

Memorandum



Date: February 5, 2013

Agenda Item No. 1(F)1

To: Honorable Rebeca Sosa, Chairwoman
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

Subject: Sunset Review of County Boards for 2013 – 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 2013 Sunset Review of County Boards Report for the Land Acquisition Selection Committee. The Board approved the attached report at its meeting of December 6, 2012 and has recommended the continuation of its board.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written above a horizontal line.

Jack Osterholt
Deputy Mayor

mayor01313

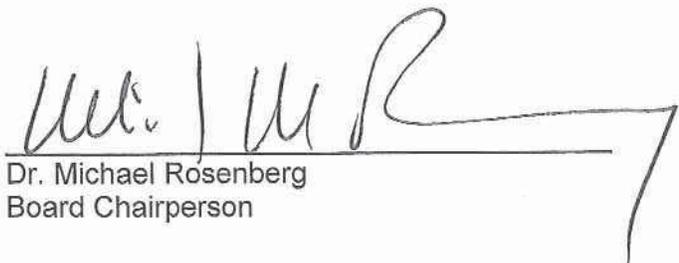
Date: December 6, 2012
To: Carlos A. Gimenez
Mayor
From: Dr. Michael Rosenberg
Chairperson, Land Acquisition Selection Committee
Subject: Sunset Review of County Boards for 2013 – Land Acquisition Selection Committee

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2013 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 of December 6, 2012.

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.



Dr. Michael Rosenberg
Board Chairperson

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2013**

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.

Terms of Office: Members are appointed for two three-year terms and one two-year term for a total of eight years.

Number of Vacancies: Two vacancies currently exist; one regular member and the alternate position.

3. Identify number of meetings and members' attendance (Attach records reflecting activity from Jan. 1, 2011 through December 31, 2012):

Number of Meetings: Three (3)

Number of Meetings with a Quorum: Two (2)

Attendance Records:

LASC Members

Public Meeting Dates

Dr. Michael Rosenberg, Chair

6/7/2011, 4/2/2012, 12/6/2012

Dr. Jose Barros

6/7/2011 (term-limited, no longer active)

Mr. Don Gann

6/7/2011, 4/2/2012

Dr. Mark Kraus

4/2/2012 (new member)

Ms. Audrey Ordenez

4/2/2012 (moved away, no longer active)

Dr. Michael Ross

6/7/2011, 4/2/2012, 12/6/2012

Ms. Gwladys Scott

6/7/2011, 4/2/2012, 12/6/2012

Dr. Kevin Whelan

6/7/2011, 4/2/2012, 12/6/2012

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 (Please include all subsequent amendments).

See Attachment 1.

7. Include the Board's Mission Statement or state its 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).

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2013**

3. What are the Board's major accomplishments?

a. Last 24 months

R-767-11 adding 14 acres in the Pine Ridge Sanctuary to the Other Rockridge Pinelands Project.

b. Since established

The LASC has prepared 27 recommendations which have been adopted by the Board of County Commissioners by the following resolutions: R-875-10, R-102-10, 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, R-102-10 and R-875-10.

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? (If "Yes", attach proposed changes)

No.

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

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 had full attendance and a quorum at every meeting except for one since 1991.

7. What is the operating cost of the Board, both direct and indirect? (Report on FY 2011 and FY 2012)

See attachment 3.

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 one proposal and held the required public hearing on the proposal in order to make a recommendation to the County Commission.

ATTACHMENT 1
TO SUNSET REVIEW QUESTIONNAIRE

CHAPTER 24-50
CODE OF MIAMI-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.
(Ord. No. 04-214, §§ 1, 5, 12-2-04)

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 Miami-Dade County to establish the Environmentally Endangered Lands Program to implement this mandate and to support its purposes to the fullest.

(Ord. No. 04-214, §§ 1, 5, 12-2-04; Ord. No. 08-55, § 2, 5-6-08)

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 environmental land or to an environmental land acquisition proposal or project, or

- (5) To identify Miami-Dade County's best and most endangered environmental 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.

(Ord. No. 04-214, §§ 1, 5, 12-2-04; Ord. No. 08-55, § 2, 5-6-08)

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 Miami-Dade 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 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.
 - (iii) Such additional allocations as may be made by the Board of County Commissioners from time to time for the purposes set forth herein.

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 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 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.

(Ord. No. 04-214, §§ 1, 5, 12-2-04; Ord. No. 08-55, § 2, 5-6-08)

Sec. 24-50.6. Land Acquisition Selection Committee.

- (1) *Land Acquisition Selection Committee established; qualifications of members.*

- (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).

(Ord. No. 04-214, §§ 1, 5, 12-2-04; Ord. No. 08-55, § 2, 5-6-08)

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

- (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.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

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 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 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.

- (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.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

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.
- (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.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

Sec. 24-50.13. Responsibilities of the manager.

ATTACHMENT 2
TO SUNSET REVIEW QUESTIONNAIRE

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

ENVIRONMENTALLY ENDANGERED LANDS PROGRAM



Environmentally Endangered Lands Program

MEETING MINUTES

Meeting of the
Land Acquisition Selection Committee
Overtown Transit Village Center
701 NW 1 Court
6th Floor South Conference Room
December 6, 2012
1:00 to 3:00 pm

LASC Members Present: Dr. Michael Rosenberg (Chairperson), Dr. Michael Ross, Mrs. Gwladys Scott, Dr. Kevin Whelan

A quorum of 5 members was not achieved.

EEL Staff Present: Cynthia Guerra, Janet Gil, Tiffany Melvin, Robin Gray-Urgelles, Yolanda Santana

1. **Open Meeting** – Dr. Michael Rosenberg, Chairman, convened the meeting at 1:21

2. **Review LASC membership**

Ms. Guerra reviewed the status of the membership. Ms. Ordenes recently moved to Colorado and is therefore no longer a member of the committee. That means there are now two vacant seats, a regular and an alternate. Recommendations for replacements are appreciated.

3. **EEL Program Review**

Ms. Guerra gave a powerpoint presentation on the status of EEL acquisitions and management activity and an update on the balance of the Trust Funds. Information was provided on the organization of the Department of Regulatory and Economic Resources, and where EEL is located on the Departmental Table of Organization. In the discussion of the EEL lists, Ms. Guerra explained the EEL ordinance may not provide a process to de-list a parcel that is developed or degraded. Dr. Whelan suggested that when listing parcels, it may be possible to make the listing conditional, such that land is only retained on the list while it still meets all criteria. Dr. Whelan inquired about the application of mitigation banks to EEL Preserves and mentioned there may be new legislation that prohibits governments to receive mitigation bank money. Ms. Guerra explained that the EEL Program does not currently function as a mitigation bank. Dr. Whelan mentioned that the USFWS coastal program may be a suitable grant source for the EEL Program. A request was made for the powerpoint to be distributed to members.

ATTACHMENT III

LAND ACQUISITION SELECTION COMMITTEE

Direct and Indirect Operating Costs CY 2011 & CY 2012

<u>A. Committee Meeting Logistical Costs</u>	<u>\$ 913</u>
<u>B. Staff Support – Site Evaluations and Site Inspections</u>	<u>\$3,886</u>
<u>C. Staff Support - Meetings and Presentations</u>	<u>\$2,519</u>
	<u>Total \$7,318</u>