

EXECUTIVE SUMMARY

Recommendation to sunset the Conservation Collier Land Acquisition Advisory Committee.

OBJECTIVE: To receive direction from the Board of County Commissioners (BCC) for sunset of the Conservation Collier Land Acquisition Advisory Committee (CCLAAC).

CONSIDERATIONS: The CCLAAC was created by the Board of County Commissioners in 2002 pursuant to the adoption of Ordinance 2002 -63, which authorized the creation of the Conservation Collier Land Buying Program. The CCLAAC been instrumental in the success of the Program, through selecting conservation lands for acquisition and preservation, developing policies for managing the program, and making recommendations on items such as management plans, amenity and improvement plans, and public outreach. The time and efforts of the citizen volunteers who have participated in CCLAAC over the past 10 years have been invaluable.

At this time in the life of the program, however, two factors have arisen. First, the Conservation Collier Ordinance provides criteria for sunset of the CCLAAC and these criteria have essentially been fulfilled. Second, as Conservation Collier staff turns to the business of managing acquired lands (including the land management plans that are already Board approved and in place) with numerous time sensitive commitments, it is becoming clear that more staff resources need to be focused on tasks associated with land management and public access. With this in mind, the staff time dedicated to CCLAAC meetings and related prep time effectively reduces the limited staff time available.

The Ordinance direction (2002-63, as amended, Section 8.6.d) is as follows:

“At such time as there are insufficient uncommitted funds in the Conservation Collier Acquisition Trust Fund to conclude another acquisition and all acquisition projects have been closed the Land Acquisition Advisory Committee shall report to the County Commission that its business is concluded and all remaining Conservation Collier Acquisition Trust Fund monies shall then be transferred to the Conservation Collier Management Trust Fund.”

On 1/25/11 (Agenda Item 10B) the Board of County Commissioners (Board) terminated further acquisition efforts in favor of maximizing funding for perpetual reserve maintenance. While a modest reserve exists, there are currently no Conservation Collier monies budgeted for land acquisition. FY 2013 is the final year of the Conservation Collier Tax levy and thus the final year of Conservation Collier funding. All acquisition projects within the pipeline have been completed. The two multi-parcel projects (NGGE Unit 53 and Winchester Head) that might be considered still open were effectively terminated when the Board terminated any further acquisition activity. The financial plan for the modest reserves in the acquisition fund calls for all the funds (except for \$15,000 as Reserves for Capital for “good deals”) to be swept into the 174 Land Management Trust Fund in FY 14 and used to assure funding for long term management of preserves.

Staff is prepared to pursue the multi-parcels projects NGGE Unit 53 and Winchester Head as opportunities arise and the major recommendations and approval for these projects are already in place. Rather than fee simple purchases, acquisitions will rely on a Land Development Code provision (LDC 3.05.07 H.1.f.), allowing off-site preservation and language in the revised Conservation Collier Ordinance (2007-65, Sect. 14.7), which allows consolidation of remaining parcels in these two projects to complete those projects. Within the Board’s moratorium on additional acquisitions there exists the possibility of asking the Board to consider acquisitions that are “very good deals”. Staff can bring the occasional “good deal” to the Board for consideration, noting that the Board also asked that any future “good deal”

proposals would need to be fully vetted to make sure not only acquisition funding but also long term management funding is in place.

With all that in mind, staff has initiated discussions with CCLAAC regarding sunset. In a discussion held at its 2/22/13 public meeting (Agenda Item V.C.) CCLAAC members noted that they have been an active participant in the Gordon River Greenway Park project and have been of valuable service in this regard. Members indicated they would like to maintain involvement until the project is substantially finalized to determine whether enough uncommitted funds remain from that project to acquire the 7.5-acre CDC parcel that was placed on the Cycle 8 Active Acquisition List as an A project, to add to the Gordon River Greenway project. Therefore, CCLAAC members indicated they would like to continue participation until such time as this potential is determined, which would be approximately 18 months. Staff believes the work of CCLAAC to be finished, and believes this question can be resolved internally with Board approval if funds are subsequently identified. If the Board believes CCLAAC should remain active until then, staff recommends no more than quarterly meeting be held. The discussion on sunset was continued to the 4/8/13 CCLAAC meeting. At that meeting (Agenda item V.H.) members reiterated their desire to continue functioning as an active advisory committee to oversee donations of parcels and future capital improvements, also indicating they would like to seek taxpayer input via a community meeting regarding the program's future before a decision is made. A public Conservation Collier subcommittee meeting was held on 6/18/13 and a recommendation differing from staff's was made unanimously. It is included in the Recommendations section of this Executive Summary.

If the CCLAAC were to sunset:

- All future questions regarding acquisition of lands by payment, donation, parcel trading, Exceptional Benefits petitions, or any new proposed policies, would go directly to the BCC for review and action along with staff recommendation.
- Two resolutions, TDR Conveyance (2008-132) and Off-site Preserves (2010-213) would require revision to reflect proposals going directly to the BCC instead of to CCLAAC for recommendation and then to the BCC.
- Staff time would be freed to focus on land management and providing public access to preserve lands.

Staff gratefully acknowledges the invaluable role of the CCLAAC in the development and success of the Conservation Collier land acquisition program.

FISCAL IMPACT: Staff time can be redirected to required land management and public access tasks. Staff estimates that it takes between \$2,000-\$4,000 in staff time to prepare for each regular CCLAAC meeting, depending on the complexity of the agenda and an additional \$1,000 in staff time to support a typical subcommittee meeting.

LEGAL CONSIDERATIONS: Ordinance No. 2002-63, as amended, is Conservation Collier's enabling ordinance, which created the CCLAAC. As noted above, Section 8(6)(d) of the ordinance contains requirements for concluding the CCLAAC's business when "insufficient uncommitted funds" exist to conclude another acquisition and "all acquisition projects have been closed." In those circumstances, the CCLAAC "shall report to the County Commission that its business is concluded" and appropriate fund transfers "shall" occur. To date, the CCLAAC has not yet made such a report to the Board, and the fund transfers contemplated in Section 8(6)(d) have not occurred.

This item is legally sufficient for Board action, and requires a majority vote for Board approval. -
JW

GROWTH MANAGEMENT IMPACT: There is no growth management impact associated with this item.

RECOMMENDATION:

Staff recommendation: That the BCC provide direction to sunset the CCLAAC as outlined in the Conservation Collier Ordinance.

Conservation Collier Ordinance, Rules and Policy Subcommittee recommendation: That the Board continues the question of sunset of the CCLAAC to the September 24th BCC meeting, but directs staff to conduct a special CCLAAC meeting. The special CCLAAC will be conducted as a public workshop on the Conservation Collier program prior to the September 24th BCC meeting. The Workshop will be held in the evening hours, at the BCC chambers, and televised. Subject matter for the meeting will include a brief presentation on the Conservation Collier program over the past nine plus years followed by discussion from community members and other interested parties on its successes, failures or shortcomings, items the CCLAAC should address, lessons learned, and Conservation Collier's possible future. Information gathered at the workshop from the members of the community will be recorded and then provided to the BCC for their review in preparation for the September 24th BCC meeting.”

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