# Environmentally Endangered Lands Program

**Selection and Management Committee, Procedures Committee and  
Recreation and Education Advisory Committee Meeting Minutes**

**June 13, 2019**

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# Environmentally Endangered Lands Program Citizen Advisory Committees Meeting

**June 13, 2019**

**Approved by Selection and Management Committee July 17, 2019**

**Approved by Procedures Committee August 1, 2019**

**Approved by Recreation and Education Advisory Committee August 8, 2019**

## Attendance

### SELECTION AND MANAGEMENT COMMITTEE MEMBERS

Elizabeth Becker***,*** Dave Breininger***,*** Tammy Foster, Oli Johnson***,*** Paul Schmalzer***,*** Lisa Toland***,*** Kim Zarillo

### PROCEDURE COMMITTEE MEMBERS

Linda Behret, Sil Crespo, Rick Follet, Vince Lamb, Bo Platt, Rocky Randals, Leesa Souto,

Diane Stees, Kim Zarillo

### RECREATION AND EDUCATION ADVISORY COMMITTEEE MEMBERS

Bob Champaigne, Rick Follet, Doug Sphar, Suzanne Valencia

### STAFF

Laura Clark, David DeMeyer, Evan Hall, Damien Keene, Brad Manley, Ray Mojica

### GUESTS

Fritz Van Volkenburg, District 2 Commission Office

*Protecting and Preserving Biological Diversity*

*through Resopnsible Stewardship of Brevard County’s Natural Resources.*

## Meeting Minutes

### CALL TO ORDER AND ROLL CALL

Linda Behret, Chairman of the Procedures Committee (PC), called the meeting to order at

2:40 PM.

It was noted that Tamy Dabu had been participating in the Selection and Management Committee (SMC) meeting earlier that day by phone, but the connection had been lost and staff was unable to reconnect due to technical difficulties. It was confirmed that all other members of the SMC were in attendance, all members of the PC were in attendance, and four members of the Recreation and Education Advisory Committee (REAC) were in attendance, so a quorum was reached for all committees. Three members of the REAC, Karen McArthur, who had indicated her plans to attend, Murray Hann, who had indicated he would not be at the meeting due to vacation plans, and Rachel Sadoff, were absent.

It was noted that Mike Knight, Environmentally Endangered Lands Program Manager, was not in attendance at the meeting due to a wrist injury and that background information previously planned for presentation during the meeting had been printed hardcopy and distributed for review by committee members.

### PUBLIC COMMENT

None.

### MINUTES

The August 9, 2018 Recreation and Education Advisory Committee (REAC) minutes were presented for approval.

**MOTION ONE**

**Bob Champaigne moved to approve the August 9, 2018 REAC minutes, as presented.**

**Suzanne Valencia seconded the motion.**

**The motion carried unanimously.**

It was noted that the next quarterly REAC meeting is scheduled for August 8, 2019.

### ADMINISTRATIVE REVIEW

The group reviewed the meeting agenda’s Administrative Review which indicated that the May 16, 2019 Board of County Commissioners (BOCC) Workshop on Advisory Boards was cancelled and is being rescheduled to a future regular meeting of the BOCC sometime in July. During the meeting which was cancelled, the District 3 Commissioner handed out a proposal. One of the proposed items suggested the consolidation of the three Environmentally Endangered Lands (EEL) Program advisory committees into one committee. Near the conclusion of the following BOCC meeting on May 21, 2019, two additional commissioners indicated that they would be supportive of the consolidation of the EEL committees.

At the May 29, 2019 SMC meeting, committee members requested staff to arrange a joint committee meeting between the three EEL committees (Selection and Management Committee, Procedures Committee, and Recreation and Education Advisory Committee) to consider any recommendations that the committees may want to make to the County Commission.

### AGENDA ITEMS

**Proposal to Consolidate Environmentally Endangered Lands (EEL) Program Advisory Committees**

Linda Behret, Procedures Committee Chairman, welcomed the group and thanked everyone for attending. She asked for discussion on the proposal from District 3 Commissioner, John Tobia.

Paul Schmalzer noted he has two major concerns:

1. The EEL Program has operated for a long time under the current committee structure and he does not understand which part of the process is broken that consolidating the committees would fix. He added that the Selection and Management Committee (SMC), Procedures Committee (PC), and Recreation and Education Advisory Committee (REAC) have different roles and responsibilities.
2. Guidelines for the three committees are included in the EEL Program’s Land Acquisition Manual (LAM) and Sanctuary Management Manual (SMM), which are Board approved documents. There is an established procedure for consideration of revisions to the LAM or SMM and there is concern with not going through the established procedure when there may not be a good understanding of why the procedures are in place and how the Program is intended to work with the committees.

Vince Lamb stated his feeling that the majority of the Commissioners do not have a clear understanding of EEL Program operations and suggested consideration of a small group, perhaps one member of each committee, requesting meetings with each of the Commissioners to provide them with information prior to the item being brought back for discussion by the Board of County Commissioners (BOCC). He noted that including a one-page summary for each of the committees might be beneficial, so that the groups could present a consistent message during the meetings.

Sil Crespo noted his opinion that the three committees work very well together and that nothing in the current process is broken. He agreed with Vince on the benefits of enlightening the Commissioners regarding the EEL Program. He added that one of the responsibilities of the Procedures Committee is to provide recommendations to the BOCC regarding funding options. Sill stated that the EEL Program is voter approved and voter funded and he believes that it would not be appropriate for the BOCC to tinker with what the voters have approved.

Lisa Toland noted she is a new SMC member and her first meeting had been the May 29, 2019 meeting when the SMC’s request for the committees to meet had been first discussed. She stated her recollection that during that meeting, Mike had suggested that the purpose of today’s meeting, might be to be a little bit more introspective, and with an understanding of how the committees evolved, consider whether or not it still makes sense to continue as is, or determine if there might be another efficient way to proceed, meeting the Board’s concern regarding staff time spent maintaining committees. She added that she did not know the answer to the question, but that was her understanding of why the groups had come together.

Suzanne Valencia stated she agreed with Vince and noted her support for committee members meeting with Commissioners.

It was noted that one of the reasons the dollar value assigned to the SMC was higher than the other two committees is that a higher number of staff members participate in those meetings and staff received direction to include the cost of staff time in the calculations.

Kim Zarillo noted her support for identifying each committee’s levels of expertise, objectives and responsibilities and noted the need for determining if consolidation of the three committees into one would still meet those objectives. She stated that the SMC generally meets monthly because of their involvement with the Program, but the PC and REAC generally meet quarterly, unless additional meetings are required, because they do not have as much work to do. She expressed her concern that it appears that consideration of the cost to maintain the committees has not been compared to the significant value of services provided by the volunteers which include three National Aeronautics and Space Administration scientists.

Linda suggested consideration of preparing correspondence to the Commissioners from the committees.

Bob stated that many of the REAC discussions revolve around how people want to use the properties and the role that committee plays in providing an opportunity for users to be heard while remembering the balance required between passive recreation and protecting the Mission of the Program, which is to preserve natural areas.

Doug Sphar spoke of his understanding that some commissioners are concerned that some committee members have been on their committees for an extended period of time. He noted that committees have requirements for levels of experience or expertise which can limit the pool of applicants.

Rocky Randals explained that he would like to provide a viewpoint that may not have been considered yet. He stated his understanding that Brevard County has 65 committees and Commissioners frequently need to appoint multiple members to each committee. This can be a lot of work. Rocky noted his feeling that the EEL Program is not being singled out and that all of the County’s citizen advisory boards were included in a request for information by a commissioner which began last December.

**Public Comment and Additional Discussion**

Fritz Van Volkenburg explained that he is Chief of Staff for District 2 Commissioner Brian Lober. He noted he had not come to the meeting prepared to talk, and that he could not speak on behalf

of his commissioner, but it was his understanding that there are some commissioners who would like to shrink the field of some of the advisory boards of committees. He noted that coordinating appointments for the committees can be a challenge. Fritz stated that no one questions the dedication or value of the volunteer effort, adding that one option that might be considered was having the SMC as the main committee and creating subcommittees, as that would mean less administrative work for the commissioners as long as they didn’t have to make the appointments. Fritz stated that all that would be required to make that change would be a resolution by the BOCC. He also noted that many of the appointments are made annually and even if the same person stays in the position, that can be a lot of work.

Discussion ensued. The following items were noted:

* How would having subcommittee meetings help reduce the cost of Advisory Board meetings?
* Would staff need to attend the meetings?
* Would a subcommittee be made up of members of the original committee, or members of an outside group?
* Would the subcommittee meetings be considered Public Meetings?
* What Sunshine Law issues would need to be considered?
* Members of the SMC currently meet for one three-hour meeting every month and dealing with additional responsibilities would mean extra work for them.
* The PC currently makes recommendations directly to the BOCC. How would that be accomplished under subcommittee structure?
* The PC is currently involved in review of qualifications of applicants applying to the SMC. How would that be accomplished if everything was moved under one committee?
* Could subcommittees resolve commissioner issues while maintaining the current roles, responsibilities, levels of expertise and authority existing in current EEL Program Advisory Committees?

Fritz noted he did not know the answers to the questions and suggested that clarification should be obtained from Mike Knight or the County Attorney’s Office.

Diane Stees stated there are two important areas that require more sets of eyes with the right skills, not less: funding with sunsetting of referendum and management responsibilities. There is currently no plan in place to fund the EEL Program after the end of the 2004 referendum in 2024. Making recommendations to the Board of County Commissioners regarding funding options for the EEL Program is one of the primary responsibilities of the Procedures Committee. The Procedures Committee also keeps processes transparent to ensure that a Program that was sold to the voters on not being political is based in science. Diane also noted that the Program has the responsibility to manage the lands in perpetuity and noted with the large number of issues facing the Program, why would you want fewer people providing ideas and recommendations to the BOCC on how to take care of the EEL Program?

Linda mentioned her feeling that the recommendation to consolidate the three EEL Program Advisory Committees into a single committee feels antagonistic to her because 2019 started out at the January BOCC meeting with the Commission not reappointing the five most experienced members of the SMC. Diane agreed. It was noted that the three of the five SMC members who were not reappointed in January did reapply during the subsequent Call for Applicants and were eventually reappointed. Linda spoke of the importance of retaining institutional knowledge.

Doug provided information on Florida State Statute 259 regarding Land Acquisition for Conservation which includes information indicating it is the Legislature’s intent that the lands acquired through this Program be managed to protect and restore the natural resource value and provide the greatest benefit, including recreation, to the citizens of the State. He noted his feeling that this statute provides basis for both the SMC and the REAC. Rocky agreed.

Tammy Foster emphasized the benefits of institutional knowledge and noted that different skill sets are needed for each of the committees due to the differences in their responsibilities.

The group discussed the committees, appropriate wording for a motion, and Sunshine Law guidelines:

**Procedures Committee**

Rules Committee. Wrote the original 1990 Land Acquisition Manual and works with SMC in review and approval of any changes to the manual. Makes recommendations to BOCC regarding long term funding and financial management. Involved in review of and confirmation of SMC applicant qualifications.

**Selection and Management Committee**

Science Committee. Serves as an expert scientific advisory committee to the BOCC on all issues involving the acquisition and management of environmentally endangered lands within the EEL Program sanctuary network. Establishes criteria for lands targeted for acquisition and mitigation donations, provides guidance on habitat restoration and management. Approves acquisition contracts and management plans before documents are moved to BOCC. Participated with PC during 1997 review and revision of Land Acquisition Manual and subsequent revisions and works with PC in review and approval of any further revisions. Wrote Sanctuary Management manual. Reviews and approval of future revisions. Makes funding recommendations to the Board.

**Recreation and Education Advisory Committee**

Citizens committee. Makes recommendations to staff and the SMC on conceptual public access and environmental education plans for all EEL Program sanctuaries.

Kim noted her concern that having a member of each committee attend a meeting with a commissioner at the same time could be a violation of the Sunshine Law. It was noted that plans for a group meeting with Commissioners could be made contingent on receiving clarification that this would not be a Sunshine concern. Staff will request clarification. She emphasized that there is an established, BOCC approved process for making changes to the content in EEL Program manuals and that process should be followed.

Vince suggested asking the County Manager to inform the Commissioners that a group of EEL Program Citizen Advisory Board Members would like to meet with them prior to the Advisory Board topic coming back before the BOCC for additional discussion. Several committee members indicated their feeling that this should not be necessary. The suggestion was withdrawn.

MOTION TWO

**Vince Lamb made a motion to request a meeting with each Commissioner to include one representative from each of the three EEL Program Citizen Advisory Committees (SMC, PC, REAC) as a group, regarding EEL Program Citizen Advisory Committee structure, prior to the date that the advisory board issue comes back before the BOCC for future discussion. The motion is contingent on receiving confirmation that the meetings would not violate Sunshine Law guidelines.**

**Leesa Souto seconded the motion.**

**Additional Discussion**

Leesa noted she had been taking notes during the discussion and expressed her support for the creation of a document that committee members could take to the meetings. Leesa agreed to prepare a draft document which explained each committee’s role and the proposal that the committee structure remain as three unique committees, if everyone agreed. Then the document would be sent to staff, distributed to committee members so they could provide their comments to staff, the fact sheet could be finalized and distributed to the group.

It was determined that the committees should vote individually on the motion.

**Procedure Committee – passed unanimously**

**Selection and Management Committee – passed unanimously**

**Recreation and Education Advisory Committee – passed unanimously**

The committees discussed potential groups for meeting with the Commissioners. It was determined that Vince Lamb, Paul Schmalzer, and Doug Sphar would be primary participants and that Rocky Randals, Oli Johnson, and Rick Follet would be backups.

It was noted that plans for a BOCC workshop are no longer being considered and the two upcoming dates for regular BOCC meetings are July 9th and July 23rd. The tentative millage is scheduled for the July 23rd meeting. Staff will notify committee members once they become aware that the Advisory Board item has been placed on a meeting agenda.

Diane noted that even if folks were not comfortable speaking at a BOCC meeting, just showing up to support the Program could have a positive effect.

Bob asked if it would be helpful to have a formal vote on maintaining committee structure. Kim stated she believed it would because although the group had talked about the importance of the different committees, she would be very interested in understanding the Sunshine requirements for subcommittees in order to make an informed decision. Paul stated that he felt that given what they now understand and the timeframe, he believed that if everyone agreed, they should vote so the committees are on record as saying they feel it is important to maintain the current structure.

MOTION THREE

**Bob Champaigne made a motion to support maintaining the current committee structures that have existed historically.**

**Sil Crespo seconded the motion.**

**PC**

**The motion carried with Kim Zarillo voting in opposition.**

Kim stated that she wanted to have information on subcommittees before making her decision.

**SMC**

**The motion carried with Kim Zarillo and Lisa Toland voting in opposition.**Lisa Toland stated that she agreed with Kim.

**REAC**

**The motion carried with Doug Sphar voting in opposition.**

Doug stated that he would also like information on subcommittees.

Diane asked Linda if she would be willing to send something to the Commissioners regarding the motions. Linda agreed to prepare a correspondence to the Board.

Dave Breininger asked if the subcommittee concept would place additional pressure on the SMC, who already have a pretty full schedule. Paul noted his opinion that it probably would.

Kim noted her understanding that subcommittees typically work to help the primary committee.

Doug stated that as a REAC member, he has no interest in procedures, and he does not feel qualified to be on the SMC, so he thinks he is right where he should be, based on his background.

Vince mentioned the group was nearing the end of the timeframe for the meeting.

Staff requested confirmation of their understanding of the results of the discussions including:

* Linda will be contacting commissioners via email regarding the motions of the current meeting.
* Leesa will prepare a draft talking points document which will be forwarded to staff. Staff will distribute the document to committee members who will provide their comments back to staff. The document will be finalized and distributed.
* Vince will be contacting individual commissioners to request meetings, per discussion.

### PUBLIC COMMENT

George Rosenfield, citizen, provided information on a zoning issue in Merritt Island. Clarification was provided that the issue he discussed was not within the purview of the Environmentally Endangered Lands Program.

### ADJOURNED

The meeting was adjourned at 4:00 PM.

### SUMMARY OF MEETING MOTIONS

1. Motion by Recreation and Education Advisory Committee to approve the August 9, 2018 meeting minutes, as approved. APPROVED
2. Motion to request a meeting with each commissioner to include one representative from each of the three EEL Program Citizen Advisory Committees (Selection and Management Committee (SMC), Procedures Committee (PC), Recreation and Education Advisory Committee (REAC), as a group, regarding Environmentally Endangered Lands Program Citizen Advisory Committee structure, prior to the date that the advisory board issue comes back before the BOCC for future discussion. The motion is contingent on receiving confirmation that the meetings would not violate Sunshine Law guidelines. APPROVED by SMC, PC, and REAC.
3. Motion to support maintaining the current committee structures that have existed historically. APPROVED by SMC, PC, and REAC.

### ACTION ITEMS

1. Staff to request clarification on Sunshine Law guidelines relating to members of different Environmentally Endangered Lands (EEL) Program Advisory Committees meeting together with a County Commissioner to discuss committee structure.
2. Staff to obtain clarification on subcommittees from County Attorney’s Office.
3. Staff to notify committee members when they become aware that the Advisory Board agenda item has been placed on a Board of County Commission (BOCC) meeting agenda.
4. Linda will be contacting commissioners via email to let them know members of EEL Program advisory committee would like to meet with them prior to the advisory committee agenda item coming back to the BOCC for additional discussion and to provide them with results of the motions during the meeting.
5. Leesa will prepare a draft talking points document which will be forwarded to staff. Staff will distribute the document to committee members who will provide their comments back to staff. The document will be finalized and distributed.
6. Vince will be contacting individual commissioners to request meetings, per discussion.

**Brevard County Commissioner Meeting**

**EEL Program Committee Speaking Points**

We understand that the Board of County Commissioners is revisiting the citizen advisory committees that are in place to assist in various roles. We are here to speak to you about the Environmentally Endangered Lands Program Committees and why it is important to maintain them as they are.

The three committees have distinct roles and missions, and their members have different expertise.

The Procedures Committee (PC) was established in 1989 to write the original Land Acquisition Manual before the successful 1990 referendum. In its continuing role, the PC is responsible in conjunction with the Selection and Management Committee for writing, revising, and updating the policies, procedures, and standards in the Land Acquisition Manual. The PC also reviews applicants for the Selection and Management Committee*.* The PC meets once a year with the Selection and Management Committee and quarterly thereafter. The individuals on the committee are skilled in fiscal management, business development, ethics, policy, and communications. With the EEL Program facing a critical funding need, the PC committee will be instrumental in advising fiscal sustainability.

The Selection and Management Committee (SMC) was established in the 1990 Land Acquisition Manual that was adopted by the Board of County Commissioners before the 1990 referendum. The SMC is a long-standing scientific advisory committee responsible for reviewing and approving land acquisition proposals and reviewing and approving sanctuary management plans. The SMC worked with EEL staff to develop proposals to state agencies for matching funds for land acquisition. The SMC reviews and approves the EEL Sanctuary Management Manual. Land management is a continuous process and the longevity of the committee members provides the necessary historical knowledge to guide future directions. Committee members’ scientific expertise is needed to advise the management of Brevard’s natural ecosystems, including knowledge of fire management, hydrology, invasive controls, flora and fauna needs, and human impacts.

The Recreation and Education Advisory Committee (REAC) provides recommendations to the EEL Program staff and the SMC for public access, passive recreation, and environmental education assessment. The REAC reviews the public access section of sanctuary management plans. Citizens on this committee should have experience in public uses such as hiking, canoeing, photography, camping, fishing, hunting, horseback riding, bicycling, kayaking, eco-tourism and environmental education. The REAC was authorized in the 1997 Sanctuary Management Manual and established after that as more lands came under management.

EEL referenda funds were leveraged with state conservation funds to purchase most EEL properties in partnership with the State of Florida. The state money brings the mandate of Florida Statute Chapter 259 Land Acquisitions for Conservation or Recreation, which states that these lands “be managed in such a way as to protect or restore their natural resource values, and provide the greatest benefit, including public access, to the citizens of this state.” The SMC and REAC have critical roles in insuring that EEL properties are best managed to meet this legislative requirement.

**Additional Information:**

* The PC and SMC were established in the Land Acquisition Manual that was the basis for the 1990 and 2004 EEL referenda. The REAC was established in the Board-approved Sanctuary Management Manual.
* The value provided by the members of these committees outweighs the cost to administer them.
* The committees provide the oversight, guidance and expertise needed to best manage the resource while providing public access and meeting the requirements of Florida Statute 259.
* The committees provide an important means for a diverse group of citizens to participate in local government.
* The EEL Program has the ability to maintain a list of interested and potential future committee members to relieve the commission offices of having to recruit volunteers. This list could be provided to commission offices for consideration as vacancies become available.

**Linda Behret**

**Sent: Tuesday, July 2, 2019 10:41:39AM  
Subject: Citizen Advisory Boards and Committees**

Dear Commissioner

Welcome back from a month of no meetings. I know that there are many issues before the Board now, but we think this one is important.

At a joint meeting on June 13 of this year, each of the three Environmentally Endangered Lands (EEL) committees voted to keep our three-committee structure. Each of our committees has a different purpose and a different function in connection with the EEL Program.

The Land Acquisition Manual (LAM) says that the Procedures Committee (PC) shall serve as an advisory committee to both the Board of County Commissioners (BOCC) and the Selection and Management Committee (SMC) regarding policies, procedures, and standards for both land acquisition and management.

The Sanctuary Management Manual (SMM) states, the Selection and Management Committee (SMC) is a long-standing scientific advisory committee to the EEL Program and the BOCC during site selection, land acquisition, sanctuary management plan development and program implementation. In connection with it being a long-standing scientific committee, it should be noted that 3 National Aeronautics and Space Administration scientists are members of the SMC.

The SMM also discusses the responsibilities of the Recreation and Education Advisory Committee (REAC). Citizen participation will be encouraged by the establishment of REAC...and shall provide recommendations for public access, passive recreation and environmental education assessments for EEL managed conservation lands.

These manuals, the LAM and the SMM, go on to detail the composition of each committee and how each works. It should be noted that among the responsibilities of the PC is to help with approval of possible members of the SMC. In fact, the Chair of the PC participates in the initial review of potential SMC members, and then the entire PC votes on each possible member before the short list goes to the BOCC for approval of individual members.

Having 3 committees works best with EEL’s Vision Statement, to acquire, protect and maintain environmentally endangered lands, to protect the biological diversity of Brevard County for future generations, and to provide passive recreation and environmental education for Brevard citizens and visitors. This also maintains the intent of the referenda on this program twice approved by Brevard voters. We urge you to keep this in mind when you vote on Citizen Advisory Boards in the near future.

Yours truly,

Linda Behret,

Chair, Procedures Committee

**Vince Lamb**

**Date: June 17, 2019 at 10:01:39 AM EDT**

Commissioner,

A proposal has been put forward to consolidate the three advisory committees associated with the Environmentally Endangered Lands Program into a single committee, a slightly modified Selection and Management Committee. At a recent combined meeting of the three committees, a majority of those present voted to express their opposition to this proposal. The common belief is that these committees have served the EEL Program well during its 28-year history. Several people suggested examining these committees on a basic of economic benefit as well as the costs.

A plan was developed to request meetings with each of the Brevard County Commissioners with three-person teams representing the committees. The purpose of these visits is to provide information about the roles and accomplishments of these committees and to discuss alternatives to the consolidation proposal. We feel that interactive discussions with each Commissioner would be helpful before this matter is placed on a BOCC agenda.

The award-winning EEL Program is considered a role model for conservation land programs across Florida and our nation. With 25,000 acres of conservation lands being managed well and three outstanding environmental education centers, this program is a county treasure. We hope that you will meet with us and offer your suggestions.

As a long-standing member of the Procedures Committee, I offered to contact you and coordinate the meetings. I understand that June is the vacation month, so I am looking toward meetings in July. I am personally unavailable from July 1 to July 6, so I would prefer to schedule these meetings in the second or third week of July.

If you are willing to meet and discuss this matter, please respond (or have your staff respond) with a few date and time options.

Respectfully,

Vince Lamb

EEL Program Procedures Committee