



Approved in Open Session 12/14/21  
Manatee County  
Board of County Commissioners

**Board of County Commissioners**  
December 14, 2021 - Regular Meeting

**SUBJECT**

AUTHORIZATION TO ADVERTISE A NOTICE OF PUBLIC HEARING FOR ADOPTION OF ORDINANCE 22-08 (FORMERLY 21-45) RELATING TO THE ACQUISITION, PROTECTION, AND MANAGEMENT OF ENVIRONMENTAL LANDS ON JANUARY 11, 2022

**Category**

CONSENT AGENDA

**Briefings**

None

**Contact and/or Presenter Information**

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Debra Woithe, Environmental Lands Program Manager  
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**Action Requested**

Authorization to advertise a Notice of Public Hearing for adoption of Ordinance 21-45 on January 11, 2022.

**Enabling/Regulating Authority**

Chapter 125, Florida Statutes

**Background Discussion**

- Implementation of the Conservation and Parks Projects Referendum (R-20-105) was the subject of a Board of County Commissioners (BCC) special meeting on October 27, 2021, at 3pm. Ordinance 21-45 was presented and discussed to update the environmental lands management and acquisition program (ELMAP) (Sec. 2-25-51 – 2-25-61). A Public Hearing is required prior to adoption of Ordinance 21-45. If the Public Hearing for Ordinance 21-45 is authorized on December 14, 2021, adoption of Ordinance 21-45 may be requested on January 11, 2022.

- Resolution R-20-105 was established “to finance the acquisition, improvement, and management of land to protect drinking water sources and water quality, preserve fish and wildlife habitat, prevent stormwater runoff pollution, and provide parks”. The bond election was supported by the Manatee County voters.
- An environmental lands management and acquisition program (ELMAP) was first established by ordinance in Manatee County in 1992 (Sec.2-25-51 – 2-25-61). A fifteen-member County Commission appointed advisory Committee (ELMAC) that includes multiple interests and user groups advise the Commission on matters related to environmental land acquisition, conservation easements, management, and passive recreational planning. The article applies to lands previously acquired “and to lands and property interests acquired after the adoption of this article whether from funds designated by the board or funds approved by voter referendum”.
- Staff reviewed and considered 1) the ELMAP ordinance and ELMAC member composition, 2) changes in water quality, conservation, and passive recreation needs since a project to Prioritize Natural Resource Lands county-wide was completed in 2003, 3) the intent and language of the 2020 Referendum, and 4) BCC comments during public meetings and staff conversations.
- Resolution R-21-182 was proposed to authorize implementation of the Referendum using ELMAC.
- ELMAP selection criteria and process, along with staff recommendations for updates, were presented for review and consideration. Ordinance 21-45 was proposed, which primarily changes the following in the ELMAC Ordinance (attached).
  - Contact property owner to introduce program and determine if they may be a willing seller prior to consideration at ELMAC meeting rather than after.
  - Modify Committee seats to have 5 District specific seats.
- Following discussion during the special meeting, a motion to amend draft Resolution R-21-182 to create a BCC liaison to ELMAC was unanimously passed. A request to adopt the revised version of Resolution R-21-182 is being made on the December 14, 2021, BCC Agenda.

#### **Attorney Review**

Formal Written Review (Opinion memo must be attached)

#### **Reviewing Attorney**

Nicodemi

#### **Instructions to Board Records**

None

#### **Cost and Funds Source Account Number and Name**

N/A

#### **Amount and Frequency of Recurring Costs**

None



## MEMORANDUM

To: Dr. Scott Hopes, County Administrator

From: Diane Vollmer, Agenda Coordinator

Date: December 10, 2021

Subject: **Agenda Update for Meeting of December 14, 2021**

*This memo and the changes indicated below are reflected in the electronic agenda.*

### Public Comments

Written comments submitted through the online Public Comment form were added to:

- Citizen Comments (Consideration for Future Agenda Items)
- Item 61 - Resolution R-21-189 Redistricting the County into Commissioner Districts of Contiguous Territory as Nearly Equal in Population as Practicable

### Changes to Consent Agenda

#### CLERK OF CIRCUIT COURT

##### Item 3 – Investment Policy

This item has been deferred to a later date. No action is required.

#### ADMINISTRATOR

##### Item 4 - Resolution R-21-040 – Manatee County Impact Fee Administrative Procedures Manual Update

The final version (clean copy) of the manual, inadvertently omitted from the agenda item, was attached.

#### FINANCIAL MANAGEMENT

##### Item 12 - Budget Amendment Resolution B-22-031 and Budget Amendment Resolution for Infrastructure Sales Tax B-22-035

Resolution B-22-031 was updated to remove Item No. 15 relative to the CDBG Grant Fund and to renumber Item No. 22 (Supervisor of Elections/General Fund) to Item No. 15.

##### Item 23 - Interlocal Agreement regarding American Rescue Plan (ARP) Funding between Manatee County and the Manatee County Sheriff's Office

This item has been deferred to a later date. No action is required.

#### PARKS AND NATURAL RESOURCES

##### Item 29 - Authorization to Advertise a Notice of Public Hearing for Adoption of Ordinance 22-08 relating to the Acquisition, Protection, and Management of Environmental Lands on January 11, 2022

The proposed Ordinance and the Notice of Public Hearing were updated and replaced to reflect the new ordinance number, 22-08 (formerly 21-45), and to better capture the motion passed on October 27, 2021, specifically that the Board liaison to the Environmental Lands Management and Acquisition Committee (ELMAC) will serve as the ELMAC Chairman.

## **PUBLIC WORKS**

### **Item 46 – Resolution R-21-185 to Approve the Alignment of 27th Street East Functional Improvement**

This item has been deferred to a later date. No action is required.

### **Item 49 - Utility Reimbursement Agreement between Manatee County and Benderson Development Company, LLC for the Reroute of a Sanitary Sewer Main; Budget Resolution B-22-036**

The budget resolution, inadvertently omitted from the agenda item, has been attached.

## Changes to Regular Agenda

## **ADMINISTRATOR**

### **Item 61 - Resolution R-21-189 Redistricting the County into Commissioner Districts of Contiguous Territory as Nearly Equal in Population as Practicable**

The resolution and agenda item were updated to reflect the action taken at the December 7<sup>th</sup> special meeting to prepare Plan B2 for adoption by resolution at the December 14<sup>th</sup> regular meeting.

## **PUBLIC SAFETY**

### **Item 64 - Bishop SPCA Asset Transfer and Easement Agreement**

- The requested action was updated to include execution of the agreements; and
- A PowerPoint presentation was added.

## Addition to Regular Agenda

## **FINANCIAL MANAGEMENT**

### **Item 71 – Amendment No. 1 to Agreement No. 18-R068859AJ for Correctional Health Care Services**

Request for: “Authorization for the Procurement Official, or designee, to execute Amendment No. 1 to Agreement No. 18-R062259AJ for Correctional Health Care Services with NaphCare, Inc. for a period of 180 days beginning January 1, 2022, and ending June 30, 2022.”

**ORDINANCE NO. 22-08**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO THE ACQUISITION, PROTECTION AND MANAGEMENT OF ENVIRONMENTAL LANDS; AMENDING SECTION 2-25-55(c) OF THE MANATEE COUNTY CODE TO ESTABLISH THE CHAIRMAN OF THE ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE; AMENDING SECTION 2-25-55(d) OF THE MANATEE COUNTY CODE TO ESTABLISH MEMBERSHIP OF THE ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE IN EACH COUNTY DISTRICT; AMENDING SECTION 2-25-57 ENVIRONMENTAL LANDS PROCEDURE FOR SETTING PRIORITIES, TO DETERMINE WILLINGNESS OF A PROPERTY OWNER TO PARTICIPATE IN THE PROGRAM PRIOR TO REVIEW BY THE ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners of Manatee County to provide parks, preserves, recreation areas and other recreation and cultural facilities for the citizens of Manatee County; and

**WHEREAS**, the Board of County Commissioners of Manatee County, Florida, has previously adopted Resolution No. R-92-149, establishing an Environmental Lands Management and Acquisition Committee; and

**WHEREAS**, the Board of County Commissioners of Manatee County, Florida, has previously adopted Resolution No. 93-55 to replace and amend R-92-149, in order to provide for participation by the agricultural community and to provide for Manatee County staff participation that had been omitted through an oversight; and

**WHEREAS**, on October 7, 2003, the Board of County Commissioners of Manatee County, Florida, enacted Ordinance No.03-62, the Manatee County Environmental Land Management and Acquisition Ordinance; and

**WHEREAS**, on March 14, 2006, Ordinance No. 06-26 was adopted the Board of County Commissioners to establish a process for the granting of conservation easements to Manatee County, generally applicable to the acquisition, protection and management of environmental lands; and

**WHEREAS**, on November 17, 2009, Ordinance No. 09-67 was adopted the Board of County Commissioners to establish that the environmental lands management and acquisition committee also serve as the tree advisory committee for purposes related to tree management: and

**WHEREAS**, Subsection 2-25-53 of the Manatee County Code of Ordinances describes the purposes and duties of the environmental lands management and acquisition committee to establish an efficient, fair, well-planned and economically sound procedure for the acquisition, protection and management of the environmental lands and other conservation property interests; to provide assurance to the public that funds obtained pursuant to the article including any voter approved funding are dedicated to the purposes of this article; to ensure public participation in decisions made pursuant to this article; and to accomplish the purposes without establishing regulations upon property and landowners who choose not to participate in the program established herein.

**WHEREAS**, the Board of County Commissioners of Manatee County, Florida, previously adopted Resolution No. R-20-105, deeming it advisable and necessary to provide for the submission to the qualified electors of the County, at a bond referendum election scheduled in conjunction with the regular election for the County on November 3, 2020, the question of whether the County should issue its general obligation bonds for the purpose of providing funds, together with other available funds of the County, to enable the County to pay the costs of the Conservation and Parks Projects; and

**WHEREAS**, the bond referendum election was approved by a majority of votes cast in election of the County on November 3, 2020 in which the qualified electors residing in the County participated; and

**WHEREAS**, the Parks and Natural Resources Department has identified various provisions of the Manatee County Code of Ordinances (“Code”) which should be amended and updated to improve the environmental lands procedure and membership; and

**WHEREAS**, the Board of County Commissioners of Manatee County finds that amending various provisions of Chapter 2-25 of the Code is in the best interest of the County, its citizens and taxpayers and will serve to protect the public’s health, safety and welfare; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Manatee County:

**Section 1.** Chapter 2-25 of the Code is hereby amended as set forth in attached Exhibit “A” to this Ordinance (underlined text added, ~~strike-through~~ text delete).

**Section 2.** Pursuant to Section 125.68(1), Florida Statutes, the codifier of the Code, Municipal Code Corporation, shall codify the substantive amendments to the Code contained in Section 1 of this Ordinance as provided therein, and shall not codify any other sections not designated for codification.

**Section 3.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 4.** This Ordinance shall take effect immediately upon filing with the State of Florida Department of State.

**DULY ADOPTED** with a quorum present and voting this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
Chairperson

**ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

By: \_\_\_\_\_  
Deputy Clerk

## EXHIBIT "A"

Chapter 2-25 of the Manatee County Code is hereby Amended as follows:

Chapter 2-25 PLANNING AND DEVELOPMENT

ARTICLE IV. Acquisition, Protection and Management of Environmental Lands

Sec. 2-25-55. Environmental lands oversight committee.

- (a) *Creation of the environmental lands management and acquisition committee.* There is hereby established a voluntary advisory board, to be known as the environmental lands management and acquisition committee (ELMAC). Appointments of members of the committee shall be in the manner set forth herein. Notice of openings shall be published, and members shall be appointed by majority vote of the board pursuant to this article. Applicants for committee membership shall follow the procedures set by the board regarding advisory board applications, and shall assure the board of the lack of conflicts and potential conflicts of interest. This committee is advisory only and may be abolished, disbanded or reorganized by amending this article.
- (b) *Purposes and duties of the environmental lands management and acquisition committee.*
  - (1) The general purpose of the environmental lands management and acquisition committee shall be to advise the board on matters related to environmental land acquisition and management, and passive recreational planning and programming for acquired lands. This article shall apply to lands previously acquired by the county that are explicitly designated as governed by this article by the board and to lands and property interests acquired after the adoption of this article whether from funds designated by the board or funds approved by voter referendum. This committee will provide a forum for multiple interests and user groups to express their wishes for management of county-owned lands and passive recreational facilities.
  - (2) The specific duties of the environmental lands management and acquisition committee are those provided in this article and otherwise assigned by the board, and may also include:
    - a. Identifying and evaluating lands meeting the criteria for acquisition and management as public passive recreation areas;
    - b. Developing a countywide inventory of environmental lands;
    - c. For purposes of acquisition, devising and updating the methodology by which a priority ranking may be assigned to the county's environmental lands;
    - d. Researching and evaluating additional potential acquisition funding mechanisms;
    - e. Assisting staff in developing management plans for lands that the county has acquired or is planning to acquire;



- f. Assisting in efforts at the state level to secure sources of state funding for environmental lands purchases and planning;
  - g. Researching other jurisdictions' environmental lands acquisition and management programs;
  - h. Advising the board on the disposal of any county-owned environmental lands;
  - i. Evaluating lands under a priority ranking system utilizing the criteria in section 2-25-61 for which a priority ranking may be assigned to agricultural conservation easements; and
  - j. Performing other appropriate tasks that may be assigned by the board in the future.
- (3) Within the unincorporated area of the county, the committee shall also serve as the tree advisory committee. In such capacity, the duties of the committee shall be as follows:
- a. To develop a tree management program for the care of trees on property owned by the county;
  - b. To promote awareness of the county's tree canopy through educational programs;
  - c. To review grant requirements and to prepare grant proposals for submittal by the county for the purpose of funding tree management programs; and
  - d. To coordinate the county's observance of Arbor Day each year.
- (c) *Authority of the environmental lands management and acquisition committee.*
- (1) The committee chairman shall be the board liaison, elected by the board. The committee shall have the authority to elect other officers from its membership to serve the needs of the committee. Officers elected by the committee will be a ~~chairman and vice-chairman.~~
- a. *Chairman.* The duties of the chairman will be to preside at all meetings and to see that the work is carried out in a constructive and businesslike manner. The chairman of the committee or his/her appointee will be the liaison to work closely with the county administrator or his/her designee. The chairman will appoint special committees where and when needed to work on any of the aforementioned duties, and will oversee the work of such subcommittee.
  - b. *Vice-chairman.* The vice-chairman will preside in the absence of the chairman and will be available to assist the chairman when requested.
- (2) Further, the committee shall have the authority to set the time and place for its meetings. The committee will meet on a schedule, and at a time and place to be determined by the committee. Meetings may be rescheduled or a special meeting called by the committee at any regular meeting. In addition, the chairman shall have the authority to call a special meeting. Upon a decision to

cancel a meeting, committee members and the board shall be notified by phone if the decision is made less than seven (7) days prior to the scheduled meeting; otherwise, notification shall be by letter. Meetings will be advertised as to time and place. Each meeting will have a prepared agenda for distribution, and records will be kept. A a-majority of currently-appointed committee members will constitute a quorum for the conducting of committee business.

- (3) The committee will carry out its responsibilities in the most cost-effective manner. Expenses expenses incurred by the committee or a member thereof, in pursuing its duties, may be paid directly or reimbursed by the board in accordance with applicable laws and policies established by the board, which shall require prior approval and administrative authorization before making any expenditures.
- (4) The committee shall report its findings and recommendations to the board, in open session, at least once annually. Said reports shall only be made by the chairman or vice-chairman of the committee, upon the advice of and consent of a majority of the committee.

(d) *Membership of the committee.*

- (1) The committee will be made up of fifteen (15) members. To the extent possible, members shall have expertise in ecology, conservation of natural resources, real estate or land acquisition business and land development, land planning, land management, or environmental education. An applicant shall submit evidence of his or her expertise in any of the above. The board shall appoint committee members from the following groups or with the following affiliations:
  - a. A member from the Florida Engineering Society;
  - b. A member schooled in a natural science: ecology, biology, botany, etc.;
  - c. A member with background or education in active outdoor sports;
  - d. A member of a local environmental group;
  - e. A member recommended by the Manatee Chamber of Commerce;
  - f. ~~Two (2) year-round residents of Manatee County, one of whom shall be a resident of one of the communities on Anna Maria Island or Longboat Key;~~
  - f. ~~g.~~ An employee of the Manatee County School Board;
  - ~~g. h.~~ A member with background/education in banking, finance, or real estate;
  - ~~h. i.~~ A member engaged in the agricultural business of farming, ranching or commercial horticulture;
  - ~~i. j.~~ A ~~member~~ member who represents Keep Manatee Beautiful, Inc.; and
  - ~~j. k.~~ Four Five (5) at-large members who are residents of-reside in each of the five Manatee County Districts. One (1) member in District 1, one (1) member in District 2, one (1) member in District 3, one (1) member in District 4 and one (1) member in District 5.
  - k. ~~l.~~ One (1) resident of Manatee County at large.

- (2) All members shall be permanent residents of Manatee County as defined in Section 196.012, Florida Statutes.
- (3) The county administrator or his/her designee is hereby assigned the responsibility of providing clerical and administrative support to the committee. The county attorney's office will be responsible for the legal needs of the committee, but only as specifically directed, from time to time, by the board.

(e) *Terms and eligibility requirements.*

- (1) Terms of service on the committee will be for three (3) years, with reappointment at the discretion of the board. Members must re-apply at the end of their term if they wish to be re-appointed. Members whose terms have expired may continue serving until the board selects a replacement. Initial appointments may be for one, two (2), or three (3) years to provide a balanced rotation of new members.
- (2) A member missing three (3) consecutive meetings in a calendar year may be removed from the committee by the board upon the recommendation of a majority of the committee. The board may appoint a new member for the remainder of the term.
- (3) Should any member of the committee be unable to complete his or her term of office, the board may appoint other(s) to complete the balance of the term of that position.
- (4) A member appointed as a result of specific affiliation may continue, in the board's discretion, to serve for the remainder of the term even if the affiliation has changed.
- (5) The terms of the chairman and vice-chairman shall be restricted to no more than two (2) consecutive two-year terms in those offices.

- (f) *Administrative coordinator.* The county administrator or his/her designee shall serve as the staff liaison to the committee and shall establish procedures consistent with county policy concerning committee appointments, development of budgets, expenditures of county funds, providing of clerical services and meeting facilities, and performing other administrative matters which affect the normal operations of the committee.

(Ord. No. 03-62, § 5, 10-7-03; Ord. No. 06-26, § 2, 3-14-06; Ord. No. 09-67, §§ 2, 3, 11-17-09)

Sec. 2-25-56. Environmental lands acquisition, management and protection policies.

- (a) *Acquisition, management and protection.* The county will acquire, manage and protect environmental lands in a manner that is consistent with the goals and objectives set forth in this article and the policies of the Manatee County Comprehensive Plan.
- (b) *Priorities.* The county will restrict its acquisition, management and protection to property interests, whether previously or hereafter acquired, which have been evaluated utilizing the criteria specified in ~~attachment A~~ and approved by the board

for the priority list after review and recommendation by the ELMAC committee, and subject to a final determination by the board.

- (c) *Acquisition, management and protection methods.* The county will acquire environmental lands, or an interest therein, pursuant to this article only after obtaining voluntary approval of the landowner. Methods of acquisition of fee title or property interests will include, but not be limited to, conservation easements, tax incentives, compensation, transfer of development rights, exchanges, use reservations, acceptance of gifts of land, donations, and acquisition of property interests.
- (d) *Cooperation with other groups.* The county will work in a cooperative manner with, but not limited to, the following entities in the protection of environmental lands:
  - (1) Private landowners.
  - (2) Municipalities.
  - (3) Private nonprofit organizations and land trusts.
  - (4) Florida Department of Environmental Protection.
  - (5) Southwest Florida Water Management District.
  - (6) Florida Fish and Wildlife Conservation Commission.
  - (7) Department of Community Affairs.
  - (8) Appropriate federal, state and local agencies.
- (e) *Cooperation with profit and nonprofit groups.* The county will cooperate and consult with profit and nonprofit conservation organizations and trusts regarding purchase negotiations with willing sellers, environmental inventories and audits, matching funding, and procedures and processes for the acquisition and management of environmental lands. In no event shall this article, the authority granted hereunder, or the efforts of any such organization create an agency relationship, express or implied, between the organization and the county. The county shall not be bound by any person or entity to approve or complete any transaction involving real property or real property interests, as a result of the negotiations or other acts of omissions of such organizations, unless and until approved by formal action of the board.
- (f) *Matching funding source.* When desirable matching fund opportunities exist, the county will follow and implement protection procedures for environmental lands in accordance with the State of Florida's Florida Forever program, Save Our Rivers program, Florida Communities Trust program, and other matching fund programs to enhance opportunities for securing matching funding from these programs for protection of environmental lands.

(Ord. No. 03-62, § 6, 10-7-03)

Sec. 2-25-57. Environmental lands procedure for setting priorities.

- (a) *Procedure.* The county's procedure for listing and ranking sites on the protection priority list will be as follows:

- (1) *Site nominations.* County staff will assemble all available resources and identify sites nominated by the county staff and consultants, the board, ELMAC, general public, public other government organizations, and private conservation organizations and the general public. There will be no ranking of the sites nominated; the sites will be listed randomly and not in order of importance. Sites may be nominated at any time.
- (2) *Eligibility.* County staff will review nominated sites, apply the selection criteria to determine eligibility and any applicable criteria that applies to the revenue sources in question. ~~and report to ELMAC. The ELMAC committee will review the list of eligible sites for approval to develop priority groupings. If initial review indicates the site is eligible, staff will contact the landowners to introduce the program and determine their willingness to participate in the program. If willing, a site visit will be scheduled to collect further information and a preliminary site report prepared. County staff will revise the eligible sites to include only those lands for which willing participants exist, thereby comprising the priority list. Owner participation may be withdrawn or initiated at any time until a legal agreement for protection has been fully executed.~~
- (3) *Priority groupings.* The ELMAC committee will review preliminary site reports for approval and develop priority groupings.
- ~~(3) *Participation.* County staff will contact or oversee contacts with the landowners of sites based upon priority groupings to introduce the program, determine their willingness to participate in the program, and advise ELMAC if the landowner is a willing participant.~~
- ~~(4) *Designation.* County staff will revise the eligible sites to include only those lands for which willing participants exist, thereby comprising the priority list. Owner participation may be withdrawn or initiated at any time until a legal agreement for protection has been fully executed.~~
- (45) *Work plan.* The ELMAC committee and county staff will develop a work plan for each site on the priority list. The work plan will include protection methods, strategy to achieve protection, funding sources and methods, land management strategies and costs, and public access. Some work plans may warrant a more thorough analysis for full consideration and prioritization than staff can provide. Staff shall seek board approval prior to hiring an outside contractor for site analysis. A request for consultant services will be made in the Work Plan.
- (56) *Approval.* The work plan adopted by ELMAC will be presented by county staff to the board. The board may either accept, reject, or modify the work plans.
- (67) *Implementation.* Upon board approval, county staff will implement the work plans.
- (78) *Contractual negotiation.* Due diligence, appraisals, and ~~c~~Contractual negotiation for lands identified on the priority list will not begin until:
  - a. A work plan has been completed and approved by the board.

b. Required funds are identified.

(89) *Evaluation.* The ELMAC committee and county staff will review and update the priority list at least once annually. Owner willingness, partner and funding support, and conformance with the criteria will be the basis for changes to the list. Any changes to the list must be forwarded from the ELMAC committee to the board for consideration, except for deletions at the landowner's request, which will be deleted immediately by county staff.

(Ord. No. 03-62, § 7, 10-7-03)

Sec. 2-25-61. Conservation easements-agricultural lands.

(a) *[Listing and ranking of sites for potential eligibility.]* The county's procedure for listing and ranking of sites for potential eligibility for the voluntary acquisition of conservation easements to preserve agricultural lands shall be consistent with the procedures set forth in section 2-25-57(a) with the addition of consideration of the following criteria:

- (1) The quality of land for agricultural use, such as classifications of prime, unique, locally-important or state-wide important or other designation; and
- (2) Economic viability of the parcel, including agricultural on-site farm infrastructure and proximity to off-site farm infrastructure such as markets and adequate size for a bona fide agricultural operation; and
- (3) Compatibility of surrounding uses or intended as a low-intensity/alternative agricultural operation; and
- (4) Degree of development pressure on the parcel, including indicators such as proximity to the urban service boundary, zoning, residential development; and
- (5) Proximity to other protected agricultural or environmental lands or wildlife corridors/greenways; and
- (6) Additional benefits including, but not limited to, enhancement of wildlife habitat, air and water quality, hydrology, ground water recharge, preservation of historic and other cultural features and preservation of scenic qualities.

(b) *Duties of the director of conservation lands management.* The director of conservation and lands management shall perform the following duties in regard to conservation easements for agricultural land:

- (1) Provide for the monitoring and maintenance of conservation easements for agricultural lands purchased by the county; and
- (2) Promote, educate and encourage land owners to participate in the program established by this section; and
- (3) Shall submit to the board of county commissioners an annual report based on all the activities carried out pursuant to the purchase of conservation easements for agricultural purposes. This report shall include, but is not limited to, a map indicating the location of agricultural lands in the county and location of the parcels from where development rights were purchased; total number of

conservation easements and number of acres of each of the conservation easements in the agricultural lands throughout the county; number of land owner applications for the given year for the agricultural land purchase of development rights program.

- (4) Provide any necessary assistance in the enforcement of conservation easements for agricultural lands. Conservation easements including those applicable to agricultural lands are enforceable by injunction or proceeding in equity or at law by Manatee County in accordance with applicable law including Section 704.06, Florida Statutes.

(Ord. No. 06-26, § 3, 3-14-06)

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** pursuant to Section 125.66, Florida Statutes, that the Board of County Commissioners of Manatee County, Florida (Board), will conduct a public hearing on the **11th day of January, 2022, at 8:30 a.m.**, or as soon thereafter in the Commission Chambers on the First Floor of the Manatee County Government Administrative Center, located at 1112 Manatee Avenue West, Bradenton, Florida, 34205, to consider, act upon, adopt, or reject the following ordinance:

**ORDINANCE NO. 22-08**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO THE ACQUISITION, PROTECTION AND MANAGEMENT OF ENVIRONMENTAL LANDS; AMENDING SECTIONS 2-25-55(c) AND 2-25-55(d) OF THE MANATEE COUNTY CODE TO ESTABLISH THE CHAIRMAN AND THE MEMBERSHIP OF THE ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE IN EACH COUNTY DISTRICT; AMENDING SECTION 2-25-57 ENVIRONMENTAL LANDS PROCEDURE FOR SETTING PRIORITIES, TO DETERMINE WILLINGNESS OF A PROPERTY OWNER TO PARTICIPATE IN THE PROGRAM PRIOR TO REVIEW BY THE ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Copies of proposed **ORDINANCE NO. 22-08** may be inspected by the public during normal business hours in the Parks and Natural Resources Department, 5502 33<sup>rd</sup> Avenue Drive West, Bradenton, Florida. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

According to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he/she will need a record of the proceedings and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony and evidence upon which the appeal is to be based.

The Board does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act (ADA), should contact Carmine DeMilio at (941) 792-8784, Extension 8203 or [carmine.demilio@mymanatee.org](mailto:carmine.demilio@mymanatee.org).





## MEMORANDUM

To: Dr. Scott Hopes, County Administrator

From: Charlie Hunsicker 

Date: October 29, 2021

Subject: October 27, 2021 Work Session – Implementation of the Conservation and Park Projects Referendum (20-105)

### Summary of Work Session

The Conservation and Parks Projects Referendum (20-105) was introduced by Dr. Hopes as an opportunity to balance prolific new development with the natural assets that make Manatee County a desirable place to live and visit. Referendum Implementation considerations presented by staff included:

- Language and intent of the Referendum
- Existing Environmental Lands Management and Acquisition (ELMAC) Ordinance
- Changes in conservation needs since the Ordinance was last updated
- Recent BCC discussions about the Referendum
- Best practices from other conservation land programs.

### Proposed Approach to Implementation

Selection Criteria were presented:

- From Ballot: protection of drinking water sources and water quality, preservation of fish and wildlife habitat, prevention of stormwater runoff pollution, provision of parks
- Natural Resource Value: Ecological quality, rarity of species or habitat, Importance to water resources, connectivity
- Other: Property size, property improvements, seller discount, ecotourism value, sustainable agriculture or forestry, archeological, historic or cultural significance, etc.

The implementation process was discussed.

A graphic provided in a handout (attached) shows property nomination by any individual or organization, preliminary site assessment, willing seller determination, on-site assessment, review and prioritization by ELMAC, Work Plan review by BCC, and pursuit of purchase of BCC-approved properties.

Work Plans will include property characteristics, management goals and issues, partnerships and funding sources, recreational opportunities and also cost estimates for acquisition, restoration, maintenance, and public access.

For purpose of transparency and accountability, and meeting intent of Referendum 20-105, Annual Reports will include.

- Performance measures (acres of habitat types acquired, acres meeting Referendum and Important Natural Resource Value criteria)
- Financial Reporting (expenditures for acquisition, improvement and management of land, indebtedness)
- Millage Fund Balances/funds made available by County
- Funds provide by other organizations
- Expenditures unrelated to Referendum purpose

County Web Page - Periodic updates to include news, dashboard indicators.

### **Budget considerations were presented**

Acquisition, Restoration, Maintenance, and Public Access are critical components of planning and budgeting for conservation land. Annual maintenance costs for current Manatee County conservation lands were presented, as well as for the State and local governments. Example maintenance and capital improvement costs for 3 possible acquisitions were provided.

### **Proposed Resolution and Updates to ELMAC Ordinance**

Resolution 21-182 was proposed to authorize implementation of the Referendum using ELMAC (attached, with draft revisions reflecting work session amendment).

Ordinance 21-45 was proposed, which primarily changes the following in the ELMAC Ordinance (attached).

- Contact property owner to introduce program and determine if they may be a willing seller prior to consideration at ELMAC meeting rather than after.
- Modify Committee seats to have 5 District specific seats.

### **Commissioners' Comments/Questions**

Importance of treating stormwater pollution to prevent Red Tide.

Importance of park amenities providing passive recreational use to public.

Concern that BCC should be aware of nominated property earlier in the process.

Dr. Hopes clarified the motion from Commissioner Satcher: "to create an amendment that would show up on the Resolution, creating a Board liaison position to the ELMAC, and that the first liaison would be Commissioner Satcher to the ELMAC." The motion was unanimously approved motion (attached, with draft revisions reflecting work session amendment).

### **Next Steps**

1. Revision to proposed Resolution 21-182 to include BCC Liaison
2. Request BCC meeting seeking approval of Ordinance 21-45 and Resolution 21-182

cc:

- Jan Brewer, Deputy County Administrator
- Robert Reinshuttle, Deputy County Administrator
- Charlie Bishop, Deputy County Administrator





## MEMORANDUM

To: Dr. Scott Hopes, County Administrator

From: Charlie Hunsicker 

Date: October 29, 2021

Subject: October 27, 2021 Work Session – Implementation of the Conservation and Park Projects Referendum (20-105)

### Summary of Work Session

The Conservation and Parks Projects Referendum (20-105) was introduced by Dr. Hopes as an opportunity to balance prolific new development with the natural assets that make Manatee County a desirable place to live and visit. Referendum Implementation considerations presented by staff included:

- Language and intent of the Referendum
- Existing Environmental Lands Management and Acquisition (ELMAC) Ordinance
- Changes in conservation needs since the Ordinance was last updated
- Recent BCC discussions about the Referendum
- Best practices from other conservation land programs.

### Proposed Approach to Implementation

Selection Criteria were presented:

- From Ballot: protection of drinking water sources and water quality, preservation of fish and wildlife habitat, prevention of stormwater runoff pollution, provision of parks
- Natural Resource Value: Ecological quality, rarity of species or habitat, Importance to water resources, connectivity
- Other: Property size, property improvements, seller discount, ecotourism value, sustainable agriculture or forestry, archeological, historic or cultural significance, etc.

The implementation process was discussed.

A graphic provided in a handout (attached) shows property nomination by any individual or organization, preliminary site assessment, willing seller determination, on-site assessment, review and prioritization by ELMAC, Work Plan review by BCC, and pursuit of purchase of BCC-approved properties.

Work Plans will include property characteristics, management goals and issues, partnerships and funding sources, recreational opportunities and also cost estimates for acquisition, restoration, maintenance, and public access.

For purpose of transparency and accountability, and meeting intent of Referendum 20-105, Annual Reports will include.

- Performance measures (acres of habitat types acquired, acres meeting Referendum and Important Natural Resource Value criteria)
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Acquisition, Restoration, Maintenance, and Public Access are critical components of planning and budgeting for conservation land. Annual maintenance costs for current Manatee County conservation lands were presented, as well as for the State and local governments. Example maintenance and capital improvement costs for 3 possible acquisitions were provided.

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### **Next Steps**

1. Revision to proposed Resolution 21-182 to include BCC Liaison
2. Request BCC meeting seeking approval of Ordinance 21-45 and Resolution 21-182

cc:

- Jan Brewer, Deputy County Administrator
- Robert Reinshuttle, Deputy County Administrator
- Charlie Bishop, Deputy County Administrator



## Debra Woithe

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**From:** Alex Nicodemi  
**Sent:** Monday, September 20, 2021 11:55 AM  
**To:** Debra Woithe  
**Cc:** Charlie Hunsicker; Jennifer RebokusScott; William Clague; Pamala Roberts; Scott Hopes  
**Subject:** RLS Response; ELMAC Ordinance Revision; CAO Matter No. 2021-0333  
**Attachments:** ELMAC Ordinance\_ CAO 09.20.21.docx

Debra:

Pursuant to the above referenced Request for Legal Services, you have asked this office to review a draft ordinance amending various provisions of Chapter 2-25 of the Manatee County Code of Ordinances. Per your request, I have reviewed draft Ordinance No. 21-45 and my comments are as follows:

1. Attached to this email, you will find Ordinance No. 21-45 (“Ordinance”) incorporating the requested revisions by Parks and Natural Resources pursuant to the above reference request for legal services. Please review my comments left in the margins.
2. A proposed ordinance title shall be advertised appropriately at least ten (10) days prior to adoption. Please do not hesitate to contact this Office if you need assistance with this requirement.

I have no objection from a legal standpoint to scheduling this Ordinance for adoption by the Board of County Commissioners. I express no opinion as to the business judgment of adopting this Ordinance. This concludes my response to your Request for Legal Services. If you have any further questions, comments, or concerns, please feel free to contact me.

*Alexandria C. Nicodemi*  
Assistant County Attorney  
Manatee County Attorney’s Office  
1112 Manatee Avenue West – Suite 969  
Bradenton, Florida 34205  
Email: [alex.nicodemi@mymanatee.org](mailto:alex.nicodemi@mymanatee.org)  
Phone: 941-745-3750 x3746  
Fax: 941-745-3089

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**PLEASE NOTE:** Florida has very broad public records laws. Many written communications to or from this office may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.



## MEMORANDUM

To: Dr. Scott Hopes, County Administrator

From: Diane Vollmer, Agenda Coordinator

Date: December 13, 2021

Subject: **Agenda Update for Meeting of December 14, 2021**

*This memo and the changes indicated below are reflected in the electronic agenda.*

### Public Comments

Written comments submitted through the online Public Comment form were added to:

- Item 29 - Authorization to Advertise a Notice of Public Hearing for Adoption of Ordinance 22-08 (formerly 21-45) relating to the Acquisition, Protection, and Management of Environmental Lands on January 11, 2022
- Item 61 - Resolution R-21-189 Redistricting the County into Commissioner Districts of Contiguous Territory as Nearly Equal in Population as Practicable

### Changes to Regular Agenda

#### ADMINISTRATOR

##### **Item 59 - Confirmation of Appointment of the Director of the Building and Development Services Department**

Courtney De Pol's resume was added to this item.

##### **Item 60 - Confirmation of Appointment of the Director of the Information Technology Services Department**

This item was updated to indicate the selection of Andrew "Drew" T. Richardson as the Director.

#### ADMINISTRATOR

##### **Item 61 - Resolution R-21-189 Redistricting the County into Commissioner Districts of Contiguous Territory as Nearly Equal in Population as Practicable**

An email from Carol Felts and Town Hall Comment Cards submitted by Commissioner Servia were added to this item.

#### PUBLIC SAFETY

##### **Item 64 - Bishop SPCA Asset Transfer and Easement Agreement**

The final drafts of the agreements were attached to this agenda item.

#### FINANCIAL MANAGEMENT

##### **Item 71 - Amendment No. 1 to Agreement No. 18-R068859AJ for Correctional Health Care Services**

The unsigned copy of the amendment was replaced with the copy signed by NaphCare.



# Public Comment

Submitted On: Dec 12, 2021, 06:00PM EST

Manatee County, FL

Agenda Item 29

<b>Full Name</b>	<b>First Name:</b> Betsy <b>Last Name:</b> Benac
<b>Email</b>	bbenac@hotmail.com
<b>Topic/Agenda Item</b>	Proposed Ordinance 22-08/agenda item #27
<b>Comment (max. 3,000 characters)</b>	First of all-BS that you have to submit comments by Friday, when the agenda on Friday didn't even include this new Ordinance. Your ability to hide objectionable items and add them to a last minute agenda is outrageous. Making Satcher the Chair of a Citizens advisory board is also outrageous-this state of FL/county newcomer who doesn't even know what the Clean Water Act is (adopted in 1972 under Nixon) yet wants it to go away. His objective is clear- "I'm the Chair, that's why" get rid of the citizens approved referendum to protect sensitive environmental lands. Why even have Citizen Advisory Boards -if they will be ruled by the Commission. Legal? Maybe, never heard of it before but ya'll love making rules that silence citizens, shame on you and your administrator for acquiescing to the power hungry know nothing commissioners. Do the right thing, serve the citizens in a supporting roll as a liaison or eliminate the Citizen Advisory Board and show how much you really don't care what they think.
<b>Which meeting is this public comment for? (Please select date of meeting)</b>	December 14, 2021



# Public Comment

Submitted On: Dec 12, 2021, 09:36PM EST

Manatee County, FL

<b>Full Name</b>	<b>First Name:</b> Shane <b>Last Name:</b> Wedel
<b>Email</b>	Shane.wedel@gmail.com
<b>Topic/Agenda Item</b>	Item No. 29
<b>Comment (max. 3,000 characters)</b>	<p>Dear Commissioners, I sincerely thank you for reading and considering my note. I know you receive much correspondence, so I appreciate any attention you have for mine. I am writing regarding Ordinance No. 22-08 which would establish a county commissioner as the permanent chair of the Elmac committee. While I do support having a commissioner as a liaison to the committee, I do not support having a commissioner as a voting member of the committee much less the chair. I may be wrong, but at the Oct. 27th work session I believe only the addition of a liaison was discussed and approved by the seven of you. I do not understand how we got from liaison to voting member, much less permanent chair? I would love to understand the process by which this has occurred. Having a commissioner as a voting member of a citizens advisory committee in concept seems odd. We are talking about a citizens advisory committee (not citizen/elected official advisory committee), whose job is to advise the board on complicated issues. A liaison will assist in the communication between the two bodies and that would be positive. It is my opinion that a voting commissioner elmac member who is automatically the chair could result in stifling citizen input and that would be an unacceptable and most regrettable outcome. Please vote no on item No. 29 Tuesday. Do not advertise Ordinance 22-08 or have a hearing on January 11th for its adoption. Sincerely, Shane Wedel Manatee County Citizen</p>
<b>Which meeting is this public comment for? (Please select date of meeting)</b>	December 14, 2021





Board of County Commissioners  
December 14, 2021 - Regular Meeting

**SUBJECT**

AUTHORIZATION TO ADVERTISE A NOTICE OF PUBLIC HEARING FOR ADOPTION OF ORDINANCE 21-45 RELATING TO THE ACQUISITION, PROTECTION, AND MANAGEMENT OF ENVIRONMENTAL LANDS ON JANUARY 11, 2022

**Category**

CONSENT AGENDA

**Briefings**

None

**Contact and/or Presenter Information**

Charlie Hunsicker, Director, Parks and Natural Resources  
Charlie.Hunsicker@MyManatee.org 941.742-5923 ext. 6001

Debra Woithe, Environmental Lands Program Manager  
Debra.Woithe@MyManatee.org 941.742-5923 ext. 6052

**Action Requested**

Authorization to advertise a Notice of Public Hearing for adoption of Ordinance 21-45 on January 11, 2022.

**Enabling/Regulating Authority**

Chapter 125, Florida Statutes

**Background Discussion**

- Implementation of the Conservation and Parks Projects Referendum (R-20-105) was the subject of a Board of County Commissioners (BCC) special meeting on October 27, 2021, at 3pm. Ordinance 21-45 was presented and discussed to update the environmental lands management and acquisition program (ELMAP) (Sec. 2-25-51 – 2-25-61). A Public Hearing is required prior to adoption of Ordinance 21-45. If the Public Hearing for Ordinance 21-45 is authorized on December 14, 2021, adoption of Ordinance 21-45 may be requested on January 11, 2022.

- Resolution R-20-105 was established “to finance the acquisition, improvement, and management of land to protect drinking water sources and water quality, preserve fish and wildlife habitat, prevent stormwater runoff pollution, and provide parks”. The bond election was supported by the Manatee County voters.
- An environmental lands management and acquisition program (ELMAP) was first established by ordinance in Manatee County in 1992 (Sec.2-25-51 – 2-25-61). A fifteen-member County Commission appointed advisory Committee (ELMAC) that includes multiple interests and user groups advise the Commission on matters related to environmental land acquisition, conservation easements, management, and passive recreational planning. The article applies to lands previously acquired “and to lands and property interests acquired after the adoption of this article whether from funds designated by the board or funds approved by voter referendum”.
- Staff reviewed and considered 1) the ELMAP ordinance and ELMAC member composition, 2) changes in water quality, conservation, and passive recreation needs since a project to Prioritize Natural Resource Lands county-wide was completed in 2005, 3) the intent and language of the 2020 Referendum, and 4) BCC comments during public meetings and staff conversations.
- Resolution R-21-182 was proposed to authorize implementation of the Referendum using ELMAC.
- ELMAP selection criteria and process, along with staff recommendations for updates, were presented for review and consideration. Ordinance 21-45 was proposed, which primarily changes the following in the ELMAC Ordinance (attached).
  - Contact property owner to introduce program and determine if they may be a willing seller prior to consideration at ELMAC meeting rather than after.
  - Modify Committee seats to have 5 District specific seats.
- Following discussion during the special meeting, a motion to amend draft Resolution R-21-182 to create a BCC liaison to ELMAC was unanimously passed. A request to adopt the revised version of Resolution R-21-182 is being made on the December 14, 2021, BCC Agenda.

#### **Attorney Review**

Formal Written Review (Opinion memo must be attached)

#### **Reviewing Attorney**

Nicodemi

#### **Instructions to Board Records**

None

#### **Cost and Funds Source Account Number and Name**

N/A

#### **Amount and Frequency of Recurring Costs**

None

**ORDINANCE NO. 21-45**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO THE ACQUISITION, PROTECTION AND MANAGEMENT OF ENVIRONMENTAL LANDS; AMENDING SECTION 2-25-55(d) OF THE MANATEE COUNTY CODE TO ESTABLISH MEMBERSHIP OF THE ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE IN EACH COUNTY DISTRICT; AMENDING SECTION 2-25-57 ENVIRONMENTAL LANDS PROCEDURE FOR SETTING PRIORITIES, TO DETERMINE WILLINGNESS OF A PROPERTY OWNER TO PARTICIPATE IN THE PROGRAM PRIOR TO REVIEW BY THE ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners of Manatee County to provide parks, preserves, recreation areas and other recreation and cultural facilities for the citizens of Manatee County; and

**WHEREAS**, the Board of County Commissioners of Manatee County, Florida, has previously adopted Resolution No. R-92-149, establishing an Environmental Lands Management and Acquisition Committee; and

**WHEREAS**, the Board of County Commissioners of Manatee County, Florida, has previously adopted Resolution No. 93-55 to replace and amend R-92-149, in order to provide for participation by the agricultural community and to provide for Manatee County staff participation that had been omitted through an oversight; and

**WHEREAS**, on October 7, 2003, the Board of County Commissioners of Manatee County, Florida, enacted Ordinance No.03-62, the Manatee County Environmental Land Management and Acquisition Ordinance; and

**WHEREAS**, on March 14, 2006, Ordinance No. 06-26 was adopted the Board of County Commissioners to establish a process for the granting of conservation easements to Manatee County, generally applicable to the acquisition, protection and management of environmental lands; and

**WHEREAS**, on November 17, 2009, Ordinance No. 09-67 was adopted the Board of County Commissioners to establish that the environmental lands management and acquisition committee also serve as the tree advisory committee for purposes related to tree management: and

**WHEREAS**, Subsection 2-25-53 of the Manatee County Code of Ordinances describes the purposes and duties of the environmental lands management and

acquisition committee to establish an efficient, fair, well-planned and economically sound procedure for the acquisition, protection and management of the environmental lands and other conservation property interests; to provide assurance to the public that funds obtained pursuant to the article including any voter approved funding are dedicated to the purposes of this article; to ensure public participation in decisions made pursuant to this article; and to accomplish the purposes without establishing regulations upon property and landowners who choose not to participate in the program established herein.

**WHEREAS**, the Board of County Commissioners of Manatee County, Florida, previously adopted Resolution No. R-20-105, deeming it advisable and necessary to provide for the submission to the qualified electors of the County, at a bond referendum election scheduled in conjunction with the regular election for the County on November 3, 2020, the question of whether the County should issue its general obligation bonds for the purpose of providing funds, together with other available funds of the County, to enable the County to pay the costs of the Conservation and Parks Projects; and

**WHEREAS**, the bond referendum election was approved by a majority of votes cast in election of the County on November 3, 2020 in which the qualified electors residing in the County participated; and

**WHEREAS**, the Parks and Natural Resources Department has identified various provisions of the Manatee County Code of Ordinances ("Code") which should be amended and updated to improve the environmental lands procedure and membership; and

**WHEREAS**, the Board of County Commissioners of Manatee County finds that amending various provisions of Chapter 2-25 of the Code is in the best interest of the County, its citizens and taxpayers and will serve to protect the public's health, safety and welfare; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Manatee County:

**Section 1.** Chapter 2-25 of the Code is hereby amended as set forth in attached Exhibit "A" to this Ordinance (underlined text added, ~~strike-through~~ text delete).

**Section 2.** Pursuant to Section 125.68(1), Florida Statutes, the codifier of the Code, Municipal Code Corporation, shall codify the substantive amendments to the Code contained in Section 1 of this Ordinance as provided therein, and shall not codify any other sections not designated for codification.

**Section 3.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 4.** This Ordinance shall take effect immediately upon filing with the State of Florida Department of State.

**DULY ADOPTED** with a quorum present and voting this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
Chairperson

**ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

By: \_\_\_\_\_  
Deputy Clerk

**UPDATED/REPLACED**

## EXHIBIT "A"

Chapter 2-25 of the Manatee County Code is hereby Amended as follows:

Chapter 2-25 PLANNING AND DEVELOPMENT

ARTICLE IV. Acquisition, Protection and Management of Environmental Lands

Sec. 2-25-55. Environmental lands oversight committee.

- (a) *Creation of the environmental lands management and acquisition committee.* There is hereby established a voluntary advisory board, to be known as the environmental lands management and acquisition committee (ELMAC). Appointments of members of the committee shall be in the manner set forth herein. Notice of openings shall be published, and members shall be appointed by majority vote of the board pursuant to this article. Applicants for committee membership shall follow the procedures set by the board regarding advisory board applications, and shall assure the board of the lack of conflicts and potential conflicts of interest. This committee is advisory only and may be abolished, disbanded or reorganized by amending this article.
- (b) *Purposes and duties of the environmental lands management and acquisition committee.*
- (1) The general purpose of the environmental lands management and acquisition committee shall be to advise the board on matters related to environmental land acquisition and management, and passive recreational planning and programming for acquired lands. This article shall apply to lands previously acquired by the county that are explicitly designated as governed by this article by the board and to lands and property interests acquired after the adoption of this article whether from funds designated by the board or funds approved by voter referendum. This committee will provide a forum for multiple interests and user groups to express their wishes for management of county-owned lands and passive recreational facilities.
  - (2) The specific duties of the environmental lands management and acquisition committee are those provided in this article and otherwise assigned by the board, and may also include:
    - a. Identifying and evaluating lands meeting the criteria for acquisition and management as public passive recreation areas;
    - b. Developing a countywide inventory of environmental lands;
    - c. For purposes of acquisition, devising and updating the methodology by which a priority ranking may be assigned to the county's environmental lands;
    - d. Researching and evaluating additional potential acquisition funding mechanisms;
    - e. Assisting staff in developing management plans for lands that the county has acquired or is planning to acquire;

- f. Assisting in efforts at the state level to secure sources of state funding for environmental lands purchases and planning;
  - g. Researching other jurisdictions' environmental lands acquisition and management programs;
  - h. Advising the board on the disposal of any county-owned environmental lands;
  - i. Evaluating lands under a priority ranking system utilizing the criteria in section 2-25-61 for which a priority ranking may be assigned to agricultural conservation easements; and
  - j. Performing other appropriate tasks that may be assigned by the board in the future.
- (3) Within the unincorporated area of the county, the committee shall also serve as the tree advisory committee. In such capacity, the duties of the committee shall be as follows:
- a. To develop a tree management program for the care of trees on property owned by the county;
  - b. To promote awareness of the county's tree canopy through educational programs;
  - c. To review grant requirements and to prepare grant proposals for submittal by the county for the purpose of funding tree management programs; and
  - d. To coordinate the county's observance of Arbor Day each year.
- (c) *Authority of the environmental lands management and acquisition committee.*
- (1) The committee shall have the authority to elect officers from its membership to serve the needs of the committee. Officers elected by the committee will be a chairman and vice-chairman.
- a. *Chairman.* The duties of the chairman will be to preside at all meetings and to see that the work is carried out in a constructive and businesslike manner. The chairman of the committee or his/her appointee will be the liaison to work closely with the county administrator or his/her designee. The chairman will appoint special committees where and when needed to work on any of the aforementioned duties, and will oversee the work of such subcommittee.
  - b. *Vice-chairman.* The vice-chairman will preside in the absence of the chairman and will be available to assist the chairman when requested.
- (2) Further, the committee shall have the authority to set the time and place for its meetings. The committee will meet on a schedule, and at a time and place to be determined by the committee. Meetings may be rescheduled or a special meeting called by the committee at any regular meeting. In addition, the chairman shall have the authority to call a special meeting. Upon a decision to cancel a meeting, committee members and the board shall be notified by phone

if the decision is made less than seven (7) days prior to the scheduled meeting; otherwise, notification shall be by letter. Meetings will be advertised as to time and place. Each meeting will have a prepared agenda for distribution, and records will be kept. A a-majority of currently-appointed committee members will constitute a quorum for the conducting of committee business.

- (3) The committee will carry out its responsibilities in the most cost-effective manner. ~~Expenses~~ expenses incurred by the committee or a member thereof, in pursuing its duties, may be paid directly or reimbursed by the board in accordance with applicable laws and policies established by the board, which shall require prior approval and administrative authorization before making any expenditures.
- (4) The committee shall report its findings and recommendations to the board, in open session, at least once annually. Said reports shall only be made by the chairman or vice-chairman of the committee, upon the advice of and consent of a majority of the committee.

(d) *Membership of the committee.*

- (1) The committee will be made up of fifteen (15) members. To the extent possible, members shall have expertise in ecology, conservation of natural resources, real estate or land acquisition business and land development, land planning, land management, or environmental education. An applicant shall submit evidence of his or her expertise in any of the above. The board shall appoint committee members from the following groups or with the following affiliations:
  - a. A member from the Florida Engineering Society;
  - b. A member schooled in a natural science: ecology, biology, botany, etc.;
  - c. A member with background or education in active outdoor sports;
  - d. A member of a local environmental group;
  - e. A member recommended by the Manatee Chamber of Commerce;
  - f. ~~Two (2) year-round residents of Manatee County, one of whom shall be a resident of one of the communities on Anna Maria Island or Longboat Key;~~
  - f. g. An employee of the Manatee County School Board;
  - g. h. A member with background/education in banking, finance, or real estate;
  - h. i. A member engaged in the agricultural business of farming, ranching or commercial horticulture;
  - i. j. A ~~member~~ member who represents Keep Manatee Beautiful, Inc.; and
  - j. k. Four Five (5) at-large members who are residents of/ reside in each of the five Manatee County Districts. One (1) member in District 1, one (1) member in District 2, one (1) member in District 3, one (1) member in District 4 and one (1) member in District 5.
  - k. l. One (1) resident of Manatee County at large.



- (2) All members shall be permanent residents of Manatee County as defined in Section 196.012, Florida Statutes.
- (3) The county administrator or his/her designee is hereby assigned the responsibility of providing clerical and administrative support to the committee. The county attorney's office will be responsible for the legal needs of the committee, but only as specifically directed, from time to time, by the board.

(e) *Terms and eligibility requirements.*

- (1) Terms of service on the committee will be for three (3) years, with reappointment at the discretion of the board. Members must re-apply at the end of their term if they wish to be re-appointed. Members whose terms have expired may continue serving until the board selects a replacement. Initial appointments may be for one, two (2), or three (3) years to provide a balanced rotation of new members.
- (2) A member missing three (3) consecutive meetings in a calendar year may be removed from the committee by the board upon the recommendation of a majority of the committee. The board may appoint a new member for the remainder of the term.
- (3) Should any member of the committee be unable to complete his or her term of office, the board may appoint other(s) to complete the balance of the term of that position.
- (4) A member appointed as a result of specific affiliation may continue, in the board's discretion, to serve for the remainder of the term even if the affiliation has changed.
- (5) The terms of the chairman and vice-chairman shall be restricted to no more than two (2) consecutive two-year terms in those offices.

- (f) *Administrative coordinator.* The county administrator or his/her designee shall serve as the staff liaison to the committee and shall establish procedures consistent with county policy concerning committee appointments, development of budgets, expenditures of county funds, providing of clerical services and meeting facilities, and performing other administrative matters which affect the normal operations of the committee.

(Ord. No. 03-62, § 5, 10-7-03; Ord. No. 06-26, § 2, 3-14-06; Ord. No. 09-67, §§ 2, 3, 11-17-09)

Sec. 2-25-56. Environmental lands acquisition, management and protection policies.

- (a) *Acquisition, management and protection.* The county will acquire, manage and protect environmental lands in a manner that is consistent with the goals and objectives set forth in this article and the policies of the Manatee County Comprehensive Plan.
- (b) *Priorities.* The county will restrict its acquisition, management and protection to property interests, whether previously or hereafter acquired, which have been evaluated utilizing the criteria specified in attachment A and approved by the board

for the priority list after review and recommendation by the ELMAC committee, and subject to a final determination by the board.

- (c) *Acquisition, management and protection methods.* The county will acquire environmental lands, or an interest therein, pursuant to this article only after obtaining voluntary approval of the landowner. Methods of acquisition of fee title or property interests will include, but not be limited to, conservation easements, tax incentives, compensation, transfer of development rights, exchanges, use reservations, acceptance of gifts of land, donations, and acquisition of property interests.
- (d) *Cooperation with other groups.* The county will work in a cooperative manner with, but not limited to, the following entities in the protection of environmental lands:
  - (1) Private landowners.
  - (2) Municipalities.
  - (3) Private nonprofit organizations and land trusts.
  - (4) Florida Department of Environmental Protection.
  - (5) Southwest Florida Water Management District.
  - (6) Florida Fish and Wildlife Conservation Commission.
  - (7) Department of Community Affairs.
  - (8) Appropriate federal, state and local agencies.
- (e) *Cooperation with profit and nonprofit groups.* The county will cooperate and consult with profit and nonprofit conservation organizations and trusts regarding purchase negotiations with willing sellers, environmental inventories and audits, matching funding, and procedures and processes for the acquisition and management of environmental lands. In no event shall this article, the authority granted hereunder, or the efforts of any such organization create an agency relationship, express or implied, between the organization and the county. The county shall not be bound by any person or entity to approve or complete any transaction involving real property or real property interests, as a result of the negotiations or other acts of omissions of such organizations, unless and until approved by formal action of the board.
- (f) *Matching funding source.* When desirable matching fund opportunities exist, the county will follow and implement protection procedures for environmental lands in accordance with the State of Florida's Florida Forever program, Save Our Rivers program, Florida Communities Trust program, and other matching fund programs to enhance opportunities for securing matching funding from these programs for protection of environmental lands.

(Ord. No. 03-62, § 6, 10-7-03)

Sec. 2-25-57. Environmental lands procedure for setting priorities.

- (a) *Procedure.* The county's procedure for listing and ranking sites on the protection priority list will be as follows:

- (1) *Site nominations.* County staff will assemble all available resources and identify sites nominated by the county staff and consultants, [ELMAC](#), general public, public other government organizations, and private conservation organizations and the general public. There will be no ranking of the sites nominated; the sites will be listed randomly and not in order of importance. Sites may be nominated at any time.
- (2) *Eligibility.* County staff will review nominated sites, apply the selection criteria to determine eligibility and any applicable criteria that applies to the revenue sources in question. ~~and report to ELMAC. The ELMAC committee will review the list of eligible sites for approval to develop priority groupings. If initial review indicates the site is eligible, staff will contact the landowners to introduce the program and determine their willingness to participate in the program. If willing, a site visit will be scheduled to collect further information and a preliminary site report prepared. County staff will revise the eligible sites to include only those lands for which willing participants exist, thereby comprising the priority list. Owner participation may be withdrawn or initiated at any time until a legal agreement for protection has been fully executed.~~
- (3) *Priority groupings.* ~~The ELMAC committee will review preliminary site reports for approval and develop priority groupings.~~
- (3) *Participation.* ~~County staff will contact or oversee contacts with the landowners of sites based upon priority groupings to introduce the program, determine their willingness to participate in the program, and advise ELMAC if the landowner is a willing participant.~~
- (4) *Designation.* ~~County staff will revise the eligible sites to include only those lands for which willing participants exist, thereby comprising the priority list. Owner participation may be withdrawn or initiated at any time until a legal agreement for protection has been fully executed.~~
- (45) *Work plan.* ~~The ELMAC committee and county staff will develop a work plan for each site on the priority list. The work plan will include protection methods, strategy to achieve protection, funding sources and methods, land management strategies and costs, and public access. Some work plans may benefit from a more thorough site opportunities and constraints analysis for full consideration and prioritization than staff can provide for full consideration and prioritization. Staff shall seek board approval prior to hiring an outside contractor for site analysis. A request for consultant services will be made in the Work Plan.~~
- (56) *Approval.* The work plan adopted by ELMAC will be presented by county staff to the board. The board may either accept, reject, or modify the work plans. ~~Some work plans may benefit from a more thorough site opportunities and constraints analysis for full consideration and prioritization.~~
- (67) *Implementation.* Upon board approval, county staff will implement the work plans.

(78) *Contractual negotiation.* Due diligence, appraisals, and cContractual negotiation for lands identified on the priority list will not begin until:

- a. A work plan has been completed and approved by the board.
- b. Required funds are identified.

(89) *Evaluation.* The ELMAC committee and county staff will review and update the priority list at least once annually. Owner willingness, partner and funding support, and conformance with the criteria will be the basis for changes to the list. Any changes to the list must be forwarded from the ELMAC committee to the board for consideration, except for deletions at the landowner's request, which will be deleted immediately by county staff.

(Ord. No. 03-62, § 7, 10-7-03)

Sec. 2-25-61. Conservation easements-agricultural lands.

(a) *[Listing and ranking of sites for potential eligibility.]* The county's procedure for listing and ranking of sites for potential eligibility for the voluntary acquisition of conservation easements to preserve agricultural lands shall be consistent with the procedures set forth in section 2-25-57(a) with the addition of consideration of the following criteria:

- (1) The quality of land for agricultural use such as classifications of prime, unique, locally-important or state-wide important or other designation; and
- (2) Economic viability of the parcel, including agricultural on-site farm infrastructure and proximity to off-site farm infrastructure such as markets and adequate size for a bona fide agricultural operation; and
- (3) Compatibility of surrounding uses or intended as a low-intensity/alternative agricultural operation; and
- (4) Degree of development pressure on the parcel, including indicators such as proximity to the urban service boundary, zoning, residential development; and
- (5) Proximity to other protected agricultural or environmental lands or wildlife corridors/greenways; and
- (6) Additional benefits including, but not limited to, enhancement of wildlife habitat, air and water quality, hydrology, ground water recharge, preservation of historic and other cultural features and preservation of scenic qualities.

(b) *Duties of the director of conservation lands management.* The director of conservation and lands management shall perform the following duties in regard to conservation easements for agricultural land:

- (1) Provide for the monitoring and maintenance of conservation easements for agricultural lands purchased by the county; and
- (2) Promote, educate and encourage land owners to participate in the program established by this section; and

- (3) Shall submit to the board of county commissioners an annual report based on all the activities carried out pursuant to the purchase of conservation easements for agricultural purposes. This report shall include, but is not limited to, a map indicating the location of agricultural lands in the county and location of the parcels from where development rights were purchased; total number of conservation easements and number of acres of each of the conservation easements in the agricultural lands throughout the county; number of land owner applications for the given year for the agricultural land purchase of development rights program.
- (4) Provide any necessary assistance in the enforcement of conservation easements for agricultural lands. Conservation easements including those applicable to agricultural lands are enforceable by injunction or proceeding in equity or at law by Manatee County in accordance with applicable law including Section 704.06, Florida Statutes.

(Ord. No. 06-26, § 3, 3-14-06)

**UPDATED/REPLACED**

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** pursuant to Section 125.66, Florida Statutes, that the Board of County Commissioners of Manatee County, Florida (Board), will conduct a public hearing on the **11th day of January, 2022, at 8:30 a.m.**, or as soon thereafter in the Commission Chambers on the First Floor of the Manatee County Government Administrative Center, located at 1112 Manatee Avenue West, Bradenton, Florida, 34205, to consider, act upon, adopt, or reject the following ordinance:

### ORDINANCE NO. 21-45

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO THE ACQUISITION, PROTECTION AND MANAGEMENT OF ENVIRONMENTAL LANDS; AMENDING SECTION 2-25-55(d) OF THE MANATEE COUNTY CODE TO ESTABLISH MEMBERSHIP OF THE ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE IN EACH COUNTY DISTRICT; AMENDING SECTION 2-25-57 ENVIRONMENTAL LANDS PROCEDURE FOR SETTING PRIORITIES, TO DETERMINE WILLINGNESS OF A PROPERTY OWNER TO PARTICIPATE IN THE PROGRAM PRIOR TO REVIEW BY THE ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Copies of proposed **ORDINANCE NO. 21-45** may be inspected by the public during normal business hours in the Parks and Natural Resources Department, 5502 33<sup>rd</sup> Avenue Drive West, Bradenton, Florida. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

According to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he/she will need a record of the proceedings and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony and evidence upon which the appeal is to be based.

The Board does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act (ADA), should contact Carmine DeMilio at (941) 792-8784, Extension 8203 or [carmine.demilio@mymanatee.org](mailto:carmine.demilio@mymanatee.org).