

COUNCIL AGENDA STATEMENT



Meeting Date: December 14, 2021

To: Honorable Mayor and Council Members

From: George Garrett, City Manager

Agenda Item: **Resolution 2021-120**, Approval Of A Resolution Of The City Council Of The City Of Marathon, Florida, In Support Of Marine Law Enforcement And Particularly, The Florida Fish And Wildlife Conservation Commission And Its Law Enforcement Officers; Requesting That The FWC And Sister Agencies Implement Strategies To Aid In The Recruitment And Retention Of Its Officers; And Requesting An Increase In The Number Of Officers In Monroe County; And Providing For An Effective Date

BACKGROUND

Monroe County is home to Everglades National Park, Biscayne National Park, Dry Tortugas National Park, and the Florida Keys National Marine Sanctuary (FKNMS), each a national environmental treasure with uniquely important and diverse natural resources. Monroe County is also home to Crocodile Lake National Wildlife Refuge, Great White Heron National Wildlife Refuge, Key Deer National Wildlife Refuge, and Key West National Wildlife Refuge. Monroe County similarly hosts a number of State Parks, including Dagny Johnson Key Largo Botanical, John Pennekamp, Windley Key Fossil Reef Geological, Long Key, Curry Hammock, Bahia Honda, and Fort Jefferson; and Aquatic Preserves, including Biscayne Bay-Card Sound Lobster Sanctuary, Lignum Vitae, and Coupon Bight.

The Federal and state governments have authorized and appropriated significant public dollars to the restoration and preservation of the City of Marathon and Monroe County's diverse marine ecosystem. The City of Marathon and Monroe County continue to invest in and to work in partnership with state and federal agencies to protect the health of its unique marine environment. The sustained health and safety of the Florida Key's marine refuges and nearshore waters are vital to the tourist-based Florida Keys economy. The Florida Key' marine environment provides an unparalleled boating, fishing and diving experience, attracting high numbers of recreational boaters, charter boats, commercial fishing vessels, liveaboard vessels, transient boaters, dive boats, personal watercraft, and kayaks, all contributing to the need for increasingly robust protective resources. The Florida Keys' unique marine environment is a highly valuable economic engine in the State of Florida, generating over \$200M in sales tax each year, and worthy of increased State investment for its protection.

The highly active boating environment leads to a number of hazardous and environmentally damaging impacts including:

- 1) Vessel groundings: more than 300 vessel groundings are reported in the Florida Keys National Marine Sanctuary every year, with 80% of these impacting the fragile seagrass habitat and damaging corals; and

- 2) Boating accidents: Monroe County has the highest number of boating accidents in the State every year, and in 2020 Monroe once again led the State with 99 accidents and 9 fatalities; and
- 3) Derelict vessels: Monroe County has the highest number of derelict vessels Statewide each year, and is currently on track for the removal of 60 derelict vessels this year.

The continued environmental and economic viability of Florida Keys depends on the preservation of those environmental resources and on the continued protection of the quality, tranquility, and safety of our surrounding waters. The need for ecological restoration, effective management, and adequate enforcement of FKNMS and other agency regulations including marine zoning, water quality protection, and others is ever increasing as usage increases and environmental decline continues. Without exception, existing FWC staff provide excellent and highly professional law enforcement service to Monroe County but could be strengthened by a staff increase.

FWC has the awesome responsibility for protecting the environmental resources of a 2,900 square mile expanse of the Florida Keys’ nearshore waters, 240 miles of coastline, and one of the most diverse and active boating environments in the State. A 1997 FEIS study for the FKNMS management plan indicated the need for a total combined law enforcement presence in the FKNMS of 43 uniformed sanctuary officers. In 2001 there were 17 law enforcement officers dedicated to FKNMS-specific enforcement, most of whom were in the employ of the FWC, and at this time there is less than one fulltime officer’s worth of time dedicated to same. The provision and retention of FWC officers is vitally important to the ongoing protection of Monroe County’s marine environment and the safety of the boating public.

Monroe County has the highest cost of living in the State of Florida and a well-documented lack of affordable/workforce housing providing a significant affordability challenge for local FWC officers. As a result, there are approximately 15 vacant FWC officer positions in the Florida Keys.

The City urges FWC to direct increased resources for the protection of the Florida Key’s marine environment, and to implement strategies to aid in the recruitment and retention of its officers such as sufficient pay consideration and/or housing allowance to account for the local high cost of living. There is an ever growing outcry from all user groups to have a more robust marine law enforcement presence on and around the 2,900 square nautical miles that comprise the FKNMS. The funding, presence, and activity of the law enforcement agencies tasked with enforcement of the laws and regulations that protect the fragile environment and resources of the FKNMS need to be enhanced to adequately meet current and future needs. The City encourages the Florida Fish and Wildlife Conservation Commission to review the level of compensation for its law enforcement officers in a manner that provides for adequate housing while increasing the level of service needed for public safety and protection of environmental assets within the Florida Keys.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u> X </u>	<u> </u>
2. Other – 2010 Sewer Mandate	<u> </u>	<u> X </u>

FISCAL NOTE: NA

RECOMMENDATION: Approval

Sponsored by: Bartus

**CITY OF MARATHON, FLORIDA
RESOLUTION 2021-120**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, IN SUPPORT OF MARINE LAW ENFORCEMENT AND PARTICULARLY, THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION AND ITS LAW ENFORCEMENT OFFICERS; REQUESTING THAT THE FWC AND SISTER AGENCIES IMPLEMENT STRATEGIES TO AID IN THE RECRUITMENT AND RETENTION OF ITS OFFICERS; AND REQUESTING AN INCREASE IN THE NUMBER OF OFFICERS IN MONROE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Monroe County is home to Everglades National Park, Biscayne National Park, Dry Tortugas National Park, and the Florida Keys National Marine Sanctuary (FKNMS), each a national environmental treasure with uniquely important and diverse natural resources; and

WHEREAS, Monroe County is also home to Crocodile Lake National Wildlife Refuge, Great White Heron National Wildlife Refuge, Key Deer National Wildlife Refuge, and Key West National Wildlife Refuge; and

WHEREAS, Monroe County similarly hosts a number of State Parks, including Dagny Johnson Key Largo Botanical, John Pennekamp, Windley Key Fossil Reef Geological, Long Key, Curry Hammock, Bahia Honda, and Fort Jefferson; and Aquatic Preserves, including Biscayne Bay-Card Sound Lobster Sanctuary, Lignum Vitae, and Coupon Bight, and

WHEREAS, the Federal and state governments have authorized and appropriated significant public dollars to the restoration and preservation of the City of Marathon and Monroe County's diverse marine ecosystem; and

WHEREAS, the City of Marathon and Monroe County continue to invest in and to work in partnership with state and federal agencies to protect the health of its unique marine environment; and

WHEREAS, the sustained health and safety of the Florida Key's marine refuges and nearshore waters are vital to the tourist-based Florida Keys economy; and

WHEREAS, the Florida Key' marine environment provides an unparalleled boating, fishing and diving experience, attracting high numbers of recreational boaters, charter boats, commercial fishing vessels, liveaboard vessels, transient boaters, dive boats, personal watercraft, and kayaks, all contributing to the need for increasingly robust protective resources; and

WHEREAS, the Florida Keys' unique marine environment is a highly valuable economic

engine in the State of Florida, generating over \$200M in sales tax each year, and worthy of increased State investment for its protection; and

WHEREAS, the highly active boating environment leads to a number of hazardous and environmentally damaging impacts including:

1) Vessel groundings: more than 300 vessel groundings are reported in the Florida Keys National Marine Sanctuary every year, with 80% of these impacting the fragile seagrass habitat and damaging corals; and

2) Boating accidents: Monroe County has the highest number of boating accidents in the State every year, and in 2020 Monroe once again led the State with 99 accidents and 9 fatalities; and

3) Derelict vessels: Monroe County has the highest number of derelict vessels Statewide each year, and is currently on track for the removal of 60 derelict vessels this year; and

WHEREAS, the continued environmental and economic viability of Florida Keys depends on the preservation of those environmental resources and on the continued protection of the quality, tranquility, and safety of our surrounding waters; and

WHEREAS, the need for ecological restoration, effective management, and adequate enforcement of FKNMS and other agency regulations including marine zoning, water quality protection, and others is ever increasing as usage increases and environmental decline continues, and

WHEREAS, without exception, existing FWC staff provide excellent and highly professional law enforcement service to Monroe County but could be strengthened by a staff increase; and

WHEREAS, FWC has the awesome responsibility for protecting the environmental resources of a 2,900 square mile expanse of the Florida Keys' nearshore waters, 240 miles of coastline, and one of the most diverse and active boating environments in the State; and

WHEREAS, a 1997 FEIS study for the FKNMS management plan indicated the need for a total combined law enforcement presence in the FKNMS of 43 uniformed sanctuary officers, and

WHEREAS, in 2001 there were 17 law enforcement officers dedicated to FKNMS-specific enforcement, most of whom were in the employ of the FWC, and at this time there is less than one fulltime officer's worth of time dedicated to same, and

WHEREAS, the provision and retention of FWC officers is vitally important to the ongoing protection of Monroe County's marine environment and the safety of the boating public; and

WHEREAS, Monroe County has the highest cost of living in the State of Florida as well as a well-documented lack of affordable/workforce housing providing a significant affordability challenge for local FWC officers; and

WHEREAS, as a result, there are approximately 15 vacant FWC officer positions in the

Florida Keys; and

WHEREAS, the City urges FWC to direct increased resources for the protection of the Florida Key's marine environment, and to implement strategies to aid in the recruitment and retention of its officers such as sufficient pay consideration and/or housing allowance to account for the local high cost of living; and

WHEREAS, there is an ever growing outcry from all user groups to have a more robust marine law enforcement presence on and around the 2,900 square nautical miles that comprise the FKNMS, and

WHEREAS, the funding, presence, and activity of the law enforcement agencies tasked with enforcement of the laws and regulations that protect the fragile environment and resources of the FKNMS need to be enhanced to adequately meet current and future needs.

WHEREAS, the City encourages the Florida Fish and Wildlife Conservation Commission to review the level of compensation for its law enforcement officers in a manner that provides for adequate housing while increasing the level of service needed for public safety and protection of environmental assets within the Florida Keys; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council expresses its strong support for the Florida Fish and Wildlife Commission and its law enforcement officers.

- a. The City urges the State of Florida and the Florida Fish and Wildlife Commission to consider directing additional law enforcement resources to Monroe County without impacting the number of law enforcement personnel elsewhere in Florida. Action will be necessary at the Legislative level; and
- b. The City urges the Florida Fish and Wildlife Conservation Commission to direct increased resources to the protection of the Florida Keys marine environment and user groups, and to implement strategies to aid in the recruitment and retention of its officers such as sufficient pay consideration and/or housing allowance to account for the local high cost of living.
- c. The City urges NOAA and the Office of National Marine Sanctuaries (ONMS) to continue to partner with the Florida Fish and Wildlife Conservation Commission via Joint Enforcement Agreements to pursue effective management and enforcement efforts within FKNMS. These partnerships assist all involved in developing a proactive and effective enforcement capability to protect the natural and cultural marine resources of south Florida and the Florida Keys.
- d. The City requests that NOAA's Office of Law Enforcement (OLE) continue to support NOAA Special Agents and uniformed law enforcement personnel in the Florida Keys.

- e. Finally, the City applauds the provision of local law enforcement resources for marine law enforcement through the Monroe County Sheriff's Office, City of Key West Police Department, and the City of Key Colony Beach Police Department and encourage those agencies to continue those services in support of the issues noted herein.

Section 2. The Clerk is hereby authorized and directed to transmit certified copies of this Resolution to Governor DeSantis, Senator Ana Marie Rodrigues, Representative Jim Mooney, FWC Executive Director Eric Sutton, FWC Commissioners Robert Spottswood, Mike Sole, Rodney Barreto, Steven Hudson, Gary Lester, Gary Nicklaus, and Sonya Rood.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14th DAY OF DECEMBER, 2021.

THE CITY OF MARATHON, FLORIDA

Mayor John Bartus

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

Steve Williams, City Attorney