## SUBJECT:
Consider whether to file a Motion to Intervene in Division of Administrative Hearings (DOAH) administrative rule challenging the manatee speed zones in Collier County, and engaging legal counsel for the case and hearing.

## SUMMARY:
Fish & Wildlife Commission promulgated a proposed Rule establishing slow speed zones in certain waters in the City and County. Pelican Bay Foundation challenged the rule because it did not include certain areas surrounding Pelican Bay. The Florida Division of Administrative Hearings (DOAH) will hold a hearing later this summer. The City may be able to Intervene in the proceeding. Council should consider whether to intervene and if so, engage the services of a law firm for that purpose.

## BACKGROUND:
The City encouraged the Fish & Wildlife Commission (FWC) to commence rule-making to allow slow speed zones in some of the waters within the City. The slow speed zones, especially in Moorings Bay appear to be popular with the residents in the area for both safety and environmental reasons. The rationale is the presence of manatees in the waters. The City’s position has been in support of the Rule.

Pelican Bay Foundation (PBF) has filed a Rule Challenge, and the Rule cannot go into effect unless and until the DOAH hearing and related matters are resolved.

The interests of PBF, which wants to be included in the Rule, and of Seagate owners in the Clam Pass area, which do not, are at stake. The City’s interest is primarily in having the Rule adopted, for other areas within the City. The City likely can intervene to ensure that its interests are brought forward.

It will be necessary to retain outside legal counsel. We are contacting law firms that handle this kind of work and will present names and recommendations at the June 7 Council meeting.

## FUNDING SOURCE:
General Fund

## RECOMMENDED ACTION:
Consider approving Intervening in the Administrative proceeding. Consider engaging the services of a law firm to prosecute and defend the City’s interests.