

EXHIBIT A

BY THE BOARD OF COUNTY COMMISSIONERS RESOLUTION NO. 04-233

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, ESTABLISHING THE PASCO COUNTY ENVIRONMENTAL LANDS ACQUISITION AND MANAGEMENT PROGRAM AND ESTABLISHING THE ENVIRONMENTAL LANDS ACQUISITION ADVISORY COMMITTEE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Pasco County contains many valuable natural resources of sensitive environmental importance that contribute greatly to the quality of life enjoyed by our citizens; and,

WHEREAS, it is in the best interest of the citizens of Pasco County that action be taken in order to protect for future generations the natural resources of Pasco County by selecting and acquiring environmentally sensitive lands; and,

WHEREAS, the acquisition of these environmentally sensitive lands will provide opportunities for both existing residents and future generations to enjoy natural areas and will provide opportunities for resource-based recreation and educational uses; and,

WHEREAS, it is consistent with the State of Florida Comprehensive Plan, the Strategic Regional Policy Plan adopted by the Tampa Bay Florida Regional Planning Council, and the Pasco County Comprehensive Plan to acquire, preserve and passively use environmentally sensitive lands located in Pasco County, Florida; and,

WHEREAS, Article 2, Section 7(a) of the Florida Constitution states it shall be the policy of the State of Florida to conserve and protect its natural resources and scenic beauty and that adequate provisions shall be made for the adequate protection and conservation of natural resources; and,

WHEREAS, on August 27, 2002, the Board of County Commissioners (BOCC) adopted Resolution 02-236 establishing the Environmental Land Acquisition Task Force (ELATF), for the purpose of evaluating and recommending options, procedures, policies, and priorities for a comprehensive environmental land acquisition program; and,

WHEREAS, on November 18, 2003, the BOCC adopted the Final Summary Report of the ELATF providing for the proposed framework for the comprehensive environmental land acquisition program which included the recommendation that an Environmental Lands Acquisition Selection Committee (ELASC) be established; and

WHEREAS, on December 16, 2003, the BOCC adopted Pasco County Ordinance No. 03-39, imposing the Local Government Infrastructure Surtax of 1-cent, calling for a referendum on March 9, 2004, and submitting to the qualified electors of Pasco County the question as to whether a portion of the Local Government Infrastructure Surtax, if approved, should be used to fund the acquisition of environmentally sensitive lands; and,

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WHEREAS, on March 9, 2004, the qualified electors of Pasco County did approve the Local Government Infrastructure Surtax and the use of a portion of such proceeds to fund the Environmental Lands Acquisition and Management Program (ELAMP); and,

WHEREAS, as proceeds from the Local Government Infrastructure Surtax may not be used for land management, the funding for the management of lands acquired under the ELAMP will be considered by the BOCC at a later date and the management of lands acquired is not a part of this Resolution.

THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA:

Section 1. Authority for this Resolution. This Resolution is adopted pursuant to Chapter 125, Florida Statutes, as amended, and other applicable provisions of law.

Section 2. Applicability. These procedures apply to the selection and purchase of land under the Pasco County Environmental Lands Acquisition and Management Program and shall not apply to property acquisition completed by Pasco County for other purposes or using other funding sources.

Section 3. Overall Goals, Objectives, and Policies of the Pasco County Environmental Lands Acquisition and Management Program. The following goals, objectives, and policies shall apply to the Pasco County Environmental Lands Acquisition and Management Program:

- a.** Protection of natural communities including uplands and wetlands, connection of natural linkages, conservation of viable populations of native plants and animals, protection of habitat for listed species, protection of water resources and wetland systems, protection of unique natural resources, enhancement of resource-based recreational opportunities, and expansion of environmental education opportunities.
- b.** Maximizing the effectiveness of local tax dollars by using them to match funds available from federal, state, municipal, private non-profit, and Water Management District land acquisition funding sources. The County may own land in partnership with other agencies. The County may preferentially elect to designate ELAMP funds as matching funds for perpetual federal, state, municipal, private non-profit or Water Management District land acquisition projects if the ELASC and the BOCC determine that any such project adequately meets the eligibility requirements established in the Site Scoring Criteria or otherwise conforms with the above-stated overall goals of this Program. The County need not hold fee simple title to such lands and may hold title in partnership with other agencies. Grant matches made under this provision shall be included on the list of active acquisition projects for the purpose of establishing funding priorities.

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c. Mandated acquisition procedures for federal, state, or Water Management District programs may be substituted in part or in whole for the provisions of these County policies and procedures when federal, state or Water Management District funds are available and will be utilized for the purchase of land, and qualification for such funds requires compliance with mandated acquisition procedures.

d. The BOCC recognizes that sensitive conservation goals can be achieved by alternatives to traditional fee simple acquisition. The acquisition of conservation easements is encouraged by the Florida Forever Program and can result in maximizing natural lands acquisition and rewarding good private stewardship of the lands, while keeping property on the tax rolls. Negotiations for acquisition of a conservation easement shall use appraisals based on the difference between the full fee simple valuation and the value of the interests remaining with the seller after acquisition.

e. If at any time the property owner of a parcel wishes to have that property removed from consideration, said request will be honored. A parcel may be resubmitted for consideration at the request of the property owner at any time.

f. The goal of all purchase negotiations shall be to obtain the appropriate interest in land free of encumbrances, conditions, restrictions, and reservations at the lowest possible price. However, the BOCC has the authority to accept lands with less than perfect title if it is determined to be in the best interests of the County.

g. Any member of the ELASC or the BOCC with a financial conflict of interest related to any property acquisition shall declare the nature of the conflict and shall abstain from participating and/or voting on that project in accordance with state ethics law.

Section 4. Establishment of the ELASC.

A. There is hereby established the Environmental Lands Acquisition Selection Committee (ELASC) which shall perform the duties as described in this Resolution. The ELASC shall consist of eleven (11) volunteer members. Five (5) members shall have at the minimum a bachelor's degree in the natural and/or environmental sciences. These five (5) members shall also comprise the Scientific Subcommittee. Four (4) other members shall have expertise in at least one of the following fields: real estate, business, or finance. One (1) member shall have expertise in governmental affairs (with an emphasis in funding sources). One (1) member shall be a layperson with interest in the Program and the ELASC. At all times no more than three (3) members of the ELASC may be nonresidents of Pasco County. Members shall be appointed by the BOCC and shall be subject to the Sunshine Law. Initial membership shall be for a term of one, two or three years. Three members shall serve for three years; three members shall serve for two years; and three members shall serve for one year. New members shall be appointed as terms expire by the BOCC, at the November meeting during which the BOCC Chairman is appointed, and will serve for three years. A majority of the total membership shall constitute a quorum.

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A member absent from three consecutive meetings shall automatically be dropped from membership. Vacancies shall be filled by the BOCC as said vacancies occur and all appointments shall maintain the stated composition of the ELASC membership.

B. The ELASC shall meet quarterly, or more frequently, if warranted. Due to the Sunshine Law, the Scientific Subcommittee members shall individually conduct site visits for its review using the Site Selection Criteria.

C. County Staff shall be assigned to the ELAMP and will provide support to the ELASC including, but not limited to, compilation of materials, detailed assessment of properties, and preparation of certain financial data on potential acquisition parcels. An external agent or agency may be contracted with to assist in any and all aspects of the ELAMP.

Section 5. Steps of the Land Selection Process.

Environmentally sensitive lands to be acquired through the ELAMP shall be selected for acquisition according to the following process:

A. Nomination Process and Establishing the Nomination Pool.

1. Pasco County shall accept nominations for land acquisition projects from any person or organization at any time for any property located in Pasco County. Members of the BOCC or the ELASC may not nominate properties for acquisition. Nominated projects may be reviewed in order on a first-come, first-served basis. The County Administrator or designee may establish deadlines for acceptance of nominations. The BOCC shall periodically and broadly advertise its open process and deadlines for accepting nominations for environmentally sensitive land acquisition projects.

2. Each nomination shall be submitted on a one-page form provided by Pasco County. Information required on the form shall include the property location (street address where applicable and/or section, township, range), tax parcel number(s), approximate project size, record owner of title, existing designations on the applicable future land use and zoning maps, current use of property and reasons the land should be acquired. A signed standard form indicating each owner's willingness to negotiate a sale or easement and granting right of access for site inspection shall also be submitted at the time of nomination, but is non-binding with respect to a sale by the owner. Upon receipt of a complete nomination by County Staff, each project shall be added to the Nomination Pool for presentation to the ELASC.

B. Initial Review of Each Project in the Nomination Pool.

1. The full ELASC, using the most accurate reference materials available as well as any information submitted with the application form, shall review at a meeting all projects in the Nomination Pool against the Initial Review Criteria (fatal flaw analysis) as contained in the Final Summary Report of the ELATF. Prior to said meeting, the County

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shall provide notice of the ELASC meeting date, time, location and opportunity to be heard to the property owner(s) and the person or organization nominating the property. When the Initial Review is complete, County Staff shall provide an Initial Review summary and the ELASC determination of Acceptance For Further Review or Recommendation of No Further Action to the person nominating the project and the property owner(s).

(a) No Further Action and Removal from the Nomination Pool. If, upon the Initial Review, the ELASC determines that the candidate project would not meet the goals, objectives and policies of the ELAMP set forth herein, the ELASC may recommend to the BOCC that no further action be undertaken on the application and the project be removed from the Nomination Pool. County Staff shall present such recommendation to the BOCC, which, presentation shall provide for input from the ELASC, the property owner(s) and the person or organization nominating the property. The BOCC shall make the final decision regarding ELASC's recommendation of No Further Action on a project. If the project is removed from the Nomination Pool, it shall not be further considered for purchase for a period of not less than one year unless additional information is provided by the property owner and/or nominator to warrant further review in the opinion of the ELASC.

(b) Acceptance For Further Review. If, upon the Initial Review, the ELASC finds that the project meets the goals, objectives and policies of the ELAMP set forth herein, the project shall remain in the Nominating Pool for further review by the ELASC Scientific Subcommittee.

C. Detailed Review of Each Project in the Nomination Pool.

1. Site Scoring by the ELASC Scientific Subcommittee.

(a) The ELASC Scientific Subcommittee shall evaluate all projects accepted for additional review and remaining in the Nomination Pool after the Initial Review is deemed complete. The Scientific Subcommittee shall review the projects using information from field surveys, the nomination form, other information deemed necessary, and the Site Scoring Criteria contained in the Final Summary Report of the ELATF. Individual Scientific Subcommittee members shall visit each project in order to apply the Site Scoring Criteria. Each project evaluated by the Scientific Subcommittee will be scored based on the degree to which the Site Scoring Criteria are met. The property owner shall be provided the opportunity to participate in the site visit.

(b) The Scientific Subcommittee members that evaluated a project shall present each of their findings and the Site Score to the full ELASC at a meeting. Site Scoring for a project completed by more than one member of the Scientific Committee shall be reviewed and a composite average obtained. The Site Score shall be considered by the ELASC along with additional information as provided

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for below. Prior to said meeting of the full ELASC to consider the Scientific Subcommittee member(s)' findings and the Site Score, the County shall provide notice of the ELASC meeting date, time, location and opportunity to be heard to the property owner(s) and the person or organization nominating the property.

2. Additional Review by the Full ELASC.

(a) For each project that the Scientific Subcommittee has evaluated using the Site Scoring Criteria, the ELASC shall consider the following information as it relates to that specific project. County Staff shall compile said information prior to the ELASC meeting(s) on that specific project. County shall provide notice of the ELASC meeting date(s), time, location, and opportunity to be heard to the property owner(s) and the person or organization nominating the project.

1. Site Score
2. Property Appraiser's Data
3. Maps necessary as are determined by the ELASC
4. Endangerment Due to Development
5. Parcel Information and Characteristics
6. Additional Funding available for that specific project
7. Public Interest in the project
8. Urban Development Encroachment and Competing Land Use
9. Any other information deemed appropriate by ELASC or County Staff

(b) Upon completion of the Additional Review meeting(s), the ELASC shall determine by majority vote the projects to be recommended for acquisition and addition to the Acquisition List.

D. BOCC Acceptance of Recommended Projects and Acquisition List.

Periodically and at the request of the ELASC, County Staff shall present the projects that the ELASC recommended for acquisition and addition to the Acquisition List to the BOCC, which presentation shall provide for input from the ELASC and the property owner(s) and/or nominator(s). The BOCC shall make the final decision regarding ELASC's recommendations at a board meeting for which notice of the meeting date, time and location is given to the property owner(s) and the person or organization nominating the property. The BOCC may remove a project from the Acquisition List at the property owner(s) requests or if the property ceases to conform to the stated overall goals of this program, but may not add a project to said List without using the process established by this Resolution. The Acquisition List will be maintained and regularly updated by County Staff as additional projects are recommended for addition or removal by the ELASC and as such recommendations are accepted by the BOCC. The BOCC's acceptance of the ELASC's recommendation and addition of a project to the Acquisition List shall serve as authorization to County Staff to proceed with the acquisition process described herein but

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does not guarantee acquisition. The BOCC may also direct County Staff to pursue matching funds from outside agencies or private parties for any specific project listed.

Section 6. Severability. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence or paragraph hereof.

Section 7. Effective Date. Upon adoption, this Resolution shall become effective upon adoption.

DONE AND RESOLVED this day of July, 2004.

(S E A L)

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

JED PITTMAN, CLERK

PETER A. ALTMAN, CHAIRMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
OFFICE OF THE COUNTY ATTORNEY

BY: _____

W. C. [Signature]
ATTORNEY

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