

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** March 3, 2009

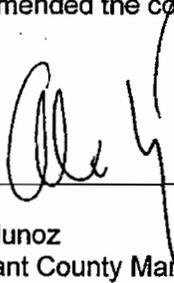
Agenda Item No. 1(D)7

**To:** Honorable Chairman Dennis C. Moss and  
Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

**Subject:** Sunset Review of County Boards for 2009 – Land Acquisition Selection Committee

In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2009 Sunset Review of County Boards Report for the Land Acquisition Selection Committee. The Board approved the attached report at its meeting on December 8, 2008, and has recommended the continuation of its board.

  
\_\_\_\_\_  
Alex Munoz  
Assistant County Manager

cmo05709

**Date:** December 8, 2008

**To:** George M. Burgess  
County Manager

**From:** Dr. Michael Rosenberg  
Chairperson, Land Acquisition Selection Committee

**Subject:** Sunset Review of County Boards for 2009 – Land Acquisition Selection Committee

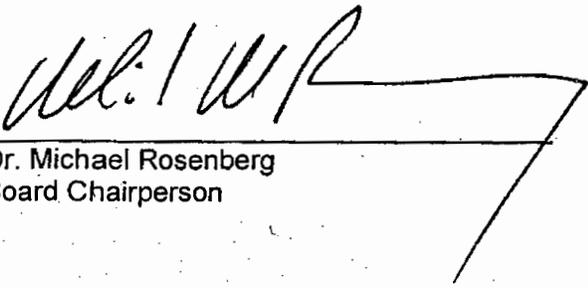
---

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2009 Sunset Review of County Boards Report for the Land Acquisition Selection Committee for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting on December 8, 2008.

It is recommended that the BCC approve the continuation of the Land Acquisition Selection Committee.

#### **BACKGROUND**

The Board was created June 4, 1991, with the adoption of the Environmentally Endangered Lands Ordinance, Chapter 24-50 of the County Code. The purpose of the Board is to advise the Board of County Commissioners on implementing the Environmentally Endangered Lands Program in order to acquire, protect, preserve, restore, and enhance the County's environmental lands and the natural resources on those lands for the benefit of this and future generations. The Board should continue to function, as there is no other governmental entity which has similar responsibilities. The LASC was created as an integral part of the Environmentally Endangered Lands (EEL) Program under Chapter 24-50 of the Code of Metropolitan Dade County. The EEL Program was mandated by Miami-Dade County voters to acquire, preserve and restore environmentally endangered lands. The LASC is a diverse group of dedicated citizens that has functioned effectively in evaluating proposals since its inception in 1991. The range of expertise among its members includes science, native plants and native wildlife and its members are active in local environmental and civic organizations. LASC should continue as it is presently structured until all EEL funds have been committed to a particular land purchase or to the EEL Management Trust Fund. Until that time, the LASC's role is likely to evolve as new acquisitions become fewer and more emphasis is given to resource management on acquired lands.

  
Dr. Michael Rosenberg  
Board Chairperson

**SUNSET REVIEW QUESTIONNAIRE  
MIAMI-DADE COUNTY BOARDS  
2009**

**I. GENERAL INFORMATION**

**1. Name of Board reporting:**

Land Acquisition Selection Committee (LASC).

**2. Indicate number of board members, terms of office, and number of vacancies:**

Number of Board Members: The LASC consists of seven members and one alternate. Term of Office: Members are appointed for three-year terms.

Number of Vacancies: One vacancy currently exists for the alternate position.

**3. Identify number of meetings and members' attendance (Attach records reflecting activity from January 1, 2007 through December 31, 2008):**

Number of Meetings: The LASC held five (5) public meetings.

Number of Meetings with a Quorum: Five (5)

LASC Members

Public Meeting Dates

Dr. Michael Rosenberg, Chair	3/8/2007, 6/25/2007, 8/2/2007, 12/10/2007, 12/8/2008
Dr. Jose Barros	3/8/2007, 8/2/2007, 12/10/2007, 12/8/2008
Dr. Bradley C. Bennett	3/8/2007, 6/25/2007, 8/2/2007, 12/10/2007, 12/8/2008
Dr. Lynette Cardoch	new member – 12/8/08
Mr. Don Gann	3/8/2007, 6/25/2007, 12/10/2007, 12/8/2008
Ms. Suzanne Steinberg	3/8/2007, 6/25/2007, 8/2/2007, 12/10/2007, 12/8/2008
Dr. Michael Ross	new member – 12/10/2007, 12/8/2008
Mr. Warren Zeiller	3/8/2007, 6/25/07, 8/2/2007, 12/10/2007

**4. What is the source of your funding?** The Environmentally Endangered Lands (EEL) Acquisition Trust Fund

**5. Date of Board Creation:** June 4, 1991, with the adoption of the Environmentally Endangered Lands Ordinance, Chapter 24-50 of the County Code, see Attachment 1.

**6. Attach a copy of the ordinance creating the Board.** See Attachment 1.

**7. Include the Board's Mission Statement or state it's purpose.** To advise the Board of County Commissioners on implementing the Environmentally Endangered Lands Program in order to acquire, protect, preserve, restore, and enhance the County's environmental lands and the natural resources on those lands for the benefit of this and future generations (see Attachment 1, Sec. 24-50.6(4)(a)-(c) of the County Code).

**8. Attach the Board's standard operating procedures, if any.** See Attachment 1, Sec. 24A-7(3) of the Code, which establishes rules of procedure for the LASC. Robert's Rules of Order governs those procedures that are not covered in the County Code.

**SUNSET REVIEW QUESTIONNAIRE  
MIAMI-DADE COUNTY BOARDS  
2009**

- 9. Attach a copy of the Board's by-laws (if any) and include the Board's Mission Statement:** See Attachment 1, Sec. 24A-7(3) of the code, which establishes rules of procedure for the LASC. The LASC mission statement is "To advise the Board of County Commissioners on implementing the Environmentally Endangered Lands Program in order to acquire, protect, preserve, restore, and enhance the County's environmental lands and the natural resources on those lands for the benefit of this and future generations."
- 10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, including a vote of the membership.** See Attachment 2.

**II. EVALUATION CRITERIA**

**1. Is the Board serving the purpose for which it was created?**

Yes. There is no other governmental entity which has similar responsibilities. The LASC was created as an integral part of the Environmentally Endangered Lands Program under Chapter 24-50 of the Code of Metropolitan Dade County, see Attachment 1. The EEL Program was mandated by Miami-Dade County voters to acquire, preserve, and restore environmentally endangered lands.

The LASC is a diverse group of dedicated citizens that has functioned effectively in evaluating proposals since its inception in 1991. The range of expertise among its members includes science, native plants, native wildlife, and real estate and its members are active in local environmental and civic organizations.

The LASC is required to hold a public hearing in order to recommend environmental lands for acquisition to the Board of County Commissioners. In performing its duties, the Committee evaluates data based on recommendations from staff and from its observations during site inspections. LASC should continue as it is presently structured until all EEL funds have been committed to a particular land purchase or to the EEL Management Trust Fund. Until that time, the LASC's role is likely to evolve as new acquisitions become fewer and more emphasis is given to resource management on acquired lands.

**2. Is the Board serving current community needs?**

Yes. The LASC continues to review proposals that are submitted to the Environmentally Endangered Lands Program. The 2004 Building Better Communities Bond includes \$40 million for the EEL Program. The need for the LASC will continue for some time into the future.

**SUNSET REVIEW QUESTIONNAIRE  
MIAMI-DADE COUNTY BOARDS  
2009**

**3. What are the Board's major accomplishments?**

**a. Last 24 months**

Resolution R-656-07 Adding 10 acres to the EEL South Dade Wetlands Project  
Resolution R-413-08 Accepting 142 Park Natural Areas into EEL Management:  
MetroZoo  
Resolution R-469-08 Adding 37 Acres to the EEL Cutler Wetlands North Addition  
Hammock Project

**b. Since established**

The LASC has prepared 23 recommendations which have been adopted by the Board of County Commissioners by the following resolutions: R-1069-91, R-666-92, R-518-93, R-1660-93, R-1262-94, R-661-95, R-1361-95, R-660-96, R-1249-96, R-456-97, R-1277-97, R-765-98, R-1413-98, R-692-00, R-613-01, R-1341-01, R-435-03, R-406-04, R552-04, R-50-05, R-656-07, R-413-08, R-469-08.

Since 1991, the LASC has inspected over 120 proposed sites. They have reviewed evaluations and held public hearings on these proposals as required by Sections 24A-12(2)-(4) of the Code of Metropolitan Dade County.

**4. Is there any other board, either public or private, which would better serve the function of this board?**

No

**5. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (Attach proposed changes, if answer is "Yes")**

No. Regarding membership, the EEL Ordinance states that preference will be given to candidates who have a record of service in environmental or civic affairs in Dade County and who have been recommended by one or more bona fide environmental, civic, or professional organizations (see Attachment 1, Sec. 24-50.6 of the Code of Metropolitan Dade County). Attendance requirements are stringent. A member's seat becomes vacant if they miss 3 meetings in a year. There are no un-excused absences.

It is a tribute to the dedication of its members that LASC has usually had full attendance and has always had a quorum for every one of its meetings and hearings since 1991.

**6. Should the Board's membership requirements be modified?**

No.

**7. What is the operating cost of the Board, both direct and indirect (Report on FY 2007 and FY 2008)?**

See Attachment 3.

**SUNSET REVIEW QUESTIONNAIRE  
MIAMI-DADE COUNTY BOARDS  
2009**

**8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.**

The LASC reviews proposals that are submitted by government agencies and the public and makes recommendations to the County Commission. During this reporting period, LASC received and reviewed two proposals and held the required public hearing on these proposals in 2007 in order to make recommendations to the County Commission.

Also: Include a diskette, saved in Word, of the County Manager's transmittal memorandum to the Board of County Commissioners with the Board's recommendation.

**ATTACHMENT I**

**CHAPTER 24-50**

**CODE OF METROPOLITAN DADE COUNTY**

**ENVIRONMENTALLY ENDANGERED LANDS PROGRAM**

### DIVISION 3. Environmentally Endangered Lands Program.

#### Sec. 24-50. Title.

This section shall be known as the Environmentally Endangered Lands Program.

#### Sec. 24-50.1. Legislative intent.

The historic loss, fragmentation, and degradation of native wetland and upland forest communities in Miami-Dade County are well documented, and remaining native wetland and upland forest communities are collectively endangered. On May 8, 1990, the electorate of Miami-Dade County authorized the county to exceed the constitutional millage limitation by levying an ad valorem tax of three-quarters of one mil, for a period not to exceed two (2) years, for acquisition, preservation, enhancement, restoration, conservation and maintenance of environmentally-endangered lands for the benefit of present and future generations; and limiting all uses of, and all investment earnings on, such levies to such purposes. It is the intent of the Board of County Commissioners of Metropolitan Miami-Dade County to establish the Environmentally Endangered Lands Program to implement this mandate and to support its purposes to the fullest.

#### Sec. 24-50.2. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

- (1) Acquisition proposal shall mean (a) parcel(s) of land which has/have been nominated or recommended for acquisition in accordance with procedures provided for hereinbelow.
- (2) Acquisition project shall mean (a) parcel(s) of land approved by the Board of County Commissioners for acquisition by the county in accordance with procedures provided for hereinbelow.
- (3) Ancillary land shall mean that land which is adjacent to environmental land and which is necessary to the management and protection of the environmental land for such purposes as fence installation, access of maintenance equipment, firebreaks, parking, or other management activities which are indicated in the management feasibility evaluation.
- (4) Bona fide organization shall mean an organization which has an elected board of directors, has adopted a charter, by-laws, or rules of procedure, conducts a meeting of its membership at least annually, and which has been in existence in Miami-Dade County for at least two (2) years prior to the adoption of the ordinance from which this chapter derives.
- (5) Buffer land shall mean that land which is adjacent to publicly-owned

287

8

environmental land or to an environmental land acquisition proposal or project, or that land which is an inholding within publicly-owned environmental land or within an environmental land acquisition proposal or project, and which, if not acquired, would threaten the environmental integrity of the existing resource, or if acquired, would enhance the environmental integrity of the resource.

- (6) Environmental land shall mean that land which contains natural forest or wetland communities, native plant communities, rare and endangered flora and fauna, endemic species, endangered species habitat, a diversity of species, or outstanding geologic or other natural features, or that land which functions as an integral and sustaining component of an existing ecosystem.
- (7) Management shall mean the preservation, enhancement, restoration, conservation, monitoring, or maintenance of the natural resource values of environmentally-endangered lands which have been acquired or approved for management under the Environmentally Endangered Lands Program.

**Sec. 24-50.3. Environmentally Endangered Lands Program established.**

The Metropolitan Miami-Dade County Environmentally Endangered Lands Program (hereinafter referred to as the EEL Program) is hereby established to acquire, preserve, enhance, restore, conserve, and maintain threatened natural forest and wetland communities located in Miami-Dade County, for the benefit of present and future generations. The County Manager shall administer this program in accordance with the procedures and criteria provided for hereinbelow.

**Sec. 24-50.4. Purpose.**

The purpose of the EEL Program shall be:

- (1) To acquire environmentally-endangered lands which contain natural forest or wetland communities, native plant communities, rare and endangered flora and fauna, endemic species, endangered species habitat, a diversity of species, or outstanding geologic or other natural features;
- (2) To acquire environmentally-endangered lands which function as an integral and sustaining component of an existing natural system;
- (3) To protect environmentally-endangered lands which are publicly owned by acquiring inholdings or adjacent properties which, if not acquired, would threaten the environmental integrity of the existing resource, or which, if acquired, would enhance the environmental integrity of the resource;
- (4) To implement the objectives and policies of the Comprehensive Development Master Plan for Metropolitan Miami-Dade County which have been promulgated to preserve and protect environmental protection areas designated in the Plan and other natural forest resources, wetlands, and endangered species habitat;
- (5) To identify Miami-Dade County's best and most endangered environmental

JJP

lands for acquisition and management by evaluating the biological characteristics and viability of the resource, the vulnerability of the resource to degradation or destruction, and the feasibility of managing the resource to maintain its natural attributes;

- (6) To manage environmentally-endangered lands with the primary objective of maintaining and preserving their natural resource values by employing management techniques that are most appropriate for each native community so that our natural heritage may be preserved for present and future generations;
- (7) To use the acquired sites, where feasible within financial constraints and with minimal risk to the environmental integrity of the site, to educate Miami-Dade County's school-age population and the general public about the uniqueness and importance of Miami-Dade County's subtropical ecosystems and natural communities; and
- (8) To cooperate actively with other acquisition, conservation, and resource management programs, including, but not limited to, such programs as the State of Florida Conservation and Recreation Lands program, the Land Acquisition Trust Fund, and Save Our Rivers program, where the purposes of such programs are consistent with the purposes of the EEL Program as stated hereinabove.

**Sec. 24-50.5. Environmentally Endangered Lands Trust Funds.**

- (1) *Creation of the Environmentally Endangered Lands Acquisition Trust Fund.*
  - (a) There is hereby created the Environmentally Endangered Lands Acquisition Trust Fund (hereinafter referred to as the EEL Acquisition Trust Fund) for use in acquiring environmentally-endangered lands in Miami-Dade County. The Finance Director is hereby authorized to establish the EEL Acquisition Trust Fund and to receive and disburse monies in accordance with the provisions of this section.
  - (b) The EEL Acquisition Trust Fund shall receive monies from the following sources:
    - (i) All revenues collected by the County Tax Collector pursuant to the extraordinary millage of three-quarters of one mil of ad valorem tax levied in 1990 and 1991, as approved by referendum on May 8, 1990, except for those revenues dedicated to the Environmentally Endangered Lands Management Trust Fund provided for herein by Section 24-50.5(b)(ii).
    - (ii) All monies accepted by Metropolitan Miami-Dade County in the form of federal, State, or other governmental grants, allocations, or appropriations, as well as foundation or private grants and donations for acquisition of environmentally-endangered lands as provided for by this section.

APG

- (iii) Such additional allocations as may be made by the Board of County Commissioners from time to time for the purposes set forth herein.
- (iv) All interest generated from the sources identified in Section 24-50.5(1)(b)(i), (ii), and (iii) hereinabove, except where monies received have been otherwise designated or restricted.
- (c) The EEL Acquisition Trust Fund shall be maintained in trust by the Board of County Commissioners solely for the purposes set forth herein, in a separate and segregated fund of the County which will not commingle with other County funds until disbursed for an authorized purpose pursuant to Section 24-50.5(1)(d).
- (d) Disbursements from the EEL Acquisition Trust Fund shall be made only for the following purposes:
  - (i) Acquisition of properties which have been approved for purchase by resolution of the Board of County Commissioners in accordance with the provisions of Sections 24-50.7 through 24-50.11.
  - (ii) All costs associated with each acquisition including, but not limited to, appraisals, surveys, title search work, real property taxes, documentary stamps and surtax fees, and other transaction costs.
  - (iii) Costs of administering the EEL Program, which will be funded from the interest proceeds of the EEL Acquisition Trust Fund until such time as the fund is closed.
  - (iv) Supplementation of the Environmentally Endangered Lands Management Trust Fund, but only by resolution of the Board of County Commissioners.
- (c) Where any property acquired with EEL Acquisition Trust Fund monies is leased or sold by the County, the proceeds from said lease or sale shall, as determined by the Board of County Commissioners, be committed either to the EEL Acquisition Trust Fund or to the EEL Management Trust Fund for the purposes provided for herein. Such proceeds shall neither be committed to any other fund, nor be used for any other purpose.
- (2) *Creation of the Environmentally Endangered Lands Management Trust Fund.*
  - (a) There is hereby created the Environmentally Endangered Lands Management Trust Fund (hereinafter referred to as the EEL Management Trust Fund) for the preservation, enhancement, restoration, conservation and maintenance of environmentally-endangered lands which either have been purchased with monies from the EEL Acquisition Trust Fund (established pursuant to Section 24-50.5(1), or have otherwise been approved for management pursuant to Section 24-50.7(2). The Finance Director is hereby authorized to establish the EEL Management Trust Fund and to receive and disburse monies in accordance with the provisions of this section.
  - (b) The EEL Management Trust Fund shall receive monies from the following

240

11

sources:

- (i) A principal in the amount of ten million dollars (\$10,000,000.00) from those revenues collected by the County Tax Collector pursuant to the extraordinary millage of three-quarters of one mil of ad valorem tax levied in 1990 and 1991, as approved by referendum on May 8, 1990. The principal may be increased as a result of a specific grant, donation, allocation or appropriation therefor.
  - (ii) All monies accepted by Metropolitan Miami-Dade County in the form of federal, State, or other governmental grants, allocations, or appropriations, as well as foundation or private grants and donations, for management of lands acquired with the EEL Acquisition Trust Fund or otherwise approved for management pursuant to Section 24-50.7(2). Unless otherwise stated at the time of acceptance, all grant and donation monies received and the interest therefrom shall not be part of the principal and shall be available for disbursement in accordance with Section 24-50.5(2)(d).
  - (iii) Such additional allocations as may be made by the Board of County Commissioners from time to time, including allocations from existing trust funds or mitigation funds, or special allocations from the EEL Acquisition Trust Fund as provided for in Section 24-50.5(1)(d)(i). Unless otherwise stated at the time of the allocation, all allocations received shall be available for disbursement in accordance with Section 24-50.5(2)(d).
  - (iv) All interest generated from the sources identified in Sections 24-50.5(2)(b)(i), (ii), and (iii) hereinabove, except where monies received have been otherwise designated or restricted.
- (c) The EEL Management Trust Fund shall be kept and maintained in trust by the Board of County Commissioners solely for the purposes set forth herein, in a separate and segregated fund of the County which will not commingle with other County funds until disbursed for an authorized purpose pursuant to this section.
- (d) Disbursements from the EEL Management Trust Fund shall be made by the County Manager only in accordance with this Section 24-50.5(2)(d).
- (i) No disbursements shall be made from the principal established under Section 24-50.5(2)(b)(i) except by ordinance amending this subsection.
  - (ii) Disbursements shall be made only from those monies defined in Section 24-50.5(2)(b)(ii), (iii), and (iv) hereinabove.
  - (iii) Disbursements shall be made only for the preservation, enhancement, restoration, conservation or maintenance of those environmentally-endangered lands which have been acquired with monies from the EEL Acquisition Trust Fund or which have been approved for

211

management pursuant to Section 24-50.7(2). Disbursements shall be made in accordance with (a) project management plan(s) which has/have been approved pursuant to Section 24-50.12.

**Sec. 24-50.6. Land Acquisition Selection Committee.**

- (1) *Land Acquisition Selection Committee established; qualifications of members.*
  - (a) There is hereby established an Advisory Board in accordance with Sections 2-11.36 through 2-11.40 of this Code to be known as the Metropolitan Miami-Dade County Land Acquisition Selection Committee (hereinafter referred to as the LASC).
  - (b) The LASC shall be composed of seven (7) members and one (1) alternate member.
- (2) *Method of appointment; terms of membership.*
  - (a) The County Manager shall recommend to the Board sixteen (16) candidates for the seven (7) regular members' seats on the LASC and the one (1) alternate member's seat. Preference will be given to candidates who have a record of service in environmental or civic affairs in Miami-Dade County and who have been recommended by one or more bona fide environmental, civic, or professional organizations.
  - (b) The Board of County Commissioners shall appoint, from the list of candidates recommended by the County Manager, four (4) members and the alternate to serve for two (2) years and three (3) members to serve for three (3) years. At the end of the two (2) years, the successors to the initial two-year appointments shall be appointed for three (3) years.
- (3) *Quorum; conduct of Committee and rules of procedure; meetings.*
  - (a) A quorum of the Committee shall be five (5) persons.
  - (b) At its first meeting, the Committee shall establish its rules of procedure and shall elect a Chairperson and a Vice-Chairperson. The Chairperson and Vice-Chairperson shall be elected annually thereafter.
  - (c) The alternate member shall enjoy the same privileges and responsibilities as the regular members, except that the alternate member cannot vote unless a regular member is absent.
  - (d) An extraordinary majority of five (5) votes shall be required for determining sites for acquisition as provided for in Sections 24-50.8 through 24-50.11 hereinbelow.
  - (e) The LASC shall hold at least four (4) regular meetings each year.
    - (i) Notwithstanding the provisions of Sections 2-11.38 through 2-11.39 of the Code of Miami-Dade County, any member or alternate member of the LASC who is absent from three (3) meetings in any one (1) year shall forfeit membership and shall not be eligible to be reappointed to

292

the LASC. In the event a member shall resign or forfeit his membership on the LASC, a quorum of the members in good standing may, by majority vote, elect the alternate to become a permanent voting member.

- (ii) Within thirty (30) days from the date a vacancy occurs, the County Manager shall recommend to the Board of County Commissioners two (2) candidates who meet the qualifications set forth in Section 24-50.6(2)(a) above to fill that vacancy. The Board shall select one of the two (2) candidates to serve the remainder of the term.

- (4) *Responsibilities of the Land Acquisition Selection Committee.*
  - (a) The primary responsibility of the LASC is to recommend to the Board of County Commissioners a semi-annual acquisition list pursuant to Section 24-50.9 hereinbelow.
  - (b) In developing its recommendations, the LASC shall act in accordance with the procedures and requirements set forth in Sections 24-50.7 through 24-50.11 and in furtherance of the purposes of the EEL Program as set forth in Section 24-50.4.
  - (c) The LASC may, from time to time, recommend to the Board (or to the County Manager, as appropriate) proposed expenditures from the EEL Trust Funds; additional selection or acquisition policies, procedures, standards, criteria, strategies, schedules, and programs; and other such matters as may be necessary to fulfill the purposes of the EEL Program.
  - (d) At its first meeting, or within fourteen (14) days thereafter, the LASC shall recommend action on those Miami-Dade County projects which are ranked on the State of Florida 1991 Conservation and Recreation Land Priority List or which appear on the State of Florida Land Acquisition Trust Fund List with particular regard for the joint acquisition of these projects by the State of Florida and the EEL Program, as set forth in R-1262-90. So that the LASC may act expeditiously, this recommendation is exempted from the procedural requirements provided for in Sections 24-50.10 and 24-50.11, but shall be based upon the considerations set forth in Sections 24-50.7 and 24-50.8.
- (5) *Limitation of powers of Committee.* The LASC shall have no power or authority to commit Metropolitan Miami-Dade County to any policies, to incur any financial obligations or to create any liability on the part of the County. The actions and recommendations of the LASC are advisory only and shall not be binding upon the County unless approved or adopted by the Board of County Commissioners.
- (6) *Termination of the Committee.* At such time as there are insufficient uncommitted funds in the EEL Acquisition Trust Fund to conclude another acquisition and all acquisition projects have been closed, the LASC shall report to the County Commission that its business is concluded. All remaining EEL Acquisition Trust Fund monies shall then be transferred to the EEL Management Trust Fund and shall be added to the principal thereof as provided for in Section 24-50.5(2)(b)(i).

273

**Sec. 24-50.7. Property eligible for acquisition and management.**

- (1) Properties eligible to be considered for acquisition and management under the EEL Program shall be only environmental land, ancillary land, and buffer land.
- (2) Any environmental, ancillary, or buffer land not on the acquisition list which is offered for conveyance or donation to Miami-Dade County and is proposed for management by the EEL Program shall be evaluated as provided for in Section 24-50.8 hereinbelow and may only be accepted and approved for management under the EEL Program by resolution of the Board of County Commissioners.

Any land on the Priority A Acquisition List which is owned by a public agency where said agency is willing and able to lease the property to Miami-Dade County for a term not less than thirty (30) years may be accepted and approved for management under the EEL Program by resolution of the Board of County Commissioners. Upon approval for management under the EEL Program, the said public entity must agree to, and execute, a covenant running with the land which provides for continued maintenance of the property as a natural preserve.

**Sec. 24-50.8. Considerations for evaluating lands for acquisition and management; EEL Program Manual.**

- (1) Evaluation of each acquisition proposal shall be based upon the following considerations:
  - (a) The primary considerations for evaluating environmental land shall be:
    - (i) The biological value and viability of the resource;
    - (ii) The vulnerability of the resource to degradation or destruction; and
    - (iii) The requirements (including costs) for managing the resource to maintain its natural attributes, and the feasibility of meeting those management requirements.Ancillary land shall be evaluated in conjunction with the adjacent environmental land.
  - (b) The primary considerations for evaluating buffer land shall be:
    - (i) The biological value and viability of the environmental land;
    - (ii) The vulnerability of the buffer land to development; and
    - (iii) The existing and potential impact on the environmental land if the buffer land were not acquired.
- (2) The Board of County Commissioners hereby approves and makes a part hereof the Criteria for Evaluating EEL Acquisition Proposals attached hereto. The County Manager, pursuant to Section 4.02 of the Code of Miami-Dade County, shall propose to the Board of County Commissioners an Environmentally Endangered Lands Program Manual (hereinafter referred to as the EEL Program Manual) which shall be used as a guide for implementing the provisions of this chapter, and shall include the

2014

criteria for evaluating EEL Acquisition Proposals which are adopted hereby.

**Sec. 24-50.9. Acquisition list.**

The EEL Acquisition List shall consist of the Priority A List and the Priority B List and shall be approved semi-annually by the Board of County Commissioners in accordance with the procedures set forth in Sections 24-50.10 and 24-50.11 hereinbelow.

(1) *Priority A List.*

- (a) The Priority A List shall contain no more than ten (10) projects which shall be selected by the Board of County Commissioners from those acquisition proposals which receive the highest evaluations pursuant to the criteria provided for in Section 24-50.8 and for which acquisition is feasible. No rank order shall be assigned to Priority A projects. The County shall actively pursue the acquisition of Priority A projects.
- (b) A project shall be removed from the Priority A List only after purchase by the County, upon approval of the next succeeding acquisition list as provided hereinbelow or by resolution of the Board of County Commissioners. Projects removed from the Priority A List for any reason except purchase by the County shall be placed on the Priority B List.

- (2) *Priority B. List.* The Priority B list shall contain all acquisition proposals which are deemed worthy of acquisition based upon the evaluation criteria provided in Section 24-50.8, and which may feasibly be acquired, but which have not been assigned to the Priority A List. The County may not actively pursue acquisition of a property on the Priority B List unless the share of the purchase price paid from the EEL Acquisition Trust Fund is no more than fifty (50) percent of the total purchase price of the property or unless the seller donates fifty (50) percent or more of the value of the property as estimated in an appraisal report prepared by an independent fee appraiser and accepted by the County.

**Sec. 24-50.10. Nomination of acquisition proposals.**

- (1) Public applications nominating properties for acquisition may be submitted on an annual basis by any person or organization, including any federal, State, municipal, or regional government agency. Miami-Dade County applications nominating properties for acquisition may be submitted on a semi-annual basis by any agency of Metropolitan Miami-Dade County.
- (2) All nominations shall be made by filing an application provided by the County Manager.
- (3) The first submittal of applications from agencies of Miami-Dade County shall occur no later than December 1, 1991. In 1993, the application deadline shall be no later than June 30. Subsequent submittals shall occur semi-annually thereafter.
- (4) The first public application period shall be opened within ten (10) months from the

JTS

effective date of the ordinance from which this chapter derives. In 1993, the application deadline shall be no later than December 31. Subsequent submittals shall occur annually thereafter.

- (5) A thirty-day period shall be provided each year for the submittal of public applications. Public notice of the application period shall be given at least two (2) weeks before the period opens and a second notice shall be given at least two (2) weeks before the application period closes.
- (6) If the applicant has an ownership interest in any real property covered by an application for proposed acquisition, such interest shall be disclosed in the same manner as required of zoning applicants by Section 33-304(a) of the Code of Miami-Dade County. If the applicant is acting as agent or attorney for a principal, the principal's interest shall be disclosed in the same manner as required of zoning applicants in Section 33-304(a) of the Code of Metropolitan Miami-Dade County. Section 24-50.10(6) shall not apply to governmental applicants.
- (7) If the applicant does not have an ownership interest in the real property covered by an application or if the applicant is a governmental agency, the name and address of the owner as listed in the Property Appraiser's records shall be provided with the application.

**Sec. 24-50.11. Procedure for selection of acquisition proposals for placement on the acquisition list.**

- (1) Upon receipt of a completed property nomination application, the County Manager shall forward the application to designated staff for initial review.
  - (a) Upon completion of initial review, acquisition proposals accepted by the County Manager shall be evaluated by staff based upon the criteria provided in Section 24-50.8. The staff evaluation shall be completed within sixty (60) days of receipt by the County Manager of the completed application.
  - (b) If, upon initial review, staff finds that the biological value of a candidate environmental land is low, that management is not feasible, or that the proposed acquisition would not fulfill the purposes of the EEL Program set forth herein, the County Manager shall be notified immediately and may order that no further evaluation be undertaken. Notwithstanding the County Manager's order, the LASC may, by extraordinary majority of five (5) votes, require a complete evaluation of said property.
- (2) Upon completion of the staff evaluation process, the Environmentally Endangered Lands Project Review Committee, created pursuant to Section 24-50.13 hereinbelow, shall define the preliminary boundaries for each acquisition proposal and shall assist the County Manager in preparing his recommendation on each proposal for the LASC. Within sixty (60) days of the completion of this staff evaluation process, the County Manager shall transmit his recommendation to the LASC along with a map of each site, a description of the biological characteristics of the site, a description of the development potential of the site and adjacent land, an assessment of the management needs and costs, the assessed value, and other information as may be deemed relevant

296

17

for each proposal evaluated.

- (3) Within sixty (60) days of receiving the County Manager's transmittal, the LASC shall hold a duly-noticed public hearing to consider the recommendations regarding each site, the applicant's comments, and comments from the public. A courtesy notice shall be provided to the owner(s) of properties which are the subject of the hearing. Failure to notify said owner(s) shall not invalidate these proceedings.
- (4) Within thirty (30) days of its public hearing, the LASC shall meet to adopt its recommended acquisition list for consideration by the Board of County Commissioners as provided for in Section 24-50.9 hereinabove. In developing its recommendation, the LASC shall consider all information received from County staff, the County Manager's recommendation, information that has been submitted in writing through the date of the public hearing, and testimony received at the public hearing. The LASC shall forward the recommended acquisition list to the County Manager for scheduling on the County Commission agenda for consideration and action by the Board.
- (5) Deadlines established in Sections 24-50.11(1) through (4) hereinabove shall be waived in processing applications filed in 1992.

**Sec. 24-50.12. Management plan and use of environmentally endangered lands.**

- (1) No later than thirty (30) days from the date of acquisition, an interim management plan for the property shall be submitted to the Environmentally Endangered Lands Project Review Committee for approval. Upon approval, interim management plans shall be implemented by the County Manager; provided, however, that such interim management plan(s) shall not be implemented for more than two (2) years after acquisition of the property.
- (2) A ten-year management plan shall be prepared for each property acquired by the EEL Program which shall:
  - (a) Identify such management activities as are necessary to preserve, enhance, restore, conserve, maintain, or monitor the resource, as appropriate; and
  - (b) Identify such uses as are consistent with the preservation, enhancement, restoration, conservation, and maintenance of the resource; and
  - (c) Estimate the annual costs of managing the project.
- (3) Annually, the ten-year management plans prepared during the preceding year shall be submitted to the Board of County Commissioners for its approval. Each ten-year management plan shall be updated at least every five (5) years from the last date of Board approval, and may be amended as often as required. Management plan updates and amendments shall be submitted to the Board of County Commissioners for approval.
- (4) All management plans shall be consistent with the purposes set forth in Section 24-50.4 herein. All properties acquired or managed by the EEL Program shall be managed in accordance with the approved management plan for that property.

297

18

- (5) No use, infrastructure, or improvement shall be permitted on any property acquired or managed under the EEL Program that is inconsistent with the purposes of the program or that is not provided by an approved management plan for the property.

**Sec. 24-50.13. Responsibilities of the manager.**

The County Manager shall facilitate such activities, designate such staff, and assign such responsibilities as are necessary to fulfill the purposes of this chapter. The manager shall, at a minimum, do the following:

- (1) Designate staff to evaluate acquisition proposals in accordance with the approved criteria and prepare and implement project management plans.
- (2) Make recommendations to the LASC on acquisition proposals.
- (3) Designate an Environmentally Endangered Lands Project Review Committee to assist with the coordination of interdepartmental and interagency activities, to assist in the preparation of recommendations on acquisition proposals, and to approve interim management plans. The Project Review Committee shall be chaired by the County Manager or his designee and shall include at least one (1) representative each from the Department of Environmental Resources Management, the Park and Recreation Department, and the Department of Planning and Zoning.
- (4) Designate a negotiation resource committee to develop negotiation strategies for approved acquisition projects, to monitor negotiations, and to assist in coordinating all activities relating to negotiations, purchase agreements and closings, as needed. The Negotiation Resource Committee shall include at least one (1) representative from the Department of Environmental Resources Management, the Department of Development/Facilities Management, the Park and Recreation Department, and the Property Appraiser's Office. The County Attorney shall also designate (a) representative(s) to serve on the Negotiation Resource Committee.

**ATTACHMENT II**

**MINUTES FROM LAND ACQUISITION SELECTION COMMITTEE APPROVING  
SUNSET REVIEW REPORT INCLUDING THE VOTE OF THE COMMITTEE**

**ENVIRONMENTALLY ENDANGERED LANDS PROGRAM**



## MEETING MINUTES

**Public Meeting of the  
Land Acquisition Selection Committee  
December 8, 2008 5:00 P.M.  
5530 Sunset Dr. Miami, Florida 33143**

**LASC Members Present:**

Dr. Michael Rosenberg, Chairperson  
Dr. Jose Barros  
Dr. Bradley C. Bennett  
Dr. Lynette Cardoch

Mr. Don Gann  
Dr. Michael Ross  
Ms. Suzanne Steinberg

**Staff Present:**

Ms. Cynthia Guerra, EEL Program, DERM  
Ms. Tiffany Smith, EEL Program, DERM  
Ms. Robin Gray-Urgellés, EEL Program, DERM

**1. Open Meeting: Welcome**

Dr. Rosenberg opened the meeting at 5:10 P.M. with a round of introductions.

**2. LASC Minutes from December meeting**

Dr. Rosenberg suggested an approval of the minutes from the December 12, 2007 public meeting. Dr. Brad Bennet moved to accept the minutes with minor changes. Sue Steinberg seconded the motion. The minutes were approved by unanimous vote.

**3. LASC Membership**

The LASC committee is made up of seven regular members and one alternate. The committee has one vacancy due to the recent death of Mr. Warren Zeiller. Don Gann moved to bring alternate member Dr. Lynette Cardoch into regular membership. This was seconded by Sue Steinberg. The motion was passed by unanimous vote. Mr. Gann moved to continue Dr. Rosenberg as chair. Ms. Steinberg seconded the motion. The motion was passed by unanimous vote.

**4. Signage**

Ms. Robin Gray-Urgelles gave a power point presentation on the program's progress with adding signage to EEL preserves. Four signs have recently been installed at three sites (Arch Creek, Greynolds and East Greynolds) and many more are pending installation.

**5. Sunset Review**

Ms. Guerra presented the Sunset Review for 2007 and 2008. Dr. Bennett made a motion to accept the required Report as presented. Dr. Barros seconded the motion. Dr. Ross mentioned that a correction needed to be made in the last paragraph. Ms. Steinberg made a motion to accept the Report as corrected by Dr. Ross. Dr. Bennett seconded the motion. The motion passed by unanimous vote.

**6. SDW Update**

Ms. Guerra gave a brief presentation on recent SDW acquisitions and progress of this project. Dr. Cardoch asked if the current economic impacts are affecting our ability to purchase properties. Ms. Guerra described current market conditions and mentioned the affect on EEL trust finds like a change in interest earnings. Dr. Barros asked about grant funding. Ms. Guerra clarified that our funding has been augmented by the addition of awarded grants. Ms. Steinberg requested a copy of a list of all the properties we have purchased. Mr. Rosenberg suggested a LASC workshop be scheduled to review the status of all EEL acquisition projects and existing preserves. Ms. Guerra agreed to schedule the workshop, tentatively for February 2009.

**7. Adjourn**

Dr. Bennett made a motion to adjourn. Dr. Barros seconded the motion. The motion passed by unanimous vote and the meeting was adjourned at 5:53PM.

**ATTACHMENT III**

**LAND ACQUISITION SELECTION COMMITTEE**

Direct and Indirect Operating Costs CY 2007 & CY 2008

<u>A. Committee Meeting Logistical Costs</u>	<u>\$3,053</u>
<u>B. Staff Support – Site Evaluations and Site Inspections</u>	<u>\$3,431</u>
<u>C. Staff Support - Meetings and Presentations</u>	<u>\$4,254</u>
	<b><u>Total \$10,260</u></b>