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# Environmentally Endangered Lands (EEL) Program Procedures Committee Zoom Meeting

## August 1, 2019 **Minutes**

## Attendance

### PROCEDURES COMMITTEE (PC) MEMBERS

Linda Behret

Kim Zarillo

Diane Stees

Rick Follet

Sil Crespo

### ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM STAFF

* Mike Knight
* Laura Clark

### GUESTS

Paul Schmalzer

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

## Meeting Minutes

### CALL TO ORDER AND ROLL CALL

Linda Behret called the meeting to order 2:27 PM.

### PUBLIC COMMENT

None.

### MINUTES

The Procedures Committee May 2, 2019, meeting minutes were presented for approval.

**MOTION 1**

**Sil Crespo moved the May 2, 2019 PC minutes be approved as presented.**

**Kim Zarillo seconded.**

**Motion carried unanimously.**

Sil Crespo noted the Pinkerton Exchange was listed in the minutes and asked if there was discussion. Laura stated the Pinkerton Exchange was referenced in agenda items since it was included in Mike’s presentation, discussed after the presentation, and this discussion is included later the minutes. Mike stated the Program is not satisfied with the State’s position on land exchanges in this area.

The Selection and Management Committee (SMC), Procedures Committee (PC), and the Recreation and Education Advisory Committee (REAC) Joint Meeting June 13, 2019, minutes were presented for approval.

Paul Schmalzer referenced a correction to page 6 noted at the SMC meeting. The second line should read *and subsequent revisions and works with the Selection and Management Committee and Procedures Committee in review and approval of any further revisions*.

**MOTION 2**

**Sil Crespo moved to approve the June 13, 2019 Joint Meeting minutes as corrected.**

**Diane Stees seconded.**

**Motion carried unanimously.**

### ADMINISTRATIVE REVIEW

Laura Clark clarified Vince Lamb is working with people regarding the dogs on the beach issue in preparation for the August 6th County Commission meeting. Bo Platt is meeting with a State Representative and was not able to attend as planned.

Laura stated there is not a quorum; however, staff will respond to questions from the Three Committee Meeting.

Mike Knight provided answers to questions from the Three Committee Meeting held June 13, 2019. Mike reviewed the information provided to the Procedures Committee members containing the questions and answers regarding the advisory committee structure. Discussion ensued.

### COMMITTEE MEMBER REPORTS

None

### AGENDA ITEM 1

**Funding**

Mike Knight stated the PC requested a dedicated discussion regarding funding and revenue. Mike explained the events that occurred in 1997 regarding financial options, Scott Knox’s input in 2016, and other potential hairbrained ideas to generate revenue. Scott Knox was not available for this meeting, but will attend at another time. He wanted to express his appreciation for the PC and requested a copy of the letter so he can remain informed.

Mike provided a summary of the Program’s funding history. One scenario is to set aside a portion of the ad-valorem revenue into a management endowment fund. Another option is bonding to full capacity and fund all management costs under the general fund. Alternately, funding long term management with a combination of general fund and ad-valorem, phasing it in over 15 years. The Board chose to fund management with ad-valorem revenue until a later date.

Mike referred to the memo Scott Knox wrote with five funding options. Option one is to call for a county wide special election and referenced the 0.25 mil dedicated to EEL operations and maintenance. Mike noted Scott Knox did not mention bonding in the memo.

Discussion ensued regarding the Board’s decision in December 2016 regarding funding and bonding. The Committee discussed the referendum occurring as part of a primary election verses a special election. Mike referenced a conversation with Scott. In this discussion, it was stated that if bonding was not included in the referendum, it is not binding with the board. Paul Schmalzer read an excerpt from a document that addressed this issue. Paul Schmalzer and Mike Knight agreed the referendum can be written with or without bonding. Mike Knight stated the requirement to get the referendum on the ballet is support from three Commissioners. Diane Stees asked if it is too late to get the referendum on the November 2020 ballet. Paul Schmalzer does not think it is too late based on his recollection of the events in 1989, 1990, and 2004. Mike Knight mentioned a remark he heard regarding utilizing a petition for the referendum. He added a petition cannot be utilized if the item is already part of the County budget. Diane Stees stated the program is sunsetting and asked if the Program can ask the County Attorney about the petition. Mike stated he provided Vince with the information.

Kim Zarillo referenced the minimum requirement in the Charter and added one can pay or get signatures. Mike stated there is an attempt at the request of the Nature Conservancy to obtain a feasibility study to determine the level of support. There is work being done to get a commissioner to support this feasibility study. Kim Zarillo stated this preliminary work is to establish general support from the commissioners of an EEL referendum. She added this is asking for support to add it to the ballot not committing to vote for it. It was stated, requesting support to add the referendum to the ballot occurs before the feasibility study is conducted along with the Nature Conservatory’s intent to provide financial support. Paul Schmalzer added utilizing future financial support has not been effective in elevating to a discussion with the Board. Kim stated it may be helpful looking at in another way. Mike agreed it is a great place to start.

Option two is a critical need charter exemption which requires an annual super majority. He stated this is not a long-term solution. The Committee briefly discussed and determined an annual super majority is not feasible.

Option three is add EEL operations and management to the general fund millage. Mike stated this is an option and added funding would have to be provided annually from tax revenue. Paul mentioned the Board would have to approve a millage annually. Kim Zarillo thinks this approach adds security and may be a better solution since funding would be obtained just like any other department. Mike stated this was the original proposal in 1997 to phase funding in over time. Sil Crespo supports a referendum and stated with the third option the Program will be subject to the Board annually. Kim stated this is the same for all other County departments. Paul stated he believes there is more voter support for conservation than with the Commission. Several committee members agreed. Kim Zarillo sees the point and agrees but thinks it would be good to be part of the norm and referenced library funding as an example.

Mike Knight stated Alachua receives funding by both a referendum and general fund. They created the Registry of Natural Public Places. Once the property is in the Registry, the voters say it deserves long term protection and management. Kim would like to see a dedicated millage rate to the EEL program and to be treated as part of the County Government. She understands Paul’s position; however, she believes the Program is regarded as outside of County Government in some ways. She asked if the referendum failed and the Program is not part of the body, what would happen to the properties the County owns? Paul stated the county is responsible, under lease to the State, and cannot do nothing since they accepted matching funds to manage, acquire, conserve the land. Kim stated this is part of the discussion of why the Program should be part of the County’s general fund. Sil Crespo asked what will prevent the Program from being absorbed by Parks and Recreation. Kim stated the Program is part of Parks and Recreation. Diane Stees thinks another referendum will pass.

Paul cautioned going under the general fund does not provide funding to acquire land. Kim Zarillo suggests a hybrid option with both a referendum and becoming part of the general fund. Diane Stees asked if individuals and corporations contribute to purchase lands and wondered if this could be an option for mitigation as well. Kim stated they can donate now. Mike clarified the Program accepts donations now; however, there are different levels of approval required depending on the value of the donation. Diane asked about mitigation. Mike stated the mitigation rules recently changed where the Program can no longer work with private developers as they have in the past. Paul clarified mitigation is not a commitment to fund permanently, but is about doing something specific for a period of time to satisfy the permit requirements. Diane stated a mosaic of funding options including private funds, mitigation, general funds, and grants is needed. Mike added mitigation funds are calculated and these funds provide short term funding. Currently there is approximately $250,000 in that fund. Paul stated the Air Force reclaimed $900,000 because the Program was not able to meet the acquisition requirement in the agreement.

Option four is a Municipal Service Taxing Unit (MSTU). This could be county wide or just unincorporated, but all cities and municipalities would have to agree. Mike stated if one city did not approve, it would make it move expensive for those who approved. The rates are set annually and the MSTU can be ended at any time. Paul referenced the December 2016 minutes and explained three votes would terminate the MSTU unless the funds are for bond repayment.

Option five is a Dependent Special District (DSD) in which all municipalities have to agree. Mike is unsure how the DSD differs from the MSTU in terms of advantages or disadvantages.

Diane asked if the Program should request two referendums one for management and the other for acquisition. Sil, Paul, and Kim recommend one referendum. Kim mentioned it is better to have fewer items in front of the Board and mentioned the Nature Conservancy’s position on the voter’s position on land acquisition. Sil agrees with Lisa’s bullet points and stated the letters written by Vince Lamb and Linda Behret are very good and believes if the Commissioners were provided this information, they may support putting it on the ballot. Mike restated the focus is to request a feasibility study to determine what the public thinks about ongoing funding.

Kim mentioned the Florida Statute and wondered if this could be used for the mechanism for the referendum. Mike stated this is the next item and mentioned he discussed this with the County Attorney. He added the issue is population limits and this number is not clearly defined. Mike stated this has potential and believes this is recognition of the value of what the State recognizes in terms of conservation. Kim stated the Florida Native Plant Society was looking at this for funding. Paul asked if there are any existing Green Utility Districts and what’s their experience?

Mike mentioned there may be some small revenue options such as hunting, leases, and saw palmetto; however, these options are expensive, labor intensive and not a significant revenue source. Mike stated the Program has not created business plans for these potential revenue streams. Mike mentioned impact fees, an endowment in Miami, and partnerships. Paul noted the impact fees were cut after the 2008 recession. Kim asked if this was a true endowment where it’s put into a fund for perpetuity? Paul commented many of these options are not compatible with the EEL Program. It was noted impact fees and endowments require the Board’s approval. Diane mentioned foundations provide funds and we need someone such as Friends Groups to go out and look for funds and apply for grants. Kim mentioned the Community Foundation of Brevard provides training to help groups obtain funding and these grants can be utilized for specific, small projects or equipment. Paul added one has to find the correct foundation for a specific project based on their interest, but it takes effort. Sil asked if this would generate enough revenue to fund the EEL Program? Mike stated this is not enough, but thinks impact fees and endowments are possibilities. Diane stated that is why a mosaic is useful and mentioned a land trust or legacy program. Mike and Kim agree and think a legacy program is a good thing to explore. Diane added this needs to be marketed online to potential donors.

### AGENDA ITEM 2

**FY 2019-2020 Tentative Millage Rates**

Mike moved the conversation to millage rates. Although the millage rate decreased, the revenue increased. The amount not collected was $2.7 million. Laura asked for clarification regarding inability to raise the millage, it was determined millage can be changed with three votes. Three consecutive super majority votes are need to increase the millage. Diane expressed concern that the market will decline and the EEL program will be forced to obtain a super majority to increase the millage. Paul noted this action would risk the $3 million in reserves in addition to the depleted operational reserves that were lost. Kim asked if the left-over monies will be adequate to fund the FIND Site. Mike stated there is a lawsuit filed by a land owner next to the basin and the revised agreement will be presented to the Board.

Diane asked about the outcome of the one-on-one meetings with Commissioners. She noted Vince Lamb met with Commissioner Tobia and supported sub-committees. The staff recommendation is to let the Commissioner know the EEL Program is willing to recruit committee members. Mike asked if anyone has questions regarding sub-committees. Diane stated she has not read the document, but can read it at home. Diane asked if the sub-committee structure will work. Kim stated if it is implemented, the Committee will make it work. Laura asked is sub-committees will vote on things. Mike stated they will vote, but only to get the proposal before the SMC. Kim stated when the SMC member is going through the review process, the PC would follow protocols and the subsequent meeting would have to be in the sunshine to make the appointment. Mike added the SMC will appoint the sub-committee members. Sil stated the SMC Committee Members are resistant to the extra work of appointments. Kim stated this change to a sub-committee structure will require revising the manual. Mike stated the only addition task to the SMC is to appoint sub-committee members. Paul noted it in on the agenda, the workshop was cancelled, and the decision has not been made. Mike noted a comment in a report where District X and District Y are supportive of District Z’s proposal to consolidate the EEL program committees.

Sil asked if the PC could prioritize some ideas of the most logical scenario to fund the program. Linda asked if the PC members would like to discuss this at the next meeting. Mike said he is open to having an additional meeting and inviting Scott Knox to attend. Diane asked what will happen if the committees are consolidated? Kim suggested focusing on the bigger vision and getting things accomplished. Diane is concerned when the changes will be implemented. Kim’s concern is term limits.

Laura stated the SMC recommended no change to the committee structure and asked if that is going to go anywhere other than the minutes. Kim stated that would be important to reiterate that at the August 6th meeting. Mike stated the letters have been provided to the Commissioners and we have not been provided to reexamine that. Laura is not clear at what went to the Commissioners. Sil clarified the letters were sent to Linda as the head of the PC and a commissioner confirmed he received at least one letter. Laura inquired about the next PC meeting date and asked if the SMC be included. Sil thinks the SMC should be involved. The next SMC meeting on August 23, 2020. Mike suggested the SMC attend and invite Scott Knox if that is agreeable to the PC. Diane asked if someone can contact Scott and ask about a petition to get the referendum on the ballot. Paul suggested asking the questions at the meeting; but Sil stated sending an email with a couple questions would be acceptable. Laura asked which PC members are available to attend the August 23rd meeting to determine a quorum. Four PC members present are available to attend.

### PUBLIC COMMENT

Kim mentioned her understanding is the State will not be issuing a permit right away on the EEL South Beaches property. Kim stated Tamy Dabu indicated the oyster reefs are made partially of plastic. Kim does not see the conservation value of adding materials to the lagoon that are not biodegradable. She requested this issue be brought to the attention of the SMC. Mike is confused where program should stand and staff should understand the scope. Kim is supportive of partnerships, people helping, and wants to stay in line with science.

### NEXT MEETING

August 23, 2019

### ADJOURNED

The meeting was adjourned at 4:45 pm.