

Memorandum

MIAMI-DADE
COUNTY

Date: June 6, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor



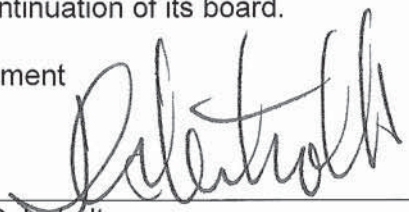
Agenda Item No. 1(F)13

Subject: Sunset Review of County Boards for 2017 – 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 2017 Sunset Review of County Boards Report for the Land Acquisition Selection Committee (Committee).

The Committee approved the attached report at its meeting of January 30, 2017 and has recommended the continuation of its board.

Attachment



Jack Osterholt
Deputy Mayor

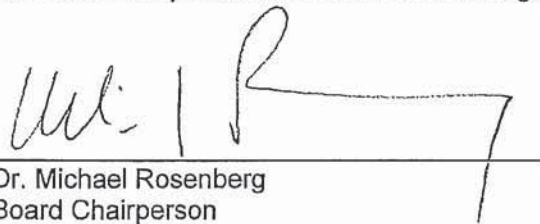
Date: January 30, 2017
To: Carlos A. Gimenez
Mayor
From: Dr. Michael Rosenberg
Chairperson, Land Acquisition Selection Committee
Subject: Sunset Review of County Boards for 2017 – Land Acquisition Selection Committee

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2017 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 January 30, 2017.

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, education, 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
2017**

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: 1 full member and 1 alternate member position

3. Identify number of meetings and members' attendance

(Attach records reflecting activity from **January 1, 2015** through **December 31, 2016**):

Number of Meetings: Three (3)

Number of Meetings with a Quorum: Two (2)

Attendance Records:

LASC MEMBERS:	MEETING DATES		
	3/1/2016	4/28/2016	6/22/2016
Mr. Don Gann	X	X	X
Dr. Mark Kraus	X	not available	X
Ms. Patricia Phares	X	X	X
Dr. Michael Rosenberg (Chairperson)	X	X	X
Dr. Kevin Whelan	X	not available	X

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 I)

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 I, Sec. 24-50.6 (4)(a) – (c) of the County Code)

8. Attach the Board's standard operating procedures, if any.

See Attachment I, Sec. 24-50.6 (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.

9. Attach a copy of the Board's By-Laws, if any.

See Attachment I, Sec. 24-50.6 (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 II

II. EVALUATION CRITERIA

1. Is the Board serving the purpose for which it was created? Please provide detailed information

Yes. There is no other governmental entity with 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, education, and real estate. 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? (Please provide detailed information)

Yes. The LASC will continue to review acquisition proposals that are submitted to the Environmentally Endangered Lands Program and make recommendations to the BCC. The 2004 Building Better Communities Bond included \$40 million for the EEL Program, of which over \$11 million remains to be spent. The need for the LASC will continue for some time into the future.

3. What are the Board's major accomplishments?

a. Last 24 months

The LASC conducted 3 meetings, which included a review of LASC membership status, an annual update of EEL Program accomplishments and Trust Fund status, a vote to transfer Trust Fund monies, and other discussion.

b. Since established

The LASC has prepared 28 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, R-102-10, R-875-10, and R-767-11.

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 I, Sec. 24-50.6 of the Code of Metropolitan Dade County). Attendance requirements are stringent. A member's seat becomes vacant if they have 3 unexcused absences in a row. There are no unexcused absences.

It is a tribute to the dedication of its members that LASC has had a quorum at every meeting, except two, since 1991.

7. What is the operating cost of the Board, both direct and indirect? (Report on CY 2015 and CY 2016)

See Attachment III.

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

The LASC reviews applications to nominate lands for the EEL acquisition lists that are submitted by government agencies and the public and makes recommendations to the County Commission. The EEL Program received eight (8) site nomination applications during the reporting period (EEL's Spring 2016 and Fall 2016 Application cycles.) The LASC will need to hold public hearings and public meetings in calendar year 2017 to review the proposals and make recommendations to the County Commission.

ATTACHMENT I
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 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.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

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

The 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.

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

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 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 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.
 - (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.
 - (e) 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 sources:
 - (i)

A principal in the amount of ten million dollars (\$10,000,000.00) from those 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. 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.*
 - (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 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 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).

(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 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.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

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 criteria for evaluating EEL Acquisition Proposals which are adopted hereby.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

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.

(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.
- (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 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.

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

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 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.

(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.

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.

(Ord. No. 04-214, §§ 1, 5, 12-2-04)

ATTACHMENT II
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

MINUTES

Meeting of the
Land Acquisition Selection Committee
6000 Sunset Drive
January 30, 2017
2:00 to 3:00 p.m.

LASC Committee Members: Dr. Gregory Bush, Mr. Don Gann, Dr. Mark Kraus, Ms. Patricia Phares, Dr. Michael Rosenberg (Chair), Dr. Kevin Whelan

1. **Open Meeting (2:00 p.m.)** – Dr. Michael Rosenberg, Chairman
 - Dr. Rosenberg opened the meeting at 2:04 P.M.
 - Dr. Bush, Dr. Kraus, Ms. Phares, Dr. Rosenberg, and Dr. Whelan were present and a quorum was met.
 - Staff in attendance: Ms. Janet Gil, Ms. Robin Gray-Urgelles, Mr. Kirk Linaje, and Ms. Tiffany Melvin.
2. **Review LASC membership** – Welcome Dr. Gregory Bush!
 - Ms. Gil explained the LASC membership status. 2 vacancies still remain: 1 full member and the alternate. Amy Creekmur and Stephen Davis (Everglades Foundation) will go on next ballot to the BCC. Dennis Olle will go on the subsequent ballot with the candidate who is not selected previously.
 - Dr. Bush, LASC's newest member, is a history professor at University of Miami and is on the Board of the Urban Environment League. He has also overseen the creation of a new project in conjunction with the federal and local partners, Nature Links, involving young adults with developmental delays with continuing education, including local history, job training and volunteer opportunities in the natural world. He recently published White Sand Black Beach about the history of Virginia Key Beach.
 - All other LASC and Staff introduced themselves
3. **Approval of 2017 Sunset Review**
 - Dr. Rosenberg explained that the purpose of the Sunset Review is to justify the existence of the LASC to the Board of County Commissioners. Dr. Rosenberg goes before BCC when the Sunset Review is on the agenda to suggest they approve it. Ms. Gil will notify Dr. Rosenberg when the LASC Sunset Review is on the BCC Agenda.
 - The motion to approve the 2017 Sunset Review was voted on and passed unanimously. Dr. Rosenberg signed 2 copies of the memo to the County Mayor.
4. **Approval of June 2016 minutes**
 - Dr. Rosenberg gave a brief synopsis for Dr. Bush. Dr. Bush inquired how EEL lands are managed and Ms. Gil gave brief overview of how EEL manages lands with assistance of Parks Department and NAM.
 - Ms. Gil clarified that the funds transfer approved by LASC at June 2016 meeting did not happen. Upper management in DERM and Miami-Dade County did not want to lose access to that money for Acquisition. DERM and MDC administration are now trying to get some dedicated funding for EEL. Ms. Gil gave brief overview of trying to be fiscally responsible and having more oversight by trying to transfer 4 current preserve manager positions from NAM in the Parks Department over to the DERM Table of Organization. George Navarrete is current Parks director, soon to be Maria Nardi, upon his retirement. Dr. Rosenberg asked who our County Attorney is. Ms. Gil indicated Abbie Schwaderer-Raurell. Jack Osterholt is the RER Deputy Director and Lee Hefty is the Director for DERM under RER.

- The motion to approve the June 30, 2016 minutes was voted on and passed unanimously.

5. New EEL Program Staff

- Kirk Linaje has been with DERM for 10 years and has recently joined EEL staff. He formerly worked in the Coastal permitting program in DERM. He has taught Ecology of South Florida at FIU and has worked at Biscayne Nature Center.

6. Discussion

- Dr. Rosenberg inquired as to the status of the Spring 2016 EEL Applications and Evaluations. Ms. Gil explained there were issues with the EEL code regarding the review committee that may need to be sunshined. EEL is working with proper parties to update that part of the Code. All staff evaluations were completed on time. Dr. Rosenberg inquired when the LASC will be able to conduct field visits and hold meetings to review these evaluations. Ms. Gil indicated that can hopefully be scheduled in the next couple of months, with support of Mr. Hefty, DERM Director.
- Dr. Rosenberg explained for the benefit of Dr. Bush the LASC review process and potential field trips. Dr. Bush inquired about the typical attendance by the public at the LASC public hearings. Dr. Rosenberg answered that there is typically low to no attendance, but there is potential for more public attendance for the UM and VA Key applications. Ms. Gil indicated we cannot give a potential date for the public hearing at this point.
- Ms. Gil clarified that after multiple meetings and trainings with the Miami-Dade Ethics Commission, it was determined that even LASC field trips need to follow the Sunshine law with field trips publicly noticed and minutes taken. Members should not travel in the same vehicle together as part of these site visits.
- Dr. Bush inquired as to how funds are spent to acquire preserves. Dr. Rosenberg explained how sites are listed on the A or B list. Dr. Bush asked if the BCC tends not to approve LASC items and Dr. Rosenberg indicated they have approved everything taken to them, but sometimes items are deferred.
- EEL will get to Dr. Bush and other members: Updated dot maps with associated EEL Acquired/Managed acreages, and trust funds and GOB balances.
- Brief discussion of Hattie Bauer ensued regarding FCT requirements. 2 buildings burned down by arson in recent years, but the old cottage is still OK. Parks has boarded up remaining buildings, but fencing and more protection of other buildings is needed.
- Dr. Bush asked if there are public tours of EEL lands. Ms. Gil replied that we do, especially during our workdays at our successful Volunteer Workday Program. Our workday this weekend is at Deering Estate. Dr. Bush is involved with Thalatta Estate Park.
- Dr. Rosenberg mentioned some management challenges. Fencing: they can be good to protect the preserves, but bad for public access. EEL has been putting in more signs to identify sites as being managed by EEL. Ms. Gil mentioned that the new signs at Owaissa Bauer Addition have deterred the car parkers on the west edge of that preserve.
- Ms. Phares has been to Goulds Pineland after the special event and found police on site removing a homeless family. Ms. Gil indicated EEL is reaching out to the other property owners on SW 120 Ave to consider getting the road legally closed to curb dumping on that avenue.
- Dr. Bush inquired how many acres total does EEL manage and how do we do public outreach. Ms. Gil responded that we manage over 24,000 acres, with most of that being in the South Dade Wetlands, and that we do public outreach mostly through our Volunteer Workdays. We have also been working with our Department's communications staff to spread the word about EEL more, along with our Workdays information. Ms. Gil plans to have some kind of EEL 25 year anniversary celebration this year.
- Ms. Phares inquired about the upcoming potential LASC site visits for the new applications and if a quorum is needed for them. Ms. Gil responded that, no, a quorum is not necessary for site visits, as no vote is taken; only questions are asked about the site. Members can also visit sites individually; especially those already open to the public, at their discretion.

7. Adjourn Meeting

Dr. Rosenberg adjourned the meeting at 2:55 P.M.

ATTACHMENT III
TO SUNSET REVIEW QUESTIONNAIRE

LAND ACQUISITION SELECTION COMMITTEE

Direct and Indirect Operating Costs CY 2015 & CY 2016

<u>A. Committee Meeting Logistical Costs</u>	<u>\$322.42</u>
<u>B. Staff Support – Site Evaluations and Site Inspections</u>	<u>\$15,657.00</u>
<u>C. Staff Support - Meetings and Presentations</u>	<u>\$1,106.14</u>
<u>Total</u>	<u>\$17,085.65</u>