# Environmentally Endangered Lands Program

# Procedures Committee Meeting

**March 29, 2019 Minutes
Approved February 18, 2020**

## *Attendance*

### Procedures Committee Members

* Linda Behret
* Sil Crespo
* Rick Follet
* Vince Lamb
* Bo Platt
* Rocky Randals
* Diane Stees

### EEL Program Staff

* Laura Clark
* Mike Knight

### Guests

* None

Protecting and Preserving Biological Diversity
Through Responsible Stewardship of Brevard County’s Natural Resources.

## *Meeting Minutes*

### CALL TO ORDER AND ROLL CALL

Linda Behret, Chairman, called the meeting to order at 2:20 PM. Clarification was provided that Leesa Souto and Kim Zarillo had provided advance notice they would not be able to attend.

### PUBLIC COMMENT

None.

### MINUTES

No minutes were presented for approval.

### AGENDA ITEM

**Confirmation of Qualified Applicants List for Selection and Management Committee Appointments**Mike Knight, Environmentally Endangered Lands (EEL) Program Manager, clarified that the purpose of the meeting was for the Procedures Committee (PC) to review the qualifications of persons responding to the recent Call for Selection and Management Committee (SMC) Applicants and verify the list of qualified applicants through a majority vote prior to submittal to the County Commission for final ranking and appointments.

Mike noted that on January 8, 2019 the Board of County Commissioners (BOCC) considered reappointments for seven of the existing eight members on the Selection and Management Committee. One member (Liz Baker) was appointed recently and her term does not expire until December 31, 2020.

During the January 8th BOCC meeting, District 2 Commissioner Bryan Lober indicated that he felt that the qualifications for membership on the Selection and Management Committee were overly restrictive and indicated his desire to remove the graduate degree requirement from the list of appropriate academic degree categories. During the meeting he was tasked with creating a resolution to accomplish that goal.

The BOCC then took the following action:

* The two members with the least seniority on the committee (Tammy Foster and Oli Johnson) were reappointed.
* Five members (David Breininger, Randy Parkinson, Paul Schmalzer, Laurilee Thompson, and Kim Zarillo) were not reappointed.
* The committee members who were not reappointed were not prohibited from reapplying and may continue to serve until they are reappointed or replaced.

Clarification was provided that the EEL Program’s Land Acquisition Manual (LAM) requires that all changes to the LAM must be approved by the Procedures Committee and Selection and Management Committee. It was also noted that the language of the resolution indicated that the Board wished to amend the membership criteria without the required review by the committees.

The resolution revising the SMC membership criteria was approved by the BOCC on February 12, 2019 and the Call for Applicants was initiated.

There are currently four open science positions and one position for someone representing the Tourism Development Council (TDC), formerly held by Laurilee Thompson. The TDC slot will be handled at a later date.

Five applications were received and ranked by the Qualifying Committee for the four open science positions on the Selection and Management Committee:

* David Breininger – Score 122
* Tamy Dabu – Score 112
* Paul Schmalzer – Score 122
* Samuel Sweetman – Score 0 (did not meet minimum qualifications)
* Lisa Toland – Score 112

Application packets for each applicant were provided to the Procedures Committee prior to the meeting. Each of the applicants was discussed.

**David Breininger**

* Bachelor’s in Marine Biology and two graduate degrees in Conservation Biology and Ecology.
* 38 years of experience.
* Leading Florida Scrub-Jay expert.
* Extensive scientific publications.
* Extensive knowledge of Brevard habitats.
* Met minimum qualifications for 100 points, plus 5 additional points for each graduate degree, plus the maximum of 12 additional points for experience, for a total score of 122.

Sil Crespo noted that one of the EEL Program’s tasks is protecting Scrub-Jays and expressed his appreciation for having the privilege of utilizing David’s knowledge on EEL properties. Diane Stees also noted that David has done a lot of public outreach.

**Tamy Dabu**

* Bachelor’s in Biology.
* 13 years with Department of Environmental Protection, 27 years with Army Corps of Engineers.
* Very involved in permitting for scrub and wetland habitats.
* Met minimum qualifications for 100 points, plus the maximum of 12 additional points for experience, with 0 additional points for education, for a total of 112.

**Paul Schmalzer**

* Bachelor’s degree in Biology and two graduate degrees in Ecology.
* 36 years of experience.
* Many scientific publications.
* Extensive knowledge about the EEL Program’s history.
* Met minimum qualifications for 100 points, plus 5 additional points for each graduate degree, plus the maximum of 12 additional points for experience, for a total of 122 points.

Vince Lamb noted that Paul is the State Science Chair of the Florida Native Plant Society. Sil noted Paul’s expertise in rare plants and fire ecology. Diane noted that Paul has led field trips to EEL sanctuaries for the Florida Native Plant Society and other interested members of the public for many years. It was noted that Paul will be receiving the 2018 Kennedy Space Center Science/Engineer of the Year award in April.

**Samuel Sweetman**

Mike explained that although Samuel met the degree portion of the minimum qualifications, he was missing experience in uplands and his experience was generally limited to aquatic ponds environment so he did not meet the minimum qualifications which would have given him the first 100 points. Candidates who do not meet the minimum requirements do not receive any points.

Clarification was provided that Samuel attended the meeting and showed an interest in learning more about the EEL Program.

Mike noted that with four science openings and four qualified applicants, the Board’s job in selecting SMC members should not be too difficult.

**MOTION ONE**

**Sil Crespo made a motion to approve the following Selection and Management Committee applicant scores, as assigned by the Qualifying Committee:
Tamy Dabu – 112, David Breininger – 122, Paul Schmalzer – 122,
Samuel Sweetman – 0, Lisa Toland – 112.**

**Diane Stees seconded the motion.**

**The motion carried unanimously.**

Rocky Randals noted his feeling that it was humbling to find this degree of expertise in Brevard County.

### ADDITIONAL DISCUSSION

**Charlie Corbeil Awards**

Vince Lamb explained that this year’s Charlie Corbeil awards for conservation will be held on April 14, 2019 at the Brevard Zoo and that Ross Hinkle, former Selection and Management Committee member for many years, and Bo Platt, current Procedures Committee member will be receiving awards at the event.

**Expression of Appreciation**

Diane requested that an expression of appreciation be made to committee members who would no longer be on the SMC. Mike confirmed staff will prepare a framed picture similar to the one sent to Ross Hinkle.

**Language in publications regarding SMC**

Diane noted that during the March 6, 2019 Selection and Management Committee and Selection and Management Committee Procedures Committee meetings, motions were approved by both committees to request clarification of the rationale of the removal of the term ‘acquisition’ from public information releases of the EEL Program related to activities of the SMC. An update was requested.

Mike noted that the following response was received from Mary Ellen Donner, Director of Parks and Recreation:

“On September 25, 2018, during the Brevard County Board Budget Hearing discussion regarding the EEL tentative millage, Commissioner Isnardi stated she was going to support the millage request, but only with the caveat that there would be no new purchases of land. She stated that she had spoken with the County Manager about this and the County Manager confirmed Commissioner Isnardi’s statement that there would be no new purchases of land.

Also, it bears remembering and mentioning that the Board approved an 11.5% increase over rollback. The County Manager was the one who recommended that millage and none of the other Parks and Recreation Department millages were put in that category.”

Mike clarified that the decision to remove the word acquisition from the Press Release advertising the opening on the SMC had been made by the County’s Communications Director based on his belief that was what the County Manager would want.

Rocky noted his feeling that for an opinion to become fact was perhaps, stretching things a bit. Linda noted that there are other ways of acquiring land besides purchase.

**Request for SMC opinion on status of EEL Program**

Diane stated that she remembered Paul Schmalzer making a statement during the recent SMC/PC meeting that if future acquisition was eliminated, what the Program has already acquired will not be sustainable. She asked if the SMC could give the PC some kind of executive summary of where the Program stands so far.

Mike explained that the SMC is working on that and requested that the PC make the request in the form of a motion. He noted that the SMC just reviewed a group of smaller properties which might be considered stepping stones at their last meeting and it was anticipated that at the next SMC meeting on April 10th, they would review everything that has been proposed relative to what has been acquired in order to fine tune the acquisition targets.

**MOTION TWO**

**Diane Stees requested that the PC be provided with the SMC’s assessment of current status of land acquisition and status of long-term biodiversity goals for sustainability of the habitats and the species that live on those habitats.
Sil Crespo seconded the motion.**

Additional Discussion
Vince requested clarification regarding the possible use of Florida Forever funding without matching funds from the County. Mike noted that originally, The Nature Conservancy (TNC) assisted the EEL Program with acquisition of properties within State approved project boundaries and then later on the County turned the title over to the State in exchange for receipt of 50% of the purchase price as part of a partnership funding agreement. He added that there later became a time when The Nature Conservancy facilitated acquisition of some of the mega-parcel areas in Brevard for the EEL Program and the State funded 100% of the purchase price of those properties up front.

Mike also provided information on a land exchange between the EEL Program and a private citizen which the SMC had approved and was pending presentation to the Board of County Commissioners. He noted his understanding that there is concern that some commissioners may still see the exchange as acquisition because the citizen plans to exchange 8 of his parcels for 4 parcels which are in State title and he was waiting to see if the exchange would be allowed to move forward to the Board. He noted that under the current rules, there is no provision which allows for a recommendation from the Selection and Management Committee to not be forwarded to the BOCC.

Clarification was provided that there was a motion on the table which still needed a vote. A vote was taken.
**The motion carried unanimously.**

Diane noted her understanding that the EEL Program has strong public support and her feeling of the importance of following the rules which were passed previously and have been successfully used by the Program for a long time. She mentioned that when there are lapses, citizens need to look into the situation and that she considers that as part of her committee appointment, she is here to help be a guardian of the Program and to protect what voters approved, which was a Program based on science not politics.

The importance of the language in a future referendum was discussed. It was noted that in the Indian River Lagoon referendum, language regarding the science committee’s rule as an oversight committee was included in the ballot language.

Mike emphasized that according to the guidelines in the Land Acquisition Manual, which was in place before the 1990 referendum, the SMC has authority to take certain steps which he believes no other committee in the County has the ability to take.

It was noted that funding from the current (2004) referendum ends in 2024. Clarification was requested regarding the possible timing of another EEL Program referendum.

Vince noted he is waiting for information from TNC, who may be providing assistance if plans for a new referendum move forward.

Diane emphasized the need for citizens to stay involved and her feeling of the importance of documenting what is going on with the EEL Program. Linda agreed.

### PUBLIC COMMENT

None.

### NEXT MEETING

To be determined.

### ADJOURNED

The meeting was adjourned at 3:50 PM.

### SUMMARY OF MEETING MOTIONS

1. Motion to approve the following Selection and Management Committee applicant scores, as assigned by the Qualifying Committee: Tamy Dabu – 112, David Breininger – 122, Paul Schmalzer – 122, Samuel Sweetman – 0, Lisa Toland – 112. APPROVED
2. Motion to request that the Procedures Committee be provided with the Selection and Management Committee’s assessment of current status of land acquisition and status of long-term biodiversity goals for sustainability of the habitats and the species that live on those habitats. APPROVED

**ACTION ITEMS**

1. Notify Board of County Commissioners regarding the Procedure Committee’s confirmation of Selection and Management Committee applicant scores, as assigned by the Qualifying Committee.
2. Prepare expressions of appreciation to outgoing Selection and Management Committee members.
3. Provide Procedures Committee with Selection and Management Committee’s assessment of the current status of land acquisition and status of long-term biodiversity goals for sustainability of the habitats and the species that live on those habitats.