

**RESOLUTION NO. R-21-182**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING ENVIRONMENTAL LANDS; APPOINTING THE ENVIRONMENTAL LANDS ACQUISITION AND MANAGEMENT COMMITTEE FOR IMPLEMENTATION OF RESOLUTION NO. R-20-105; CREATING A BOARD LIASON; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Constitution and the laws of the State of Florida, including, without limitation, Chapter 125, Florida Statutes, as amended, authorizes and empowers Manatee County, Florida (the "County") to adopt this resolution; and

**WHEREAS**, the Board of County Commissioners of Manatee County (the "Board"), as the governing body of the County, recognizes that it is in the best interest of Manatee County, for the promotion of various public purposes and for the health, safety and welfare of the residents of, and visitors to, the County, to undertake the acquisition, improvement and management of lands to protect water quality and fish and wildlife habitat, protect from stormwater runoff pollution, to preserve environmentally sensitive lands and to provide public parks; such as authorized by law; and

**WHEREAS**, the Board previously adopted Resolution No. R-20-105 (the "Conservation and Parks Projects"), and the electors approved by a majority of votes cast in the regular election for the County on November 3, 2020, that the County should issue general obligation bonds for the purpose of providing funds for the Conservation and Parks Projects; and

**WHEREAS**, the Conservation and Parks Projects Resolution provides that the ad valorem tax and bond proceeds shall be used to fund all or a portion of the acquisition, improvement, and management of lands to protect drinking water sources and water quality, preserve fish and wildlife habitats, prevent stormwater runoff pollution, and provide public parks; 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 ("ELMAC") 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 the article; and to accomplish the purposes without establishing regulations upon property and landowners who choose not to participate in the program established herein; and

**WHEREAS**, it is in the best interest of the County for the Board to adopt this Resolution to appoint ELMAC for the implementation of the Conservation and Parks Projects.

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

**Section 1. Findings.** The recitals set forth above are hereby adopted as findings of the Board and incorporated herein by reference.

**Section 2. Appointment of the Environmental Lands Management and Acquisition Committee.** The County hereby appoints ELMAC to implement the Conservation and Parks Projects, to provide citizen review of expenditures, and to make recommendations to the Board of County Commissioners for potential land purchases and projects related to the Conservation and Parks Projects.

ELMAC, its members and all its proceedings shall be governed by and comply with all applicable laws, including without limitation (1) the Florida Government in the Sunshine Law, Chapter 286, Florida Statutes, (2) the Florida Public Records Law, Chapter 119, Florida Statutes, and (3) the Florida Public Ethics Code, Chapter 112, Florida Statutes.

**Section 3. Liaison.** The Chairperson of the Board of County Commissioners shall appoint a County Commissioner and alternate to serve as a liaison to the ELMAC. The liaison shall attend all advertised meetings of the ELMAC, partake in deliberations, and report activities of the ELMAC back to the Board. The term of the liaison shall be one (1) year from the date of appointment.

**Section 4. Severability.** If any section, sentence, clause, or other provision of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Resolution.

**Section 5. Effective Date.** This Resolution shall become effective immediately upon adoption by the Board of County Commissioners.

**PASSED AND DULY ADOPTED** with a quorum present and voting this 14<sup>th</sup> day of December, 2021.

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

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



ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT  
COURT AND COMPTROLLER

BY: Robin P. [Signature]  
Deputy Clerk



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

### **SUBJECT**

ADOPTION OF RESOLUTION R-21-182 APPOINTING THE ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE (ELMAC) FOR IMPLEMENTATION OF THE CONSERVATION AND PARKS PROJECTS RESOLUTION (R-20-105) AND CREATING A BOARD LIAISON TO ELMAC

### **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**

Motion to Adopt Resolution R-21-182.

### **Enabling/Regulating Authority**

Chapter 125, Florida Statutes

### **Background Discussion**

- Implementation of the Conservation and Parks Projects Referendum (Resolution R-20-105) was the subject of a Board of County Commissioners (BCC) special meeting on October 27, 2021, at 3pm. A resolution (R-21-182) was proposed to authorize the implementation of R-20-105 using the Environmental Lands Management and Acquisition Committee (ELMAC). Following discussion, a motion to amend R-21-182 to create a BCC liaison to ELMAC was unanimously passed.
- 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.
- ELMAP selection criteria and process, along with staff recommendations for updates, were also presented for review and consideration at the October 27, 2021, BCC special meeting.
- The motion to amend Resolution R-21-182 was made and voted upon unanimously to create a Board liaison position to the ELMAC, and that the first liaison would be Commissioner Satcher.
- The draft of Resolution R-21-182 was revised to include a Board liaison, reviewed by the County Attorney’s Office, and is included with this agenda item.
- Updates to the environmental lands management and acquisition program ELMAP (Sec. 2-25-51 – 2-25-61) were also discussed at the October 27, 2021, BCC special meeting. A request for a Public Hearing on Ordinance 21-45 has been requested on this agenda.

#### **Attorney Review**

Formal Written Review (Opinion memo must be attached)

#### **Reviewing Attorney**

Nicodemi

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

None. To: L. Stephens, M. Dunnam, D. Woithe, C. Hunsicker,  
12/16/21, RT

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

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

None



## 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

## Debra Woithe

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**From:** Alex Nicodemi  
**Sent:** Friday, October 22, 2021 2:55 PM  
**To:** Debra Woithe; Charlie Hunsicker  
**Cc:** Scott Hopes; Jan Brewer; William Clague; Pamala Roberts  
**Subject:** ELMAC Appointment Resolution; CAO Matter No. 2021-0470  
**Attachments:** ELMAC Resolution\_CAO Comment.doc

Debra and Charlie:

The attached comments and red-lined changes to the Resolution reflect the advice of this Office.

*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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## Debra Woithe

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**From:** Alex Nicodemi  
**Sent:** Monday, November 8, 2021 5:40 AM  
**To:** Debra Woithe; William Clague  
**Cc:** Charlie Hunsicker  
**Subject:** RE: CAO Matter No. 2021-0333 - BCC motion to amend Resolution 21-182  
**Attachments:** Resolution\_21\_182\_draft\_revised\_11821.doc

Please find revised resolution.

*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)  
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Fax: 941-745-3089

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**From:** Debra Woithe <[debra.woithe@mymanatee.org](mailto:debra.woithe@mymanatee.org)>  
**Sent:** Saturday, October 30, 2021 8:58 PM  
**To:** William Clague <[william.clague@mymanatee.org](mailto:william.clague@mymanatee.org)>; Alex Nicodemi <[alex.nicodemi@mymanatee.org](mailto:alex.nicodemi@mymanatee.org)>  
**Cc:** Charlie Hunsicker <[charlie.hunsicker@mymanatee.org](mailto:charlie.hunsicker@mymanatee.org)>  
**Subject:** CAO Matter No. 2021-0333 - BCC motion to amend Resolution 21-182

Mr. Clague,

I revised the draft of R 21-182 (attached) as indicated by BCC October 27, 2021 in attempt to include a Board liaison . Charlie has reviewed it. Please review and revise as needed. We would like to have it on the soonest possible BCC meeting agenda, along with Ordinance 21-45 for approval.

The Clerk's office provided this:

*Below is the motion read by Dr. Hopes and voted upon unanimously.*

*Motion by Commissioner Satcher clarified by Dr. Hopes:*

*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 motioner (Commissioner Satcher) and seconder (Commissioner Kruse) agreed.*



*The motion, as read by Dr. Hopes, carried 7-0.*

Sincerely,

**Debra Woithe**

**Environmental Lands Program Manager**

Parks and Natural Resources Department

Office: 941-742-5923 ext. 6052

Cell: 813-505-2977



CITIZENS' COMMENTS

(Agenda Items)

Item #: 27 CONSENT:  NO  YES

The Board of County Commissioners welcomes your comments. Your presentation must be limited to three (3) minutes per item or matter, with a total limit of ten (10) minutes. If appropriate, the matter(s) you present will be placed on a future commission agenda.

It is requested that you complete this form and return it to the receptionist prior to the beginning of the Citizens' Comments portion of the agenda.

Name: Kenneth Piper  
 Address: \_\_\_\_\_  
 Phone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_  
 Email: k.piper@roadrunner.com

Brief description of problem or concern:  
BOCC member as chair  
 \_\_\_\_\_  
 \_\_\_\_\_