.7 and 3.8 above. Areas seaward of the Town's Coastal Construction Control line by FDEP shall require approval by FDEP of development proposals prior to or as a condition of the Town committing to providing infrastructure, or authorizing the provision of infrastructure by other public entities.*

**Objective 3.10**

*Sand dunes and natural landscape barriers fronting on the Gulf of Mexico shall be preserved, enhanced and restored to the greatest extent possible through the land development process and the Town's capital improvement program.*

**Objective 3.11**

*The Town will not fund new armoring or groin construction along the Gulf, unless such structures are temporary and integrated into the long term beach renourishment project. No new private efforts will be permitted unless such structures are temporary and may be integrated into the Town's long term beach renourishment project.*

**Objective 3.12**

*The Town shall, as a matter of policy, schedule and fund all capital improvement projects in the 5-year Schedule of Improvements, starting with the projects identified in the Capital Improvements Element of the Comprehensive Plan as correcting existing deficiencies and maintaining adopted levels of service, and continuing with Town contributions to the Beach Maintenance Program.*

**Objective 3.13**

*As provided in the Capital Improvement Program of the Town Comprehensive Plan, a minimum of \$300,000 per year for seven years, shall be allocated revenues from Infrastructure Sales Taxes and Tourist Development Taxes to the Beach Maintenance Trust Fund for the sole purpose of implementing a Beach Restoration and Renourishment Program.*

**Goal 4**

**THE TOWN OF LONGBOAT KEY SHALL PROVIDE A SAFE AND EFFECTIVE EVACUATION ROUTE FOR ALL TOWN RESIDENTS.**

**Objective 4.1**

*The Town of Longboat Key will continue to coordinate with Sarasota and Manatee Counties and adjacent municipalities in order to ensure the safe evacuation of all residents and visitors on a timely basis in the event of severe weather conditions.*

**Objective 4.2**

*The Town's total growth will not exceed the area's ability to manage the Town's evacuation in the event of hurricanes.*

**Objective 4.3**

*From 1988, the Town's growth will be regulated to the extent needed to ensure that there is no probable cause to expect that the Town's population cannot be evacuated from the Town limits in the event of an evacuation order.*

**Objective 4.4**

*The Town shall not have development to such an extent that the population cannot be evacuated to a place of shelter within 18 hours of an evacuation order being issued.*

**Objective 4.5**

*The Town will support continued identification by Sarasota and Manatee Counties of public and private shelter, including rental space, for all Town residents.*

**Objective 4.6**

*The Town declares "standing" in all development decisions along the Town's evacuation routes, including immediate routes to I-75, that would adversely affect the Town's evacuation times.*

**Objective 4.7**

*The Town will participate in all transportation planning efforts to ensure the 18-hour maximum total hurricane evacuation time, as suggested by the Southwest Florida Regional Planning Council, can be maintained during an evacuation on the Town's evacuation route.*

**Objective 4.8**

*The Town will participate in beach renourishment or other appropriate erosion control efforts for those areas along the Town's evacuation route likely to be breached due to erosion trends.*

**Objective 4.9**

*The Town shall consider a hurricane shelter policy of vertical refuge as a policy of last resort in hurricane evacuation comprehensive planning efforts.*

**Objective 4.10**

*The Town shall continue to implement the Australian Pine Removal Program within the right-of-ways of S.R. 789 and Town streets to provide a safe and effective evacuation route.*

**Goal 5**

**THE TOWN OF LONGBOAT KEY SHALL REDUCE THE NUMBER OF REPETITIVE LOSS PROPERTIES LOCATED IN THE TOWN.**

**Objective 5.1**

*In reducing the number of repetitive loss properties, the Town shall prioritize those properties with the greatest number of flood insurance claims and the highest dollar value of claims.*

**Objective 5.2**

*Consistent with federal and state program objectives and guidelines, the Town shall identify and secure funds for the purchase of repetitive loss properties.*

**Objective 5.3**

*The Town shall encourage the owners of repetitive loss residential properties to elevate the structures to the regulatory base flood elevation.*

**Objective 5.4**

*As an incentive for the demolition of repetitive loss structures and the construction of a new structure in compliance with the Town Flood Control standard, the Town shall consider waiving all permit fees associated with the demolition of the repetitive loss structure.*

**Objective 5.5**

*On an annual basis, the Town shall communicate with the owners of repetitive loss properties informing them of the Town Flood Control standards, any Town incentives for the elevation or demolition of repetitive loss structures and the availability of State and/or Federal hazard mitigation grant programs.*

**CONTRACT DELIVERABLE:** As outlined in Section 4 of the Guidebook and drawing from the evaluation of existing mitigation policies, ordinances and programs completed in the previous contracting period, actively assist in the development of five products listed.

**PRODUCT:** A county-wide hazard identification and vulnerability assessment. This will be accomplished by identifying municipal data, data sources, and assisting in the collection of data.

**TASK:** *Establish a Town work group familiar with hazard identification and vulnerability assessment. Make available all data needed by LMS Working Group.*

**RESPONSIBLE PARTY:** *Scott Pickett, Planner*

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Town staff from the Fire Department, Public Works Department and the Planning, Zoning and Building Department have been assembled as a Town Working Group. The following types of hazards that the Town could experience have been identified: storm surge, tidal flooding and wind damage from a hurricane or tropical storm, tornado, lightning strike, rainstorm flooding, severe drought, severe freeze, acts of terrorism, hazardous material spill, and wild fire.

An assessment of the vulnerability of Town critical facilities to the above types of hazards has been conducted. As provided in the contract with the County, a final vulnerability assessment of Town critical facilities will be submitted during Contract Period #3.

Any available Town data will be provided to the LMS Working Group upon request.

<b>CONTRACT DELIVERABLE:</b>	As outlined in Section 4 of the Guidebook and drawing from the evaluation of existing mitigation policies, ordinances and programs completed in the previous contracting period, actively assist in the development of five products listed.
<b>PRODUCT:</b>	The identification of private sector interests and methods for private sector involvement.
<b>TASK:</b>	<i>Prepare, distribute and analyze a questionnaire of the Town of Longboat Key Chamber of Commerce and fifty-seven selected condominium and homeowners associations.</i>
<b>RESPONSIBLE PARTY:</b>	<i>Scott Pickett, Planner</i>

The questionnaires were mailed on September 9, 1998. As of September 29, 1998, a total of nine responses to the attached questionnaire have been returned to the Town.

Preliminary results of the questionnaire responses indicate that the private sector considers rainstorm flooding, lightening strikes and the storm surge, tidal flooding and air borne debris associated with a tropical weather system the types of hazards in which the Town is most exposed. The respondents consider severe freeze, acts of terrorism on Town infrastructure, hazardous material spills and wild fires as low risk events to the Town.

The respondents identified the following Town mitigation activities to reduce the loss of life and property from the various hazard events:

- Early warning system for Town evacuation,
- Maintenance of reserve funds to repair damage resulting from hazard events,
- Promote residents to purchase flood insurance,
- Replace Planning, Zoning and Building/Public Works facility, and
- Relocate Police Station to elevated structure.

The Town will continue to involve the private sector on the Key throughout the LMS planning process. The fifty-eight private sector organizations will be invited to each of the Town Commission workshops in which the prioritization of Town mitigation initiatives will be discussed.

### LOCAL HAZARD MITIGATION STRATEGY QUESTIONNAIRE

1. Please rate the Town's exposure or vulnerability to each of the following types of hazards (for each type of hazard circle your response) :

a. Storm surge from a tropical weather system*	high	moderate	low
b. Tidal flooding from a tropical weather system*	high	moderate	low
c. Air borne debris from a tropical weather system*	high	moderate	low
d. Tornado	high	moderate	low
e. Lightening strike	high	moderate	low
f. Rainstorm flooding	high	moderate	low
g. Severe drought	high	moderate	low
h. Severe freeze	high	moderate	low
i. Acts of terrorism on Town infrastructure	high	moderate	low
j. Hazardous material spill	high	moderate	low
k. Wild fire	high	moderate	low
l. Other _____	high	moderate	low

\* includes a tropical depression, tropical storm or hurricane

2. Please indicate what you feel the Town should consider in terms of reducing its vulnerability to those hazards which the Town is most exposed.

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Thank you for your cooperation.

TCRW 10-15-1998

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President  
Country Club Shores Unit 5  
511 Wedge Lane  
Longboat Key, FL 34228

Mr. Ted Kolb  
Banyan Bay Club Assn  
5250 Gulf of Mexico Drive  
Longboat Key, FL 34228

Mr. Joseph Abrahms  
Beach Harbor Club Assn  
3800 Gulf of Mexico Drive C-209  
Longboat Key, FL 34228

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Longboat Key, FL 34228

Mr. Eugene Agins  
Castilian Condominium Assn  
4525 Gulf of Mexico Drive #502  
Longboat Key, FL 34228

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Covert II Homeowners Assn  
5231 Gulf of Mexico Drive #202  
Longboat Key, FL 34228

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Fairway Bay III Assn  
2120 Harbourside Drive #658  
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Islander Club Assn  
2295 Gulf of Mexico Drive #76-S  
Longboat Key, FL 34228

Dr. Paul Prillaman  
Longbeach Condo Assn  
7175 Gulf of Mexico Drive #23-24  
Longboat Key, FL 34228

Mr. George Krause  
Longboat Harbour Owners Assn  
4454 Gulf of Mexico Drive - Office  
Longboat Key, FL 34228

Mr. Gil McCurdy  
Aquarius Club Homeowners Assn  
1701 Gulf of Mexico Drive #106  
Longboat Key, FL 34228

Ms. Mitzi Sherman  
Bay Harbour Homeowners Assn  
450 Gulf of Mexico Drive #B-106  
Longboat Key, FL 34228

Mr. Bill Bell  
Beachwalk Condominium Assn  
6833 Gulf of Mexico Drive  
Longboat Key, FL 34228

Ms. Judith Litvin  
Beachplace Homeowners Assn  
1055 Gulf of Mexico Drive, #402  
Longboat Key, FL 34228

Mr. Tom Burke  
Cedars West Homeowners Assn  
5655 Gulf of Mexico Drive  
Longboat Key, FL 34228

Mr. Bert Dorman  
Fairway Bay I Assn  
1912 Harbourside Drive #601  
Longboat Key, FL 34228

Mr. Henry Rosenthal  
Grand Bay I Assn  
3060 Grand Bay Blvd #124  
Longboat Key, FL 34228

Mr. Howard Biddle  
Islands West Assn  
2525 Gulf of Mexico Drive #3-D  
Longboat Key, FL 34228

Mr. Richard Lochner  
Longboat Arms Assn  
3330 Gulf of Mexico Drive #203-D  
Longboat Key, FL 34228

Mr. Thomas Hostetler  
Longboat Harbour Towers Assn  
4401 Gulf of Mexico Drive #PH-2  
Longboat Key, FL 34228

Mr. Donald McLean  
Arbormar Homeowners Assn  
4485 Gulf of Mexico Drive #601  
Longboat Key, FL 34228

Ms. Nancy Sartori  
Bayport Beach & Tennis Club Assn  
619 Bayport Way  
Longboat Key, FL 34228

Ms. Leda Palmero  
Beaches of Longboat Key Assn  
775 Longboat Club Road  
Longboat Key, FL 34228

Mr. Robert Robbins  
Buttonwood Cove Homeowners Assn  
3630 Gulf of Mexico Drive #305  
Longboat Key, FL 34228

Mr. Jack Daly  
Club Longboat Homeowners Assn  
5055 Gulf of Mexico Drive, #235  
Longboat Key, FL 34228

Mr. Joe Ellison  
Fairway Bay II Assn  
2016 Harbourside Drive #314  
Longboat Key, FL 34228

Harbour Oaks Assn  
C/o Condo Keepers, Inc.  
2263 Industrial Blvd  
Sarasota, FL 34234

Mr. Stanton Lipschutz  
L'Ambiance Assn  
435 L'Ambiance Drive #K305  
Longboat Key, FL 34228

Mr. Al Pavone  
Longboat Beach House Assn  
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Longboat Key, FL 34228

Mr. Paul Rubenstein  
Longboat Key Towers Assn  
601 Longboat Club Road #S-901  
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TCRW 10-15-1998

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Mr. Edward Borkowski  
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5635 Gulf of Mexico Drive  
Longboat Key, FL 34228

Mr. Ralph Kaufmann  
Longboat Terrace Assn  
5393 Gulf of Mexico Drive #207B  
Longboat Key, FL 34228

Mr. Robert Kopeck  
Marina Bay Assn  
2450 Harbourside Drive #243  
Longboat Key, FL 34228

Ms. Gini McArdle  
Pelican Harbour & Beach Club Assn  
4234 Gulf of Mexico Drive #V-1  
Longboat Key, FL 34228

Mr. Don Goldsmith  
Players Club Assn  
1485 Gulf of Mexico Drive #A-206  
Longboat Key, FL 34228

Ms. Fran Rehl  
Portobello Owners Assn  
3240 Gulf of Mexico Drive #B-204  
Longboat Key, FL 34228

Ms. Toni Barbat  
Privateer North Assn  
1050 Longboat Key Club Road #506  
Longboat Key, FL 34228

Mr. Phillip Becker  
Privateer South Assn  
1000 Longboat Key Club Road #505  
Longboat Key, FL 34228

Mr. Lloyd Caldwell  
Promenade Assn  
1211 Gulf of Mexico Drive #102  
Longboat Key, FL 34228

Ms. Cheri Johnson  
Sand Cay Assn  
4725 Gulf of Mexico Drive  
Longboat Key, FL 34228

Ms. Rita Weil  
Sands Point Assn  
100 Sands Point Road #214  
Longboat Key, FL 34228

Ms. Ruth Shapiro  
Sea Gale Club Assn  
2425 Gulf of Mexico Drive #3-A  
Longboat Key, FL 34228

Mr. William Hogan  
C/o Seaplace Assn  
2045 Gulf of Mexico Drive  
Longboat Key, FL 34228

Mr. John Ekblom  
Spanish Main Yacht Club Assn  
5700 Gulf of Mexico Drive  
Longboat Key, FL 34228

Mr. David Peoples  
Sunset Beach Assn  
2109 Gulf of Mexico Drive #1503  
Longboat Key, FL 34228

Ms. Joan O'Driscoll  
Sutton Place Assn  
P.O. Box 8831  
Longboat Key, FL 34228

Mr. Marvin Cross  
Tangerine Bay Assn  
350 Gulf of Mexico Drive #215  
Longboat Key, FL 34228

Mr. Max Meyer  
The Shore Assn  
5757 Gulf of Mexico Drive #109  
Longboat Key, FL 34228

Ms. Betty Empkie  
Tiffany Plaza Assn  
4325 Gulf of Mexico Drive #407  
Longboat Key, FL 34228

Mr. Fred Myers  
Veinte Assn  
2675 Gulf of Mexico Drive  
Longboat Key, FL 34228

Mr. Chuck Percival  
Westchester Assn  
4825 Gulf of Mexico Drive #C-602  
Longboat Key, FL 34228

Dr. E. Charles Price  
Whitney Beach Assn  
P.O. Box 527  
Longboat Key, FL 34228

Mr. Bob Campbell  
Whitney Beach III (Gulfside) Assn  
P.O. Box 504  
Longboat Key, FL 34228

Mr. Ed Cohen  
Windward Bay Assn  
4974 Gulf of Mexico Drive #V-19  
Longboat Key, FL 34228

Mr. Henry Medvin  
Bay Isles Assn  
3455 Winding Oaks Drive  
Longboat Key, FL 34228

Longboat Key Chamber of Commerce  
1854 Gulf of Mexico Drive  
Longboat Key, FL 34228

<b>CONTRACT DELIVERABLE:</b>	As outlined in Section 4 of the Guidebook and drawing from the evaluation of existing mitigation policies, ordinances and programs completed in the previous contracting period, actively assist in the development of five products listed.
<b>PRODUCT:</b>	The identification of procedures to prioritize both municipal and county mitigation initiatives.
<b>TASK:</b>	<i>Establish procedures to prioritize both municipal and county mitigation initiatives.</i>
<b>RESPONSIBLE PARTY:</b>	<i>Scott Pickett, Planner</i>

The following is the procedure to be followed by the Town in prioritizing Town mitigation initiatives:

- Town staff will assess potential Town mitigation initiatives and report to the Town Commission at a series of Town Commission workshops,
- The Town Commission workshops will be public hearings; the selected fifty-eight private sector organizations will be invited to the workshops,
- The private utilities on the Key with critical facilities (GTE and FPL) will be invited to a workshop to get a report on the vulnerability of the critical facilities and a report on planned mitigation initiatives, and
- At the completion of the Town workshop process, the Town Commission will adopt by Resolution a prioritized list of Town mitigation initiatives.

The procedure to prioritize county mitigation initiatives will involve the participation among the LMS working group members. The working group will utilize the evaluation criteria and procedures developed by the working group in prioritizing county mitigation initiatives.

REGULAR WORKSHOP - October 15, 1998  
AGENDA ITEM # 8

Agenda Item: Staff Report: Pick-up Truck Safety

Presenter: Town Manager, Police Chief

Summary: In response to a Commission request for legislation regulating the transport of juveniles in the back of pick-up trucks for safety purposes, Police Chief Kintz will give an oral presentation on the current enforcement policies.

Attachments: None.

Recommended  
Action: Discussion.

/dhs  
10-8-98