

1 Introduced by Council Member Gulliford and amended on the Floor of  
2 Council:

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4  
5 **ORDINANCE 2016-78-E**

6 AN ORDINANCE APPROVING THE ISLE OF PALMS  
7 SPECIAL DISTRICT AMENDED FISCAL YEAR 2015/2016  
8 BUDGET, PER ORDINANCE 2011-724-E AND SECTION  
9 189.02, *FLORIDA STATUTES*; AMENDING ORDINANCE  
10 2011-724-E THAT ESTABLISHED AND EMPOWERED THE  
11 ISLE OF PALMS SPECIAL DISTRICT (THE  
12 "DISTRICT") BY AMENDING THE STATED PURPOSE AND  
13 POWERS OF THE DISTRICT TO INCLUDE THE  
14 RELOCATION OF FLOATING STRUCTURES TO  
15 FACILITATE DREDGING OF CANALS AND TO ALSO  
16 ALLOW FINANCING; PROVIDING AN EFFECTIVE DATE.

17  
18 **WHEREAS**, the City of Jacksonville established the Isle of  
19 Palms Special District (the "District"), per Ordinance 2011-724-E  
20 and section 189.02, *Florida Statutes*, a dependent special district  
21 for the purpose of dredging the Isle of Palms canal system; and

22 **WHEREAS**, in order for the District to qualify as a dependent  
23 special district per section 189.02, *Florida Statutes*, the City, in  
24 Ordinance 2011-724-E, required the District to submit its proposed  
25 budget to the City Council every year by April 1<sup>st</sup>; and

26 **WHEREAS**, the District submitted its proposed Fiscal Year  
27 2015/2016 budget which was approved by the City Council in  
28 Ordinance 2015-330-E; and

29 **WHEREAS**, after that time the Isle of Palms Special District  
30 voted to amend its budget to reflect additional revenue resulting  
31 from adoption of a higher per-lot assessment than was originally

1 approved in Ordinance 2015-330-E; and

2       **WHEREAS**, the Isle of Palms Special District submitted the  
3 amended Fiscal Year 2015/2016 budget to the City Council for  
4 approval pursuant to Ordinance 2011-724-E, a copy of the Board  
5 Resolution is attached hereto as **Exhibit 2**; and

6       **WHEREAS**, the City Council finds that the Isle of Palms Special  
7 District Fiscal Year 2015/2016 budget, as amended, attached hereto  
8 as **Exhibit 1**, should be approved; and

9       **WHEREAS**, Ordinance 2011-724-E, which created the Charter for  
10 the Isle of Palms Special District in accordance with Section  
11 189.4041, *Florida Statutes*, also empowered it with certain rights  
12 and duties; and

13       **WHEREAS**, the Isle of Palms Special District has requested  
14 amendment to its Charter by City Council to grant it additional  
15 rights and powers so that it may continue to maintain the system of  
16 canals located in Isle of Palms community; now therefore

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

18       **Section 1. Approval of Isle of Palms Special District**  
19 **Amended Fiscal Year 2015/2016 Budget.** The Isle of Palms Special  
20 District amended Fiscal Year 2015/2016 budget, attached hereto as  
21 **Exhibit 1**, is hereby approved.

22       **Section 2. Ordinance 2011-724-E amended.** Ordinance 2011-724-  
23 E, Section 1, is amended in part, to read as follows:

24                   CHARTER OF THE ISLE OF PALMS SPECIAL DISTRICT

25                                   \* \* \*

26           "Section 2. Purpose. The purpose of the District shall  
27 be continuing maintenance of the system of canals located in  
28 the Isle of Palms community. The District shall fulfill its  
29 purpose by dredging the canals to provide the canals with  
30 access to the Atlantic Intracoastal Waterway. To facilitate  
31 dredging the canals, the District may, when dredging has

1 commenced or is ongoing, enforce certain standards regarding  
2 relocation of floating structures, as provided herein.

3 \* \* \*

4 Section 4. Powers. The District is authorized and  
5 empowered:

6 (A) To sue and be sued;

7 (B) To contract;

8 (C) To purchase, hold, lease, sell, or otherwise  
9 acquire and convey such real property and personal property  
10 and interest therein necessary or proper to carry out the  
11 purpose of this Charter;

12 (D) To employ engineers, attorneys, accountants,  
13 financial or other consultants, and such other agents and  
14 employees as the Board of Supervisors may require or deem  
15 necessary to accomplish the purpose of this Charter, or to  
16 contract for any such services;

17 (E) To acquire, construct, maintain, equip,  
18 improve, extend and enlarge capital projects for the purposes  
19 of enabling the District to perform public functions or  
20 services as herein provided;

21 (F) To borrow money for the purposes of enabling  
22 the District to perform public functions or services as herein  
23 provided;

24 (G) ~~(F)~~ To assess for each year of its operation  
25 against each residential lot and each parcel with a canal  
26 access easement in the District a special assessment not to  
27 exceed \$500 annually, which may be increased annually by \$100,  
28 but may not exceed \$1,000, to be billed and collected as  
29 provided by state and local law, and to be a lien on the  
30 assessed property, coequal with the lien of all state, county,  
31 district and municipal taxes, and superior in dignity to all

1 other liens, titles and claims, until paid in full;

2 (H) ~~(G)~~ To fix and collect rates, fees, and other  
3 charges for the specialized public functions or services  
4 authorized by Ordinance 2011-724-E or this Charter;

5 (I) ~~(H)~~ To restrain, enjoin, or otherwise prevent  
6 the violation of this act or any resolution or rule adopted  
7 pursuant to the powers granted by Ordinance 2011-724-E or this  
8 Charter;

9 (J) ~~(I)~~ To join with any other district,  
10 municipality, county or political subdivision, public agency  
11 or authority in the exercise of common powers;

12 (K) ~~(J)~~ To enter into contracts with government of  
13 the United States or any agency or instrumentality thereof, or  
14 with any state, county, municipality, district, authority or  
15 political subdivision, private corporation, partnership,  
16 association, or individual to effect the purpose of the  
17 District, and to receive and accept, from any federal agency,  
18 grants or loans for or in aid of the specialized public  
19 functions or services authorized herein.

20 (L) To facilitate the dredging of canals, when  
21 dredging has commenced or is ongoing, the District may require  
22 relocation of floating structures, including but not limited  
23 to floating docks and any associated ramps, sunken vessels or  
24 underwater obstructions other than pilings, bulkheads or boat  
25 lifts. If after notice from the District, a property owner  
26 fails or refuses to relocate such structure the date specified  
27 in the notice from the District, the District may have the  
28 structure relocated and may assess the property owner for the  
29 costs incurred by the District in so doing.

30 \* \* \*

31 **Section 3. Retroactive applicability.** This ordinance

1 shall be retroactive in application so that the amendment adopted  
2 herein shall be effective as if it were contained in the original  
3 enabling Ordinance 2011-724-E.

4       **Section 4. All other aspects of Ordinance 2011-724-E**  
5 **unchanged.** With the exception of the amendments provided in Section  
6 2 of this ordinance, in all other respects Ordinance 2011-724-E  
7 shall remain unchanged and in full force and effect.

8       **Section 5. Effective Date.** This ordinance shall  
9 become effective upon signature by the Mayor, or upon becoming  
10 effective without the Mayor's signature.

11  
12 Form Approved:

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14     /s/ Paige Hobbs Johnston

15 Office of General Counsel

16 Legislation prepared by: Paige H. Johnston

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