# Environmentally Endangered Lands Program Procedures Committee Meeting Minutes

**May 2, 2019**

**Approved February 18, 2020**

## Attendance

### PROCEDURES COMMITTEE MEMBERS

* Linda Behret
* Sil Crespo
* Rick Follet
* Bo Platt
* Rocky Randels
* Leesa Souto
* Diane Stees
* Kim Zarillo

### EEL PROGRAM STAFF

* Laura Clark
* Mike Knight

### GUESTS

* Paul Schmalzer, Selection and Management Committee
* Lisa Toland, Selection and Management Committee

Protecting and Preserving Biodiversity Through Responsible

Stewardship of Brevard County’s Natural Resources

## *Meeting Minutes*

### CALL TO ORDER

Linda Behret, Chairman, called the meeting to order at 2:12 PM.

### PUBLIC COMMENT

None.

### MINUTES

**January 17, 2019 Procedures Committee Minutes**

The January 17, 2019 Procedures Committee (PC) minutes were presented for approval.

**MOTION ONE**

**Sil Crespo moved to approve the January 17, 2019 minutes, as presented.**

**Rocky Randals seconded the motion.**

**The motion carried unanimously.**

Clarification was provided that the committee was agreeable with staff retyping the Selection and Management Committee (SMC) Chair’s communication to the Board of County Commissioners (BOCC) in an Americans with Disabilities Act Section 508 compliant manner so it could be included in the minutes.

**March 6, 2019 Selection and Management Committee/Procedures Committee minutes**

The March 6, 2019 Selection and Management Committee (SMC)/PC minutes were presented for approval.

It was noted that the SMC had approved these draft minutes at their meeting on April 10, 2019 with a correction to the dollar amount in second bullet on page 7 regarding transfer funds.

Clarification was requested regarding the meaning of the word ‘defeased’ from the discussion section on page 3. Mike explained that $4 million which had been bonded from the 2004 referendum was used to pay down bond debt. It was noted that $45 million had originally been bonded from the 2004 referendum and that instead of using the money for land or other capital expense items, a decision had been made to use the money to pay down debt. Rocky Randals asked if the Board of County Commissioners (BOCC) had made that decision. Paul stated yes. Paul added that at the time, the citizens were told that because of the recession, the Program’s millage could not cover the bond payment and still have funds available for operations so the bonded funds needed to be returned. He also noted that it wasn’t until later that citizens learned the Commission was collecting the Environmentally Endangered Lands (EEL) Program’s funding at a millage rate that was less than what was approved by the voters.

Mike added that this occurred before the new State legislation in 2008, so the EEL Program’s millage could have been collected at the rate that was approved by the voters at the time.

Sil stated his understanding that if the Program’s millage had not been reduced, the Program would be in a significantly better financial position now. Paul confirmed that the reduced millage collected has reduced monies collected for the Program by more than $39 million.

**MOTION TWO**

**Rocky Randals moved to approve the March 6, 2019 SMC/PC minutes with the inclusion of the correction to page 7 to indicate that $187,000 was paid by the Program in indirect costs last year instead of $133,894.**

**Sil Crespo seconded the motion.**

**The motion carried unanimously.**

### AGENDA ITEMS

**Environmentally Endangered Lands Program Update**

Mike Knight, Environmentally Endangered Lands Program (EEL) Program Manager, gave a Program update presentation.

**Land Acquisition**

Three mega-parcel land exchanges in south county are under consideration. Pinkerton exchange recommendation from Selection and Management Committee (SMC) was approved by Board of County Commissioners on April 23, 2019. All other exchanges are on hold pending the outcome of this exchange with the State.

The Florida Inland Navigation District land exchange in Grant/Valkaria is still progressing through its permitting process.

**February through April Event Highlights**

* Earth Day, Enchanted Forest, April 20.
* Forest Funday, Enchanted Forest, March 17.
* Ocean Treasures Festival, Barrier Island Center, February 16.
* Beach Clean Up, Barrier Island Center, March 19.
* Native Wildflowers, Barrier Island Center, March 30.
* Prescribed Fire Awareness Programs, All sites.

**Volunteers**

* January through March 2019 (Total Volunteers 129, Total Hours 2,763)

**American’s with Disabilities Act Section 508 Compliance**

Staff is continuing trainings to become proficient in creating documents which are compliant with American’s with Disabilities Act (ADA) Section 508 guidelines.

**Drone Training**

* Three EEL staff members received small Unmanned Aerial System (sUAS) training from the Florida Institute of Technology School of Aeronautics in preparation to sit for Federal Aviation Administration Part-107 testing for Commercial Drone Pilot Certification.
* Testing is scheduled for this Friday.
* One additional staff member who is already a pilot has passed the Part-107 test.

**Drone Uses and Mapping**

* Monitoring and mapping prescribed fires.
* Exotic species surveys.
* Public relations / marketing.
* Fire ignition?
* Restoration monitoring and mapping.

**Board of County Commissioner Items**

SMC Appointments (Tourism Development Council (TDC) appointee separate)

* April 23, 2019 - David Breininger, Paul Schmalzer, reappointed. Tamy Dabu and Lisa Toland new appointees.
* Kim Zarillo is TDC recommended appointee.

**Pinkerton Exchange**

* State declined request.

**EEL Public Meeting Notices**

* At the September 25, 2018 BOCC Budget Hearing, Commissioner Isnardi stated that her support for the EEL millage increase was conditional on EEL not purchasing any new lands.
* In October, staff was directed by the Parks Director to remove the term “Acquisition” from the public meeting notices of the Selection and Management Committee.
* In February, the Communications Director in the County Manager’s Office directed Parks Marketing staff to remove the term ‘acquisition’ from the SMC member vacancy advertisement.
* In March, the EEL Selection and Management Committee and Procedures Committee both passed motions requesting clarification from the County Manager of the rationale behind the directions. Staff submitted the request to the Parks Director who responded that the direction was due to the statements made by Commissioner Isnardi and the County Manager at the September 25 Board of County Commissioners (BOCC) Budget Hearing.
* In April, the SMC requested the Chairman to reach out to the County Manager directly with a request for an explanation.
* The County Manager responded to the Chairman’s letter on April 3, 2019 indicating that he did not direct the removal of the term acquisition from the meeting notices or the SMC advertisement.
* The Parks Director has now confirmed that the term acquisition can be added back into the public meeting notices and future SMC member advertisements.

**Additional Discussion - Presentation**

The following was noted:

**Pinkerton Exchange:** The SMC’s recommendation for approval of the Pinkerton land exchange request was approved four to one by the BOCC with District 2 Commissioner Bryan Lober voting in opposition. It was noted that Mister Pinkerton had offered to exchange 8 wetland parcels for four upland parcels. Mike stated that Commissioner Lober expressed his preference that citizens not be encouraged to exchange wetlands for uplands. Mike noted his feeling that although this strategy may not be appropriate for larger exchanges, it is felt that it may be a way to consolidate ownership areas in the megaparcel areas which is needed to facilitate efficient management activities.

Paul reminded the group that for many years, The Nature Conservancy (TNC) was the EEL Program’s acquisition agent and assisted in the acquisition of many of the parcels in both mega-parcel areas as well as other properties throughout the County including the Enchanted Forest, which was the EEL Program’s flagship sanctuary. He added that active acquisition in the mega-parcel areas is no longer occurring. He also noted that the facts that TNC is no longer under contract with the County, the lack of Florida Forever matching funding from the State and the under collection of EEL Program millage have dramatically impacted the Program’s ability to purchase land.

**EEL Program Public Meeting Notices:** Mike briefly recapped the recent history related to the use of the word “acquisition” in documents relating to activities of the SMC. It was noted that the term is now back in use. Copies of the SMC Chairman’s follow-up communication to the County Manager and the County Manager’s response are provided as attachments to these minutes. It was noted that the back up information in the follow up letter provides a history of the Program. Diane Stees noted her support for the committees’ efforts to ensure that the will of the voters is protected.

#### ADDITIONAL DISCUSSION – ADDITIONAL TOPICS

**Sustainability:** Mike noted the Procedures Committee’s previous request for an assessment from the Selection and Management Committee regarding the sustainability of Environmentally Endangered Lands Program lands long term and noted he expects discussion on this item at the next meeting. Diane noted her support for publicizing information on the Program’s accomplishments and goals prior to activities related to a future referendum. Sil agreed.

**Funding:** Mike noted that the Sanctuary Management Manual’s *Principles of Conservation* includes an item relating to the need for providing a responsible financial strategy for implementing actions to achieve long-term conservation and stewardship goals. It was determined that the PC should meet soon to discuss funding options provided by Scott Knox and other possible ways to fund the Program in the future.

The following items will be distributed for review prior to the next meeting: letter from Scott Knox, former County Attorney which included possible funding options, SMC minutes related to previous discussions on this topic, information on the 1997 proposal for long term funding which was declined by the Board of County Commissioners, and overview information on the two previous successful EEL Program referendums. A question was received regarding the possibility of Scott Knox attending the meeting to answer questions. Mike noted he is not in touch with Scott, but he will attempt to contact him.

It was noted that it would be beneficial to consider multiple options for the future financing of the Program. Additional discussion on possible options will be scheduled for a future meeting.

**Actions by State Legislature:** Diane Stees provided information on a possible item going through Florida State Legislature review regarding mitigation options. It was noted that the information in the article was not especially clear, but was generally interpreted to indicate that there may be a possibility that developers who need to do mitigation projects may again be able to fund restoration projects on conservation uplands.

**Election of Officers**

**Chairman**

**MOTION THREE**

**Sil Crespo nominated Linda Behret as Chairman**

**Kim Zarillo seconded the motion**

**The motion carried unanimously.**

**Vice Chairman**

**MOTION FOUR**

**Sil Crespo nominated Bo Platt as Vice-Chairman.**

**Kim Zarillo seconded the motion.**

**The motion carried unanimously.**

### NEXT MEETING

The next Procedures Committee meeting will be held on June 13, 2019.

### ADJOURNED

The meeting was adjourned at 4:00 PM.

### SUMMARY OF MEETING MOTIONS

1. Motion to approve the January 17, 2019 Procedures Committee minutes, as presented. APPROVED
2. Motion to approve the March 6, 2019 Selection and Management Committee/Procedures Committee minutes, as amended by Selection and Management Committee. APPROVED
3. Motion to elect Linda Behret as Chairman of the Procedures Committee. APPROVED
4. Motion to elect Bo Platt as Vice-Chairman of the Procedures Committee. APPROVED

### ACTION ITEMS

1. Staff to distribute information on the 1997 long term funding proposal, the two 1990 and 2004 Environmentally Endangered Lands Program referendums, funding options received from Scott Knox and previous discussion by Selection and Management Committee and Procedures Committee.
2. Staff to check with Scott Knox to see whether or not he might be willing to attend an Environmentally Endangered Lands Program committee meeting to discuss funding options.

**MEMORANDAM**

Date: April 26, 2019

To: Frank Abbate, County Manager, Brevard County

From: Randall W. Parkinson, Chairman, EEL Selection and Management Committee

Re: Acquisition

As authorized by the Brevard County Environmentally Endangered Lands Program (EEL) Selection and Management Committee (SMC), I am requesting an explanation regarding the purposeful exclusion of the term ‘acquisition’ from all County public communications regarding the SMC.

I have been a member of the SMC since inception and have been the chairman about half of that time. Prior to that, I worked with Preservation Brevard to get the first referendum on the 1990 ballot. In 1990, Brevard County voters overwhelmingly approved the referendum, as did the Board of County Commissions (BOC), designed to acquire, restore, and manage conservation lands based upon the recommendations of a scientific technical advisory committee (aka SMC) (Attachment 1 -through 3). The role of the SMC was again confirmed by the BOC in 1990 and 1994 (Attachments 4 through 6).

Clearly, the mission of EEL and role of the SMC to acquire, restore and management conservation lands was never in question.

It came as quite a surprise therefore, that in the Fall of 2018 and continuing to date (Attachments 7 and 8), the EEL staff were directed to remove the term ‘acquisition’ from all County public communications related to EEL and SMC. These instructions are clearly inconsistent with the goals of the EEL Program – as overwhelmingly approved by Brevard County voters on two occasions – and therefore the SMC and Procedures Committee requested clarification from you (Attachment 9). We received a reply from Parks Director Mary Ellen Donner (Attachment 10) which did not answer our question and therefore we respectfully requested an explanation from you a second time (Attachment 11).

The EEL Land Acquisition Manual includes the term ‘acquisition’ 506 times (Attachment 12); again, clearly indicating the goal of the program and role of the SMC includes the acquisition of conservation lands. Of course, SMC is only an advisory body to the BOC. The BOC has the ultimate authority to accept or reject our acquisition recommendations. That said, the SMC recognizes the current fiscal challenges facing EEL and for that reason we have not recommended purchases that could not be supported by the program budget. Yet the goal of EEL and role/qualifications of the SMC remains unchanged and this must be reflected in all pubic communications regarding same.

I am available to meet with you at your convenience to discuss this in issue greater detail.

Attachments: 1 through 12

From: Abbate, Frank

Sent: Tuesday, April 3, 2019 2:22 PM

To:

Subject: RE: EEL SMC and the term 'acquisition'

Mister. Parkinson:

Thank you for contacting me concerning your inquiry regarding the purposeful exclusion of the term acquisition from all County public communications regarding the Selection and Management Committee. Let me begin by making it clear, I did not direct any purposeful exclusion of the term acquisition from all County Communications regarding the Selection and Management Committee. Upon being advised that the Committee was requesting a response from me concerning this issue, as I did not direct that action to occur, I requested that our Parks and Recreation Director, who initiated the course of action regarding that item, to respond. Please reference that response. I take being responsive very seriously for myself and our entire leadership team. In this case, however, I do not have anything else to offer in addition to Mary Ellen Donner’s explanation.

I appreciate and agree with your acknowledgement and recognition that the SMC is an advisory body to the Board of County Commissioners. I also appreciate your statement that “the SMC recognizes the current fiscal challenges facing EELs and for that reason we have not recommended purchases that could not be supported by the program’s budget.” We view these items from similar perspectives. I also understand and am sensitive to your comment that “the role/qualifications of the SMC remains unchanged and this must be reflected in all public communications regarding same”. In fact, the Board’s recent approval of a land swap recommendation that had your Committee’s unanimous support, to at least some degree illustrates that some form of acquisition is still occurring.

In response to your request, if you would like to meet I am available to meet with you at your convenience to discuss this issue in greater detail. Please contact my Administrative Assistant, Joy Roth, at (321) 633-2001 if you would like to schedule a meeting.

Respectfully,

Frank