



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM
SELECTION AND MANAGEMENT COMMITTEE
PROCEDURES COMMITTEE (PC) MEETING
August 10, 2010
Attendance List**

PROCEDURES COMMITTEE MEMBERS

Priscilla Griffith
Ralph McCoig
Pat Pasley
Diane Stees
Amy Tidd
Kim Zarillo

SELECTION AND MANAGEMENT COMMITTEE MEMBERS

Mark Bush
Sue Hann
Ross Hinkle
Randy Parkinson
Paul Schmalzer
Kim Zarillo

EEL PROGRAM STAFF

Laura Clark
Mike Knight

GUESTS

Vince Lamb, Citizen
Linda Mannier, District 3 Commission Office
Jim Rosasco, Citizen

*Protecting and Preserving Biological Diversity
Through Responsible Stewardship of Brevard County's Natural Resources*

August 10, 2010

Approved October 19, 2010



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM
SELECTION and MANAGEMENT COMMITTEE (SMC)
PROCEDURES COMMITTEE (PC)**

**August 10, 2010
Meeting Minutes**

CALL TO ORDER:

Priscilla Griffith, Procedures Committee Vice-Chair stated that Randy Parkinson, Selection and Management Committee Chairman, would be chairing the meeting.

PUBLIC COMMENT:

None.

MINUTES:

The June 3, 2010 Selection and Management Committee (SMC) meeting minutes were presented for approval.

MOTION ONE:

Paul Schmalzer moved to approve the June 3, 2010 minutes as presented.

Mark Bush seconded the motion.

The motion carried unanimously.

Additional Discussion

Clarification was provided that the June 8, 2010 Procedures Committee (PC) meeting minutes would be addressed later in the meeting as a quorum of PC members had not yet arrived at the meeting.

Clarification was also provided that discussion on the SMC Membership Criteria would be delayed until later in the meeting and that the order of the agenda would be revised.

No concerns were received.

AGENDA ITEMS:

EEL Program Budget Reductions Overview

Mike stated that a recent newspaper article had highlighted a fair amount of anticipated impacts to the EEL Program as a result of plans for the FY 10/11 budget, but he wanted to take a moment and review the information with the committees. He informed the group that the September 22nd Board of County Commissioners Budget Workshop ran until the early hours of the morning. He explained that although at one time there had been consideration of zeroing out collection on the 1991 millage, it had been determined that this would not be the case. Mike said that there were also concerns that the Program may not be able to afford the bond payments in the future, if the real estate market continues to decline, and there has also been consideration of using some of the available money that would normally be used for land acquisition and first time capital expenses to pay down the bond debt. A current staff organizational chart was displayed which

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showed the 31 employees left currently in the Program after the cuts which have occurred during the last 2 years, and which clarified the additional position eliminations the Program will face if the \$899,462 operational budget cut which is being considered comes to pass.

Mike explained that it is anticipated that staff from several areas will be utilized to assist with staffing the Central Region Management and Education Center at the Sams House at Pine Island Conservation Area on Merritt Island.

Mike also stated that if substantial cuts are made to the Program staff, ensuring that prescribed fires and other fire related land management activities will continue to occur will be a primary focus, in order to control possible excessive fuel loads on sanctuaries which are located within urban areas.

It is hoped that volunteers will be willing to play a larger role regarding the maintenance of trails and an Adopt-A-Trail effort is being considered.

Public Comment

Vince Lamb stated that there were more than 100 citizens who attended the September 22nd work shop and that Commissioner Bolin had asked 4 students if they would like to speak at 9:30 PM, but that by 2:00 AM when it was the rest of the group's turn, the number had dropped to 40 or 50. Vince also said that there were 9 EEL Program supporters at the August 3rd workshop.

Vince commented that he believes one of the big issues associated with possible cutbacks is the impact it will have on the educational component of the Program. He added that environmental education was a part of the original bond wording and he believes that it was important to preserve at least some of the educational positions.

Vince stated that he anticipated that a time certain will be established for this item when the Board next addresses these issues to prevent folks from having to wait an extended period of time to provide their comments.

Additional Discussion

Ralph asked for clarification of whether students would be allowed to have field trips on the days that centers were open if the anticipated large number of layoffs does occur.

Mike explained that efforts would be made to accommodate students on the days that the centers could be open.

Kim stated that she believed that Indian River County school districts are working directly with an outside group who provide teacher education and environmental education programs, and she suggested consideration of such an effort with the EEL Program. She said that citizens, especially in tough economic times, want to be able to recreate and visit natural areas locally and that it would be beneficial if the County could establish partnerships of this nature.

Mike explained that the EEL Program is working with the Florida Institute of Technology on a possible cooperative effort regarding educational efforts for the Program.

Amy spoke of the importance of having trails open to the public, and she suggested consideration of researching the possibility of getting Tourist Development funding to assist with expenses related to trails.

Mike said that they would be very happy to have the opportunity to see efforts for Adopt-A-Trails, Friends Groups, and partnerships in education become strong and that perhaps this could be the right time for things to come together.

Paul stated that each of the referendums specified up to a maximum millage rate and he asked for clarification of what is actually being assessed.

Mike stated he believed he could pull the information quickly.

Jack Masson, Interim Department Director for Parks and Recreation, stated that the 1991 referendum millage cap is 0.25 and the 2004 referendum millage is 0.2085.

It was determined that staff would pull the rest of the information and provide it after the break.

Paul stated that he understood that there are many items to keep track of, but he thought that clarification of what is being assessed is a point of some importance as they review what the voters authorized and where the Program stands.

Clarification was provided that a quorum of members for the Procedures Committee was now in attendance

June 8, 2010 PC Minutes

The June 8, 2010 PC meeting minutes were presented for approval.

Mike explained that some changes to the SMC Membership Criteria language had been made real time during the June 8th meeting and the information being presented today in the handout was the same as the document which was attached to the June 8th PC minutes. He stated that later today, the group would be looking at a modified version of that information because language related to the inclusion of a ranking process had been discussed on June 8th, but not incorporated real time along with the other changes, because the information didn't match up easily with the most recent version of the language.

Paul stated that he had one minor correction; page 3, 3rd paragraph down, first sentence "Paul stated that there wasn't any information missing from the examples she provided.....thorough document" needed a period at the end, not a comma.

Diane stated that page 7, 9 paragraphs down, second line required changing "experienced" to "experience" and that the meeting ending time on page 9 should be corrected to indicate the meeting actually adjourned at 4:50 PM.

MOTION TWO:

Amy Tidd moved to approve the June 8, 2010 Procedures Committee minutes as amended

Priscilla Griffith seconded the motion.

The motion carried unanimously.

EEL Program Budget Reduction con't

Jack Masson confirmed that the current levy for operations was at 0.0311 and the current levy for debt is 0.1300 for a combined total of 0.1611, which is less than the voter-approved maximum of 0.2085.

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Paul agreed.

Public Comment and Additional Discussion

Vince Lamb stated that he had a question and that the subject of bond defeasance has come up but he did not exactly understand the plan. He asked if he understood correctly that cash that is considered to be available for land purchase in the EEL Program from the 2004 bond money was going to be used to pay down the bond balances.

Mike stated that he did not know exactly what was being considered right now, but at the current time the EEL Program had about \$4 million dollars in 2004 bonds, liquid funds sitting in a bank account, and about \$4 million dollars that were left over from the 1991 bonding, for about \$8 million dollars total. He said that what is being considered is using a portion of those monies to pay down the bond debt earlier, and reducing the interest payments to a shorter period of time, so each annual payment would become smaller.

Vince said that if the bond payment could be reduced, it would leave more room for operating expenses.

Mike stated that it is his understanding that reducing the bond debt will not have an impact on the Program's ability to bond the remaining \$15 million dollars that is available under the 2004 \$60 million dollar referendum, at some time in the future, if the economic situation changes.

Randy stated that the next item on the agenda would be review of the SMC membership criteria.

SMC Membership Criteria

SMC Member Appointment Process

Mike stated that the June 8th PC minutes reflected some of the revisions to the SMC Membership Criteria draft language based on the discussion at the June 8th meeting, and he reminded the group that the revised language related to those minutes did not reflect any of Kim's suggested changes related to a ranking of the applicants.

He clarified that this was because the suggested ranking language did not line up easily with the most recent version of the draft language and therefore staff had worked their interpretation of the suggested ranking language and related June 8th discussion into the handout for the current meeting after June 8th. Kim's suggested language memo to the Committees and the August 10th meeting draft language handout are provided as attachments to these minutes.

Draft language was shown on the projection screen. Mike confirmed that the language which was struck through represents language in the current Land Acquisition Manual which is being removed, and the underlined language represents new language to be added. He also explained that he had prepared a revised flow chart regarding SMC appointments.

Kim stated that once draft language related to the rankings was approved by the Committee, which had occurred on June 8th, it should be referred to as the Committee's language, and she expressed her preference that this be handled in that manner.

Mike agreed. He stated that he had not had a chance to develop a ranking practice scenario with the language to see how it would work, but that was something that he hoped could be done.

The Committees discussed the information in the handout. The following was noted:

- Additional language relating to the inclusion of a mechanism for assigning a point structure for education and experience above and beyond the minimum requirements has been incorporated into to the handout's SMC Membership Criteria draft language by staff, based on the discussion and motion from the June 8th Procedures Committee meeting.
- Consideration was given to providing clarification that additional points should be added for both additional degrees and for professional expertise in the approved fields.
- Consideration was given to the number of points that should be assigned to each category as well as providing clarification regarding the maximum number of points.
- Consideration was given to making sure the ranking system was not overly complicated that that it was defensible.
- Clarification was provided that although a ranking system was not specifically established within the existing LAM, a ranking system has sometimes been used in the past during the appointment process for new SMC members, including the last appointment.

Additional Discussion

Mark suggested consideration of clarifying that the awarding of additional points was incremental and based on how far the person exceeded the minimum qualification to draw a distinction between masters/doctorate or 2/6 years of professional expertise.

Mark stated that the ranking system needed to be defensible.

Ross mentioned that some applicants may also have published literature on managing endangered lands.

Kim spoke of the value of having experience in the workplace and for SMC volunteers.

Pat suggested consideration of adding the word "each" when providing clarification that additional points would be awarded for additional degrees or years of professional experience.

Randy stated that many groups use point systems related to education and/or experience, including professional geologists.

Ross stated it was important not to make it too complicated.

The group agreed.

Kim emphasized that the next step in the process would be a prioritization of the applicants by the Qualifying Committee based on points and she clarified that ranking systems had been used by staff in some cases in the past.

Mike confirmed that there isn't a methodology for ranking in the LAM, but the previous Program Manager had used one on some occasions previously, and he had used a ranking system when preparing the most recent of SMC applications for Board review on October 20, 2009.

Kim expressed her disappointment that her recommendations had not been included for discussion during the June 24, 2010 SMC meeting as she believed some of the issues might have been worked out at that time.

Sue Hann said that the LAM indicates that “The BOCC shall strive to maintain a committee membership that possesses a diversity of demonstrated expertise or experience to enhance the land acquisition and management goals of the EEL Program”. She stated that to her, the key word was “diversity” and that while she felt that what is proposed is trying to find the 7 best biologists that could be found, that doesn’t get to the other goals of the Program, one of which was passive recreation. Sue said that she felt that the Program does have qualified scientific members on the SMC, but she didn’t know that it needs 7 of them, and she felt that 1 or 2 would probably be fine in getting a diversity of skills on the committee.

Kim provided clarification that there are a variety of existing background areas within the current SMC membership criteria categories which do support the passive recreation and education components of the EEL Program’s mission and the wording of the two referendums.

Randy asked if consideration should be given to moving on in the agenda, as there were several other items that needed to be discussed and he was not sure that the Committee would gain a consensus during the current meeting.

Ross stated that he thought the idea of adding “each” would provide clarification to the process for adding extra points.

Kim agreed.

Pat stated that the group was just talking about a ranking and they were getting bogged down in minutiae. Pat added that she felt they should move on.

Amy stated she felt it might be possible that a motion which would provide for additional points to be given to SMC applicants who exceeded the minimum qualification could be passed during the current meeting and that she would be willing to make a motion for the group to consider.

Proposed Language (Before Motion 3):

The method of the initial ranking by the Qualifying Committee is as follows:

1. All applicants who meet the minimum qualifications as approved by the Qualifying Committee will be assigned one hundred (100) points.
2. Twenty (20) additional points are assigned for additional educational degree (Masters or Doctorate) in a related field of expertise (as defined on page 2-18) and/or six (6) or more years of demonstrated professional expertise (as defined on page 2-18.)

MOTION THREE:

Amy Tidd moved to add language to the LAM which would provide for additional points to be given to SMC applicants/nominees who exceeded the minimum qualifications for membership by providing five points for educational degrees beyond the minimum, plus two points per year for professional experience in the approved fields.

Kim stated she would second a motion of that type.

Additional Discussion

Discussion ensued regarding the most appropriate wording for the motion.

Kim asked for clarification on whether Item #1 in the handout, which stated “All applicants who meet the minimum qualifications as approved by the Qualifying Committee will be assigned one hundred (100) points”, should be retained in the motion.

Amy confirmed her motion included keeping Item #1.

Mike explained that staff had printed copies of the current LAM as it exists on the EEL Program’s Web site for each of the Committee members who would like to have one.

Randy confirmed that Mike would be processing the amendments within the language being shown on the screen and asked for additional comments or discussion.

Diane stated that the on-line version of LAM Page 2-18 contains two items listed as number 3. She explained that the motion references “...or closely related conservation field as defined in the LAM Page 2-18 Item number 3” and she requested that this page reference be removed and the appropriate wording be inserted so there could be no question to the reference.

Diane stated that the LAM had received criticism for not being clear and she stated that the wording she was requesting had been included in the last version that the group had reviewed during the June 8th PC meeting.

Paul provided clarification that the additional degrees being referenced for the extra points should be listed as “graduate” rather than “academic” or “educational”

Ross Hinkle commented that he thought these changes were very good, because the Selection component of the Selection and Management Committee was to ensure that lands were selected for conservation value, to meet the goals of the referendum and the Management component was designed to provide expertise for making sure that the management implemented on EEL Program sites did not take away from the conservation value of the lands. He stated he believed the language being discussed will cover that.

Kim emphasized that the existing professional expertise categories include areas related to passive recreation and environmental education.

Ross agreed.

Diane requested that the language be clarified to indicate that the graduate points were separate from the points for professional expertise.

It was determined that the words “up to 6 years” would be added to the section regarding additional points for professional expertise.

Amy Tidd called a question on the motion.

Sue asked for clarification regarding who would be voting on the motion.

Clarification was provided that because this was a joint meeting, both committees would be voting on the motion. It was determined that the Procedures Committee should vote first, and a vote by the Selection and Management committee would follow.

Clarification of MOTION THREE:

Procedures Committee

Amy Tidd moved to include the following new information as a revision to the Land Acquisition Manual, SMC Appointment Process related to the ranking of applicants as part of Page 2-17, 6.a:

Kim Zarillo seconded the motion.

The motion was unanimously approved by the Procedures Committee.

Revised Language (After Motion 3):

The method of the initial ranking by the Qualifying Committee is as follows:

1. All applicants who meet the minimum qualifications as approved by the Qualifying Committee will be assigned one hundred (100) points.

2. Five (5) additional points are assigned for each graduate degree (Masters or Doctorate) in a related field of expertise and/or two (2) additional points for each year up to six (6) years for demonstrated professional expertise in biological or environmental sciences OR a closely related conservation field such as ecosystem management, natural resources conservation, aquatic biology, field ecology, marine biology, botany, geology, hydrology, fire ecology, natural areas management, human use and recreation ~~on~~ in natural areas, science education, or natural area sanctuary design.

Selection and Management Committee

Ross Hinkle moved that the SMC should approve the recommendation made by the Procedures Committee as noted above.

Paul Schmalzer seconded the motion.

Additional Discussion

Randy asked if there was any additional discussion on the motion. No additional comments or discussion occurred.

Randy called for a vote.

The motion was approved by the SMC with Sue Hann voting in opposition.

Additional Discussion

Sue stated that she was voting no because she felt that the motion was not responsive to the Board's direction of October 20, 2009; because she felt that the diversity directive from the LAM had not been met; the points were arbitrary; and she didn't think that ranking folks to the nth degree was appropriate.

Additional Discussion

The group discussed the remainder of the draft language related to SMC membership criteria.

Page 2-17, 6.a:

Diane provided information on a couple of grammatical corrections:

- Description of Qualifying Committee: remove commas after "Procedures Committee" and after "or their designee".

- Description of when PC member does not review SMC applicants: add a comma after “open seat on the Selection and Management Committee”.

Mike explained that staff had added the word “final” in the section which states “County EEL staff will provide the list of all the qualified applicants/nominees to the Board for review and final ranking” to prevent confusion between the initial rankings by the Qualification Committee and Procedures Committee, and the ranking which is done by the Board.

Proposed Language (Before Motion 4):

Page 2-17, 6.a:

Existing Language and Suggested Revision:

The qualifications of all applicants or nominees responding to a call by the County Commissioners for EEL Selection and Management Committee volunteers shall be reviewed by ~~the EEL Program staff. A qualified list of applicants/nominees shall be established from the available pool of applicants/nominees. a Qualifying Committee consisting of the EEL Program Manager, the Chairman of the Procedures Committee, (or their designee), and the Director of Human Resources (or their designee).~~ Staff will present the list of all applicants/nominees to the Qualifying Committee for review and initial ranking based on their level of experience and education. Qualifications for EEL Selection and Management Committee members are outlined in this manual (page ~~2-13~~18).

The method of the initial ranking by the Qualifying Committee is as follows:

1. All applicants who meet the minimum qualifications as approved by the Qualifying Committee will be assigned one hundred (100) points.
2. Twenty (20) additional points are assigned for additional educational degree (Masters or Doctorate) in a related field of expertise (as defined on page 2-18) and/or six (6) or more years of demonstrated professional expertise (as defined on page 2-18.)

Staff The Qualifying Committee will present the list of all applicants / nominees to the Procedures Committee including identification of those applicants / nominees that have been determined by the Qualifying Committee to be qualified. The qualified applicants will be identified by their initial ranking.

The Procedures Committee will review the list of applicants presented by the Qualifying Committee and verify the final list of qualified applicants / nominees through a majority vote. County EEL staff will provide the list of ~~all~~ the qualified applicants / nominees to the Board for review and final ranking.

Any member of the Procedures Committee who is also a member of the Selection and Management Committee, or any Procedures Committee member who is applying for an open seat on the Selection and Management Committee shall refrain from voting on the final list of qualified applicants, or participating as a member of the Qualifying Committee.

MOTION FOUR:

Procedures Committee

Kim Zarillo moved approval of the 1st paragraph changes on Page 1 of the August 10th SMC/PC meeting handout, as mentioned above by Diane Stees and included in Page 2-17, 6.a to Page 2-17 6.b.

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Pat Pasley seconded the motion.

Additional Discussion

Diane Stees suggested adding the word “will” in the following sentence: “The Procedures Committee will review the list of applicants presented by the Qualifying Committee and will verify the final list of qualified applicants/nominees through a majority vote.”

Kim stated that she would accept that change to her motion.

The motion carried unanimously by the Procedures Committee.

Revised Language (After Motion 4):

Page 2-17, 6.a:

Existing Language and Suggested Revision:

The qualifications of all applicants or nominees responding to a call by the County Commissioners for EEL Selection and Management Committee volunteers shall be reviewed by ~~the EEL Program staff. A qualified list of applicants/nominees shall be established from the available pool of applicants/nominees. a Qualifying Committee consisting of the EEL Program Manager, the Chairman of the Procedures Committee (or their designee), and the Director of Human Resources (or their designee).~~ Staff will present the list of all applicants/nominees to the Qualifying Committee for review and initial ranking based on their level of experience and education. Qualifications for EEL Selection and Management Committee members are outlined in this manual (page ~~2-13~~18).

The method of the initial ranking by the Qualifying Committee is as follows:

1. All applicants who meet the minimum qualifications as approved by the Qualifying Committee will be assigned one hundred (100) points.
2. Five (5) additional points are assigned for each graduate degree (Masters or Doctorate) in a related field of expertise and/or two (2) additional points for each year up to six (6) years for demonstrated professional expertise in biological or environmental sciences OR a closely related conservation field such as ecosystem management, natural resources conservation, aquatic biology, field ecology, marine biology, botany, geology, hydrology, fire ecology, natural areas management, human use and recreation ~~on~~ in natural areas, science education, or natural area sanctuary design.

Staff The Qualifying Committee will present the list of all applicants / nominees to the Procedures Committee including identification of those applicants / nominees that have been determined by the Qualifying Committee to be qualified. The qualified applicants will be identified by their initial ranking.

The Procedures Committee will review the list of applicants presented by the Qualifying Committee and will verify the final list of qualified applicants / nominees through a majority vote. County EEL staff will provide the list of ~~all~~ the qualified applicants / nominees to the Board for review and final ranking.

Any member of the Procedures Committee who is also a member of the Selection and Management Committee, or any Procedures Committee member who is applying for an open seat on the Selection and Management Committee, shall refrain from voting on the final list of qualified applicants, or participating as a member of the Qualifying Committee.

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MOTION FOUR:

Selection and Management Committee

Paul Schmalzer moved to approve the revised language of section 6a as approved by the Procedures Committee.

Mark Bush seconded the motion.

Randy asked for additional comments or discussion. No comments or discussion occurred.

The motion was approved by the SMC with Sue Hann voting in opposition.

Additional Discussion

Sue stated that she was voting no for the reasons previously stated and that she felt the Board should see all the applications for SMC Committee Membership, not just the ones which were determined to be qualified by the Qualifying Committee and the Procedures Committee.

Kim stated that it was her understanding that the Board could request to review any of the applications if they chose to do so.

Page 2-17, 6.b:

The committees discussed Page 2-17, 6.b.

Mike stated that there were no new changes to this section.

Kim stated that she believed there was a typographical error in the very last sentence of the handout which should have referred to “tied” scores, not “ties” score.

The group agreed.

Clarification was provided that the error was in the handout and not in the current version of the LAM.

Proposed Language (Before Motion 5):

Page 2-17, 6.b:

The Board shall review the qualifications of the qualified nominees and give each nominee a ranking score from 1 – 3. The Assistant County Administrator (or designated county staff) shall tabulate the ranking scores. Those nominees with the highest scores shall be appointed to the EEL Selection and Management Committee, those nominees with the second highest scores shall be appointed as alternates to the EEL Selection and Management Committee. In cases of ties scores, the Board Chairperson will choose members or ~~alternatives~~ alternates by drawing names of those with ties scores from a box.

MOTION FIVE:

Procedures Committee

Kim Zarillo moved to approve 2-17 6.b.

Priscilla Griffith seconded the motion.

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Additional Discussion

Randy asked if there were additional questions or comments. No questions or comments were received.

The motion carried unanimously by the Procedures Committee.

Revised Language (After Motion 5):

Page 2-17, 6.b:

The Board shall review the qualifications of the qualified nominees and give each nominee a ranking score from 1 – 3. The Assistant County Administrator (or designated county staff) shall tabulate the ranking scores. Those nominees with the highest scores shall be appointed to the EEL Selection and Management Committee, those nominees with the second highest scores shall be appointed as alternates to the EEL Selection and Management Committee. In cases of tied scores, the Board Chairperson will choose members or ~~alternatives~~ alternates by drawing names of those with tied scores from a box.

MOTION FIVE:

Selection and Management Committee

Paul Schmalzer moved to approve the revised language of section 2-17 6.b.

Ross Hinkle seconded the motion.

Additional Discussion

Randy asked if there were additional questions or comments. No questions or comments were received.

The motion carried by the Selection and Management Committee with Sue Hann voting in opposition.

Page 2-17, 6.c and Page 2-17, 6.d:

Paul stated that he thought there might be a typo related to the location of the parenthetical enclosures in the 3rd line of section c.

After closer review, it was determined that the information was presented in a correct manner.

Randy asked for additional questions or comments. No questions or comments were received.

Proposed Language (Before Motion 6):

Page 2-17, 6.c, Existing Language and Suggested Revision:

If replacement EEL Selection and Management Committee members are required, the Board has the option to choose from the existing pool of qualified alternates (as defined by 6.b. above) or the Board can request that staff prepare a public advertisement as a call for qualified citizen volunteers (EEL Selection and Management Committee qualifications are established in the LAM on page 2-18, and will be the basis for identifying qualified applicants). The process outlined in Sections a. and b. above shall be utilized for any new appointments to the EEL Selection and Management Committee.

Page 2-17, 6d:

Existing Language and Suggested Revision:

New appointments and reappointments of EEL Selection and Management Committee members (as outlined in a., b. and c. above) can occur at the discretion of the Board without additional review or new rankings by selecting from the most recent (not exceeding two (2) years) pool of qualified applicants / nominees.

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Appointment procedures will follow be consistent with county policies for advisory board appointments, as specified in the Uniform Advisory Board Ordinance, Ordinance 95-31.

MOTION SIX:

Procedures Committee

Kim Zarillo moved to approve sections 2-17 6.c and 2-17 6d.

Priscilla Griffith seconded the motion

The motion carried unanimously by the Procedures Committee.

Revised Language (After Motion 6): NO CHANGES WERE MADE.

Page 2-17, 6.c, Existing Language and Suggested Revision:

If replacement EEL Selection and Management Committee members are required, the Board has the option to choose from the existing pool of qualified alternates (as defined by 6.b. above) or the Board can request that staff prepare a public advertisement as a call for qualified citizen volunteers (EEL Selection and Management Committee qualifications are established in the LAM on page 2-18, and will be the basis for identifying qualified applicants). The process outlined in Sections a. and b. above shall be utilized for any new appointments to the EEL Selection and Management Committee.

Page 2-17, 6d:

Existing Language and Suggested Revision:

New appointments and reappointments of EEL Selection and Management Committee members (as outlined in a., b. and c. above) can occur at the discretion of the Board without additional review or new rankings by selecting from the most recent (not exceeding two (2) years) pool of qualified applicants / nominees.

Appointment procedures will follow be consistent with county policies for advisory board appointments, as specified in the Uniform Advisory Board Ordinance, Ordinance 95-31.

Selection and Management Committee

Paul Schmalzer moved to approve the revised language of sections 2-17 6.c and 2-17 6.d as approved by the Procedures Committee.

Mark Bush seconded the motion.

Additional Discussion

Randy asked if there were additional questions or comments. No additional questions or comments were received.

The motion was passed by the SMC with Sue Hann voting in opposition.

SMC MEMBERSHIP CRITERIA & LAND ACQUISITION PROCEDURES (page 5-45)

The group moved on to the review and discussion of the SMC Membership Criteria and a revision being made to the LAM as a result of the revision to Brevard County Administrative Order AO-37.

Mike stated that this one should be easy because nothing had changed since the last meeting.

Paul agreed.

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Proposed Language (Before Motion 7):

Page 2-18 (EEL Selection and Management Committee)

Existing Language and Suggested Revision:

Membership shall consist of seven (7) members appointed by the Board for a minimum term of two years. The Board of County Commissioners shall strive to maintain a committee membership that possesses a diversity of demonstrated expertise or experience to enhance the land acquisition and management goals of the EEL Program. ~~A knowledge of other land acquisition programs in the State is highly desirable.~~ The Board may appoint members that do not reside in the respective Commissioner’s District. A Chair and ~~Co~~ Vice-Chair shall be elected annually by a majority vote of the EEL Selection and Management Committee.

All EEL Selection and Management Committee members shall:

1. Have a willingness to serve in a voluntary capacity.
2. Be willing to make a long-term commitment to the EEL Selection and Management Committee.
3. Have a graduate academic degree in biological or environmental sciences OR demonstrated professional expertise (minimum six (6) years) in a closely related conservation field such as ecosystem management, natural resources conservation, aquatic biology, field ecology, marine biology, botany, geology, hydrology, fire ecology, natural areas management, human use and recreation ~~on in~~ natural areas, science education, or natural area sanctuary design.
- ~~4. Have demonstrated concern for and have actively participated in environmental conservation.~~
54. Have familiarity with demonstrated knowledge of Brevard County ecosystems-, and specific knowledge of habitat types and conservation land management techniques.

Page 5-45, Step 14A, Contract Development and EEL Staff Review:

The following language will be added as #5:

5. Per County Administrative Order AO-37, all land purchases that have a contract price of \$750,000 or more are reviewed by the County’s Land Acquisition Review Committee to ensure that the facts upon which the appraisals are based are accurate and that all information necessary for the Board’s consideration has been provided.

MOTION SEVEN:

Procedures Committee

Kim Zarillo moved to approve the information as presented on page 3 of the handout related to the SMC Membership Criteria on Page 2-18 and the new information on Contract Development and AO-37.

Pat Pasley seconded the motion.

Additional Discussion

Randy asked for additional questions or comments.

Clarification was requested to determine if the numerical value for “two” should be added to the first sentence of the section on SMC membership criteria.

The numerical value will be added in order to maintain consistent document formatting.

The motion carried unanimously by the Procedures Committee.

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Revised Language (After Motion 7): NO CHANGES WERE MADE.

Page 2-18 (EEL Selection and Management Committee)

Existing Language and Suggested Revision:

Membership shall consist of seven (7) members appointed by the Board for a minimum term of two (2) years. The Board of County Commissioners shall strive to maintain a committee membership that possesses a diversity of demonstrated expertise or experience to enhance the land acquisition and management goals of the EEL Program. ~~A knowledge of other land acquisition programs in the State is highly desirable.~~ The Board may appoint members that do not reside in the respective Commissioner's District. A Chair and ~~C~~Vice-Chair shall be elected annually by a majority vote of the EEL Selection and Management Committee.

All EEL Selection and Management Committee members shall:

1. Have a willingness to serve in a voluntary capacity.
2. Be willing to make a long-term commitment to the EEL Selection and Management Committee.
3. Have a graduate academic degree in biological or environmental sciences OR demonstrated professional expertise (minimum six (6) years) in a closely related conservation field such as ecosystem management, natural resources conservation, aquatic biology, field ecology, marine biology, botany, geology, hydrology, fire ecology, natural areas management, human use and recreation ~~on in~~ natural areas, science education, or natural area sanctuary design.
- ~~4. Have demonstrated concern for and have actively participated in environmental conservation.~~
54. Have familiarity with demonstrated knowledge of Brevard County ecosystems, and specific knowledge of habitat types and conservation land management techniques.

Page 5-45, Step 14A, Contract Development and EEL Staff Review:

The following language will be added as #5:

5. Per County Administrative Order AO-37, all land purchases that have a contract price of \$750,000 or more are reviewed by the County's Land Acquisition Review Committee to ensure that the facts upon which the appraisals are based are accurate and that all information necessary for the Board's consideration has been provided.

MOTION SEVEN:

Selection and Management Committee

Paul Schmalzer moved to approve the revised language on page 3 of the handout including changes to pages 2-18 and 5-45 as adopted by the Procedures Committee.

Mark Bush seconded the motion.

Additional Discussion

Randy asked if there were any additional questions or comments.

No additional questions or comments were received.

The motion was passed by the SMC with Sue Hann voting in opposition.

Additional Discussion

Sue stated that she voted no for reasons previously stated.

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Mike stated that after the break he would like for the group to review the flow chart he had prepared.

Kim stated that she believed it was important to get through the language first, and then work on the flow chart.

Ross stated that flow charts are for clarification, and the language would take precedence.

Kim agreed.

Mike suggested reviewing the flow chart at the end of the current meeting.

LAND SALE

Mike reminded the group that this item has been tabled a few times due to time constraints and he stated that during the sale of the TICO 52 acres adjacent to the airport, there was a directive by the County Commission to clarify the Land Acquisition Manual process that is utilized to sell a piece of property that was purchased under the endangered lands Program. He stated that none of the existing language was being removed or changed, the wording of the hand out revision would all be additions not a representation of something that is in the LAM, with changes in tracked changes.

Mike clarified that a new primary heading would be required to cover land sale and exchange and he acknowledged that the heading in the handout would need to be revised to include the words "and exchange".

Paul stated that he was agreeable with a new primary heading that covered both sale and exchange, but he felt the two sections should have their own headings because they were dealt with separately.

Mike agreed.

Mike said that the SMC has provided some input and the only thing that had really changed since the SMC last saw it was where he adjusted the discussion about exchanges and transfers down at the bottom so it would be easier to understand. He asked if anyone had any specific issues which the Committees wanted to address and if it would be helpful to look at the flow chart.

Paul said that he felt the sale language was OK, but that he had some issues with the exchange language, if the group wanted to deal with them separately.

Proposed Language (Before Motion 8):

New Primary Heading, LAM Pg. 4-31: "Land Sales" (similar in size to "Common Methods of Land Acquisition" on page4-29)

Sale of land:

In certain circumstances it may be appropriate to sell property previously purchased under the EEL Program where the conservation value has diminished since the property was acquired. In these situations, the EEL SMC may recommend the sale of property if they determine that such a sale would provide a greater opportunity to further achieve the conservation goals of the EEL Program. The value for the sale of any

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property will be based on its fair market value, and will be consistent with County Policies related to the sale of real property. The proceeds from such sale shall be used for the acquisition of comparable conservation lands.

The following sequential steps will be followed when considering land sales:

Step 1: Extraordinary Majority Vote from SMC

All lands considered for sale will be carefully evaluated by the SMC, and must receive a extraordinary majority vote (at least 5 out of 7 affirmative votes) in support of the sale to authorize staff to prepare a Board Agenda Request for consideration by the Board of County Commissioners.

Step 2: County Commission Consideration and Approval

EEL Staff will prepare an Agenda Request to present the land sale to the Board for consideration. Upon consideration of the recommendation from the SMC, the Board will determine the most appropriate course of action for the disposition of the property including the determination of fair market value, negotiations, and method of sale, in accordance with County Ordinance Chapter 2, Article VIII and Florida Statutes 125.35 and 125.38.

Step 3: Contract Negotiations

Based on the direction provided by the County Commission, staff will take the necessary steps to obtain a contract for sale for approval by either the County Commission or if so directed by the Board, the Chairman of the County Commission.

Step 4: SMC Final Review of Contract

Prior to presenting the sale contract to the Board, EEL staff will present the general contract terms to the SMC for final review and authorization to proceed to the Board. The basic question to be answered in the discussion is: "Does the proposed sale meet the Program objectives and needs and should the SMC recommend the sale for Board approval?"

Step 5: BOCC Consideration of Contract and / or BOCC Chairman Approval of Contract

Based on the direction provided by the BOCC in Step 2, the final contract for sale will either be approved by the BOCC, or executed by the BOCC Chairman. At this point the property will proceed to closing.

MOTION EIGHT:

Procedures Committee

Kim Zarillo moved to approve the acceptance of the language related to land sale from page 1 of the current handout, including the language in the initial paragraph under "Sale of Land", plus Steps 1 through and including Step 5 on the second page.

Priscilla Griffith seconded the motion.

Additional Discussion

Randy asked if there were additional questions or comments.

Kim mentioned that there could be a need to correct the pagination of the document.

Mike asked if the Committee needed to vote on the specific location for the new language.

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The group indicated they did not feel a vote related to the specific location for the new language would be necessary.

The motion carried unanimously.

Revised Language (After Motion 8):

New Primary Heading, LAM Pg. 4-31: "Land Sales" (similar in size to "Common Methods of Land Acquisition" on page4-29)

Sale of land:

In certain circumstances it may be appropriate to sell property previously purchased under the EEL Program where the conservation value has diminished since the property was acquired. In these situations, the EEL SMC may recommend the sale of property if they determine that such a sale would provide a greater opportunity to further achieve the conservation goals of the EEL Program. The value for the sale of any property will be based on its fair market value, and will be consistent with County Policies related to the sale of real property. The proceeds from such sale shall be used for the acquisition of comparable conservation lands.

The following sequential steps will be followed when considering land sales:

Step 1: Extraordinary Majority Vote from SMC

All lands considered for sale will be carefully evaluated by the SMC, and must receive a extraordinary majority vote (at least 5 out of 7 affirmative votes) in support of the sale to authorize staff to prepare a Board Agenda Request for consideration by the Board of County Commissioners.

Step 2: County Commission Consideration and Approval

EEL Staff will prepare an Agenda Request to present the land sale to the Board for consideration. Upon consideration of the recommendation from the SMC, the Board will determine the most appropriate course of action for the disposition of the property including the determination of fair market value, negotiations, and method of sale, in accordance with County Ordinance Chapter 2, Article VIII and Florida Statutes 125.35 and 125.38.

Step 3: Contract Negotiations

Based on the direction provided by the County Commission, staff will take the necessary steps to obtain a contract for sale for approval by either the County Commission or if so directed by the Board, the Chairman of the County Commission.

Step 4: SMC Final Review of Contract

Prior to presenting the sale contract to the Board, EEL staff will present the general contract terms to the SMC for final review and authorization to proceed to the Board. The basic question to be answered in the discussion is: "Does the proposed sale meet the Program objectives and needs and should the SMC recommend the sale for Board approval?"

Step 5: BOCC Consideration of Contract and / or BOCC Chairman Approval of Contract

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Based on the direction provided by the BOCC in Step 2, the final contract for sale will either be approved by the BOCC, or executed by the BOCC Chairman. At this point the property will proceed to closing.

MOTION EIGHT:

Selection and Management Committee

Paul Schmalzer moved to approve the language related to sale of land as adopted by the Procedures Committee.

Ross Hinkle seconded the motion.

Additional Discussion

Randy asked if there were additional questions or comments.

No additional questions or comments were received.

The motion was passed by the SMC with Sue Hann voting in opposition.

Additional Discussion

Sue stated that she voted no because it is her opinion that the power to sell land is vested with the Board of County Commissioners and she sees the SMC role as more of an advisory capacity, rather than a gate so she disagrees with the philosophy that there must be an extraordinary majority vote for a site to be considered by the Board and that it was her opinion that the Board should be able to see any purchase or sale.

Paul stated that a note should be made for the record that limitations on land sale existed in the 1997 Land Acquisition Manual, and although it may not have been spelled out as explicitly as it might have been, the current action was not a departure from the requirement in the past that the SMC must approve any sales of land purchased under the Program.

INTERNAL EXCHANGE AND TRANSFER OF LAND

The group moved on to discuss internal exchange and transfer of language.

Paul stated that his concern was that, as presented in the language and on the flow chart, there is only a one step approval by the SMC whereas on all other acquisitions a two step process including a 1st Majority Vote and a 2nd Majority Vote are required. He stated that language within Step 1 indicates "Staff will prepare and Exchange/Transfer Proposal for consideration by the Selection and Management Committee" and that he is not in favor of staff proceeding to that point unless there is an initial evaluation by the SMC to allow for consideration of whether an exchange or transfer met the basic criteria for acquisition under the LAM. Paul said that he just didn't think you should go down that road without an evaluation of whether such an exchange or transfer is consistent with EEL Program criteria.

Kim asked where the second vote would come in.

Diane suggested consideration of a new Step 1 with everything else under it going up a number.

Paul stated that essentially there would be two bullets in the first section of the flow chart where some concept of exchange or transfer was presented to the SMC would be bullet 1 and bullet 2 would be the SMC determines if the exchange or transfer meet EEL Program criteria, which is a 1st Majority Vote before staff prepared any transfer or exchange proposal. He stated that he thought that would be more consistent with established procedures where a detailed evaluation of information compilation by staff is not done until there is a determination by the SMC that moving forward on something meets the criteria of the Program.

Ross agreed and stated that exchanges and transfers are just a different form of a new acquisition.

Paul emphasized that exchanges and transfers are mechanisms of acquisition, and they should follow the rules of acquisition.

Mike stated that he thought that would work fine. He stated that he was envisioning a conceptual proposal, and then an exchange or transfer proposal which included specific 1st and 2nd Majority Votes.

Paul agreed and he stated that he believed the way the Program has addressed the potential Ulumay donation is following that process as the Committee took a 1st Majority Vote in March with staff to go back and work out the details regarding the areas of continued responsibility.

Mike stated he thought the Vero-Pittsburg land exchange with Parks & Rec. followed that process as well.

Kim emphasized that the language needs to come before the flow charts, and she said that if you go back to what Diane suggested it would drive the staff proposal process.

Randy stated his understanding of the discussion was that approval of a 1st Majority Vote, based on review for compliance of acquisition guidelines would trigger the development of the exchange or transfer proposal.

Diane added that this would save unnecessary staff time being spent on something that didn't meet criteria.

Kim added that this plan would keep direction within the Program.

Diane stated that this plan would follow the way the acquisition process was designed and voted on.

Kim stated that if someone came to the EEL Program and said that they would like to exchange land, that would compare to the willing seller application step.

Kim asked about the wording in Step 1, #1 which stated "A history of the initial acquisition of all properties by the County."

Diane stated it might be better clarified if the words "involved in the exchange" were inserted.

Kim suggested consideration of "all properties associated with the exchange" because property could mean land, or they could also mean signage or buildings.

Ross suggested consideration of using "staff would prepare, after a 1st Majority Vote".

Mike stated he thought having a new Step 1 would be best.

Mike stated that he thought that it was possible that a county department could transfer land to the EEL Program.

Ralph McCoig asked if that meant that an agency within the County could purchase lands with general funds and then transfer the land to the EEL Program.

Mike stated that theoretically this was conceivable, but that sometimes the County receives property as donations, and that the Ulumay Wildlife Sanctuary property had come to the County years ago from the State.

Diane asked for clarification regarding who was responsible for the management of property that came to the County through mitigation.

Mike explained that currently, when someone makes a donation of land for mitigation, the donation comes with some funding for management, but years ago that was not the case. He confirmed that the State gave the Ulumay Wildlife Sanctuary to the County as a donation although it started out in the County's possession as a borrow pit with plans for expansion but it was determined that the expansion was not needed.

Diane asked if the mosquito impoundments were put in before or after the borrow pit.

Mike stated he did not know. He said that the general area along Sykes Creek in that location had once been a big marsh.

Pat stated asked if the wording language in the handout which referred to "existing and required management" should be changed to just "and the existing required management obligations".

Mike explained that the language was presented in that manner because there could be a difference between the existing requirements and the actual management that was being done and to ensure that the Program does not take on management for another department's responsibilities.

Ross stated that the SMC is responsible to the Board to determine if a property would add to the conservation value of the EEL Program, and the SMC also looks at whether the management the transferee is trying to transfer is a big problem that someone doesn't want to manage themselves. He stated that the EEL Program has an established management program that is on going and he explained that this is part of the consideration when items are received as either a gift or transfer. Ross clarified that new properties must meet the acquisition criteria because otherwise the Program could wind up managing lots of land that people just don't want to have to deal with any more.

Paul confirmed that there have been times in the past that people wanted to donate land, and the SMC looks at the donation the same way to be sure that the Program isn't just accepting a little parcel somewhere that doesn't have significant resource value and isn't connected to other conservation lands.

Diane suggested using a capital "T" for "Exchange/Transfer".

Sue asked if there would be some benefit to having the value of the properties involved as part of the analysis. She stated she could see a variety of circumstances related to the financial circumstances of any exchange or transfer.

Ross stated that information on the assessed value should be available.

Sue stated she was referring to the appraised value.

Kim asked if adding the appraised value should be added to the list.

Paul said he did not think so.

Mike said that appraisals show up in the sale language because they were included as part of the TICO sale process. He stated that staff was told that the process that the County has in place was that the Board has to direct as to whether or not they want to appraise and that decisions for determining whether or not there would be an appraisal would be up to the Board.

Paul said that the TICO situation was related to sale, not exchange or transfer.

Kim suggested consideration of appraisals on internal county transfers and exchanges of land.

Paul reminded the group that appraisals cost money and internal county transfers or exchanges would be from one county department to another.

Kim stated that she felt the departments might want to track the value of their assets if it was transferred from their department inventory.

Ross stated that he believed the approval of an exchange or transfer should be based on having equally or greater conservation value to the EEL Program and not monetary value, but he agreed that misconceptions could occur if conservation value in the exchange was high and monetary value was low.

Kim suggested that it might be beneficial to not use an appraised value but perhaps using the value of the property according to the Property Appraiser's web site could be beneficial.

Mike stated that his suggestion would be to utilize the same process as land sale, where this becomes a board option and he suggested that when the group reviewed the flow charts, they figure out how to include an option for the Board to decide if they want to appraise.

Kim said that sounded good.

Paul stated that he agreed with Ross that the SMC decision is based on conservation value.

Kim agreed.

Randy stated there was some good in knowing the value of your inventory but he wasn't sure how to add that.

Mike stated that one possible way to handle that would be to indicate that after the 1st Majority Vote, the request could conceptually be taken to the Board to ask for direction.

Kim suggested consideration of adding a trip to the Board after Step 2.

Paul agreed. He clarified that Step 1 now relates to whether the property meets the criteria of the EEL Program and Step 2 involved looking at the details you need to come up with for an Agenda Report; then review by the SMC, and after that information on Board decision relative to the need for appraisals.

Ross asked if the current discussion related strictly to County or Government exchanges. He stated that there could be a concern if a private person wanted to do an exchange for a piece of property that had greater conservation values if there was a large difference in the dollar value of the properties.

Ralph stated that he was involved in a situation a few years ago where a private citizen wanted to trade land, and the trade never occurred, but he could understand how something like that could occur on a larger scale.

Paul stated that he believed that the Committees were currently discussing internal county exchanges or transfers.

Ross said that in that case his previous concern might not be an issue.

Paul stated that that they had dealt with proposed exchanges in the past under the LAM and he thought there is language in the LAM now that deals with exchanges.

Mike stated an exchange with a 3rd party could be treated like any other purchase, but you have to go through that appraisal process because you're exchanging with a 3rd party.

Pat suggested consideration of making the appraisal process item number 6 in Step 2.

Kim stated that there is a concern regarding the cost of the appraisals and who would be paying for them.

Mike stated that it was his understanding from information provided by the County Attorney's office that the Board generally doesn't require an appraisal for internal values. He said that an exchange would be like the County doing an exchange with itself.

Pat suggested consideration of including an estimated value or the purchase price and she said that if she had a house and she was exchanging it for another house, she would want to know the value of both houses.

Mike provided clarification that the purchase price would be considered part of the acquisition history in Item #1 of Step 1.

Kim clarified that the current wording of Item 1, Step 1 didn't actually say that.

Mike said he was specifically referencing appraisals.

Kim said it wasn't about appraisals, it was about cost so a history would include sales history.

Mike explained he was just being specific about actually spending money on an outside appraisal for the purpose of determining current dollar value.

Kim agreed and said that we would still include the commission step that they may require an appraisal.

Randy asked if the information on the screen which indicated that the Board would consider whether they wanted an appraisal before the 2nd SMC Majority Vote corresponded with Paul's request.

Mike stated that his suggestion would be to go back and try to come up with some language which would be reviewed at a subsequent meeting. He stated that he believed that finalizing all the language today might take some time, and although he was not necessarily proposing that the language on the screen should be the language that was used, if the group wanted to continue to spend time on it today, that was fine, otherwise he could go back and come up with language for review at a subsequent meeting.

Kim stated it seemed to her like they were almost done.

Mike suggested a cut and paste from the land sale discussion related to letting the Board decide whether or not to do an appraisal, so they could hear the options and give direction on what they determined was the best option for the disposition of the property, or something like that.

Randy asked if Mike could get the language.

Mike said he would try.

Ross said that everyone should remember that the SMC's job was to deal with the conservation value and the county staff and Board of County Commissioners would be responsible for making the exchange.

Kim added that another reason she suggested inclusion of dollar values is the Agenda Reports require information on fiscal consequences.

Ross agreed.

Pat suggested that Mike rework the document and bring the additional language in for the next meeting.

Mike explained that he had located the language he was referring to.

Kim suggested consideration of postponing the language related to exchange and transfer.

Randy agreed.

Mike stated that there were two other items on the agenda; it would be unfortunate to postpone them and he thought they could get through them quickly.

Randy stated it was his understanding that the Committees had approved the sale language, but the exchange and transfer language was being postponed pending Mike's refinement of the language. He asked if this would require a joint meeting of both committees.

Paul stated that either way, the language would require the approval of both committees.

Randy confirmed that action on the exchange and transfer portion of the sale procedure would be delayed pending refinement by staff

****The handout related to Internal County Exchanges and Transfers is attached.**

Land Acquisition Manual Re-Formatting

Mike said that staff has been in contact with representatives from Florida Institute of Technology related to discussion of the possible re-formatting of the Land Acquisition Manual. Personnel who could be involved in this effort have been on sabbatical, but are expected to return mid-August.

Ross reiterated that consideration is being given to the re-formatting effort in order to provide clarity of the existing language, not for the purpose of changing the approved processes.

Additional information will be provided as it is received.

AUDIT Response

Mike stated that information related to the close out of a previous independent audit requested by EEL Program staff as a result of repeated audits from the Clerk of the Court's office was being provided to committee members.

Public Comment

Jim Rosasco commented the information he had received answered his previous questions related to outstanding EEL Program audits.

Additional Discussion

Mike explained that he was available to answer any questions that folks might have related to this issue and he encouraged folks to contact him if they would like additional information.

NEXT MEETING:

To be determined.

ADJOURNED:

The meeting was adjourned at 4:04 PM.

SUMMARY OF MEETING MOTIONS:

1. Motion to approve the June 3, 2010 SMC meeting minutes as presented.
2. Motion to approve the June 8, 2010 PC meeting minutes as amended.
3. Motion to approve revisions to language in the EEL Program Land Acquisition Manual related to SMC membership ranking as detailed in the attached document.
4. Motion to approve the remainder of the revisions to the language of the EEL Program Land Acquisition Manual Page 2-17 item 6.a related to the establishment of a Qualifying Committee for the purpose of review, and ranking of SMC membership applicants, with review and confirmation of the rankings by the Procedures Committee as detailed in the attached document.
- 5. Motion to approve the revisions to the language of the EEL Program Land Acquisition Manual Page 2-17 item 6.b related to Board's ranking of the applicants, and clarifications of the alternate appointment processes as detailed in the attached document.

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- 6. Motion to approve the revisions to the language of the EEL Program Land Acquisition Manual Page 2-17 item 6.c and d related to replacement members, and additional appointments as detailed in the attached document.
- 7. Motion to approve the revisions to the language of the EEL Program Land Acquisition Manual Page 2-18 related to the SMC membership criteria and Page 5-45 related to the revision of Brevard County Administrative Order AO-37 as detailed in the attached document.
- 8. Motion to approve the revisions to the language of the EEL Program Land Acquisition Manual to include clarification for the process related to the sale of land as detailed in the attached document, and as further referenced on pages 16-17 of these minutes.

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To: Procedures and Selection and Management Committees
From: Kim Zarillo, Member SMC and PC
Date: June 7, 2010
Subject: Proposed Language Changes to the Land Acquisition Manual (LAM)

SMC Applicant Selection

After some thought on the proposed language from the joint meeting of April 27, 2010, I believe the proposed language does not contain a method to recognize and give credit to those applicants with qualifications above the existing minimums. I suggest we consider adding criteria in the selection process to recognize SMC applicants with above minimum qualifications. Below is draft language for your review. Should the Procedures agree with changing the 6a., then 6b-d may need to be re-labeled.

Staggered Terms

Another concern that I believe should be considered by the Procedures Committee is the terms of SMC members. It is the understanding of the SMC that the term of all currently appointed members will expire at the end of 2010. At one time terms expired in different months. This is an important mechanism to keep institutional history and maintain the success of the program. I believe this issue must be addressed in accordance with the ordinance that governs advisory board and the EEL SMC Committee.

Existing Language and Suggested Revisions.

Page 2-17, 6.a: The existing language is confusing in that it states EEL staff shall review the applicants, and establish a list of qualified candidates for the SMC committee. However, the paragraph also states that staff will provide the list of ALL applicants / nominees to the Board for review.

From April 27, 2010 Joint Committee Meeting.

Existing Language and Suggested Revisions.

Page 2-17, 6.a.

The qualifications of all applicants or nominees responding to a call by the County Commissioners for EEL Selection and Management Committee volunteers shall be reviewed by ~~the EEL Program staff~~. ~~A qualified list of applicants/nominees shall be established from the available pool of applicants/nominees.~~ A Qualifying Committee consisting of the EEL Program Manager, the Chairman of the Procedures Committee (or their designee), and the Director of Human Resources (or their designee). Staff will present the list of all applicants/nominees to the Procedures Committee including identification of those applicants / nominees that have been determined by the Qualifying Committee to be qualified. – Qualifications for EEL Selection and Management Committee members are outlined in this manual (page 2-13-18). The Procedures Committee will review the applicants presented by staff and verify the final list of qualified applicants / nominees through a majority vote. County EEL staff will provide the list of ~~all~~ qualified applicants / nominees to the Board for review.

Any member of the Procedures Committee that is also a member of the Selection and Management Committee.....

June 7, 2010. My Proposed Existing Language and Suggested Revisions.

Page 2-17, 6.a.

The qualifications of all applicants or nominees responding to a call by the County Commissioners for EEL Selection and Management Committee volunteers shall be reviewed by ~~the EEL Program staff. A qualified list of applicants/nominees shall be established from the available pool of applicants/nominees.~~ a Qualifying Committee. The Qualifying Committee shall consist of the EEL Program Manager, the Chairman of the Procedures Committee (or their designee), and the Director of Human Resources or their designee). Staff will present the list of all applicants/nominees to the Qualifying Committee.

- a. A qualified list of applicants / nominees shall be established from the available pool of applicants / nominees through a majority vote of the Qualifying Committee. Qualifications for EEL Selection and Management Committee members are outlined in this manual (page 2-18).*
- b. Applicants with the minimum qualifications as approved by the Qualifying Committee shall be ranked by experience and/or education. The method of ranking is as follows: All qualified applicants are assigned 100 points for meeting the minimum qualifications. Twenty percentage points are assigned for additional educational degree (Masters or Doctorate) in a related field of expertise (page 2-18) and/or for 5 or more years of demonstrated professional expertise in biological or environmental sciences ~~or~~ OR in a closely related conservation field such as ecosystem management, natural resources conservation, aquatic biology, field ecology, marine biology, botany, geology, hydrology, fire ecology, natural areas management, human use and recreation on natural areas, science education, or natural area sanctuary design.*
- c. The Qualifying Committee will provide the list of all the qualified applicants / nominees in ranked order from highest to lowest to Procedures Committee for review.*
- d. The Procedures Committee will review the qualified and ranked applicants / nominees from the Qualifying Committee and verify the qualifications and rankings by a majority vote. EEL Staff will provide the list of approved applicant / nominees in ranked order to the Board for review and appointment.*

Any member of the Procedures Committee that is also a member of the Selection and Management Committee.....

EEL Land Acquisition Manual Draft Revisions

(Staff revisions based on the committee input at the June 8, 2010 Joint PC meeting **PLUS recommendations from Kim Zarillo. For review by SMC/PC on August 10, 2010**)

On October 20, 2009, the County Commission directed EEL staff to *“broaden the criteria for the Selection and Management Committee to have at least one member associated with the Economic Development Commission or Tourism Development Council, with eco-tourism in mind.”*

On January 8, 2010, at the joint meeting of the EEL Procedures Committee and Selection and Management Committee, staff was requested to present a proposal for language revisions to the EEL Manuals at the next meeting. It was requested that staff’s recommendations give consideration to the County Commission direction from October 20, and possible options related to the Board discussion related to the EEL Recreation and Education Advisory Committee (REAC) that occurred on November 10, 2009. It was also requested that staff present language revision options associated with SMC ranking process, as referenced in the staff memo from Don Lusk and Mike Knight dated January 7, 2010.

Three additional meetings were held on March 16, (PC), April 27, 2010 (SMC/PC) and June 8, 2010 (PC) the following document includes the most recent recommendations proposed by the Procedures Committee and Selection and Management Committee, plus draft language which relates to recommendations from Kim Zarillo during the June 8, 2010 meeting

Existing Language and Suggested Revisions.

Page 2-17, 6.a:

Existing Language and Suggested Revision:

The qualifications of all applicants or nominees responding to a call by the County Commissioners for EEL Selection and Management Committee volunteers shall be reviewed by ~~the EEL Program staff. A qualified list of applicants/nominees shall be established from the available pool of applicants/nominees. a Qualifying Committee consisting of the EEL Program Manager, the Chairman of the Procedures Committee, (or their designee), and the Director of Human Resources (or their designee). Staff will present the list of all applicants/nominees to the Qualifying Committee for review and initial ranking based on their level of experience and education.~~

Qualifications for EEL Selection and Management Committee members are outlined in this manual (page ~~2-1318~~).

The method of the initial ranking by the Qualifying Committee is as follows:

1. All applicants who meet the minimum qualifications as approved by the Qualifying Committee will be assigned one hundred (100) points.
2. Twenty (20) additional points are assigned for additional educational degree (Masters or Doctorate) in a related field of expertise (as defined

on page 2-18) and/or six (6) or more years of demonstrated professional expertise (as defined on page 2-18.)

Staff The Qualifying Committee will present the list of all applicants / nominees to the Procedures Committee including identification of those applicants / nominees that have been determined by the Qualifying Committee to be qualified. The qualified applicants will be identified by their initial ranking.

The Procedures Committee will review the list of applicants presented by the Qualifying Committee and verify the final list of qualified applicants / nominees through a majority vote. County EEL staff will provide the list of all the qualified applicants / nominees to the Board for review and final ranking.

Any member of the Procedures Committee who is also a member of the Selection and Management Committee, or any Procedures Committee member who is applying for an open seat on the Selection and Management Committee shall refrain from voting on the final list of qualified applicants, or participating as a member of the Qualifying Committee.

Page 2-17, 6.b:

The Board shall review the qualifications of the qualified nominees and give each nominee a ranking score from 1 – 3. The Assistant County Administrator (or designated county staff) shall tabulate the ranking scores. Those nominees with the highest scores shall be appointed to the EEL Selection and Management Committee, those nominees with the second highest scores shall be appointed as alternates to the EEL Selection and Management Committee. In cases of ties scores, the Board Chairperson will choose members or alternatives alternates by drawing names of those with ties scores from a box.

Page 2-17, 6.c, Existing Language and Suggested Revision:

If replacement EEL Selection and Management Committee members are required, the Board has the option to choose from the existing pool of qualified alternates (as defined by 6.b. above) or the Board can request that staff prepare a public advertisement as a call for qualified citizen volunteers (EEL Selection and Management Committee qualifications are established in the LAM on page 2-18, and will be the basis for identifying qualified applicants). The process outlined in Sections a. and b. above shall be utilized for any new appointments to the EEL Selection and Management Committee.

Page 2-17, 6d:

Existing Language and Suggested Revision:

New appointments and reappointments of EEL Selection and Management Committee members (as outlined in a., b. and c. above) can occur at the discretion of the Board without additional review or new rankings by selecting from the most recent (not exceeding two (2) years) pool of qualified applicants / nominees.

Appointment procedures will follow be consistent with county policies for advisory

board appointments, as specified in the Uniform Advisory Board Ordinance, Ordinance 95-31.

Page 2-18 (EEL Selection and Management Committee)

Existing Language and Suggested Revision:

Membership shall consist of seven (7) members appointed by the Board for a minimum term of two years. The Board of County Commissioners shall strive to maintain a committee membership that possesses a diversity of demonstrated expertise or experience to enhance the land acquisition and management goals of the EEL Program. ~~A knowledge of other land acquisition programs in the State is highly desirable.~~ The Board may appoint members that do not reside in the respective Commissioner's District. A Chair and ~~Co~~ Vice-Chair shall be elected annually by a majority vote of the EEL Selection and Management Committee.

All EEL Selection and Management Committee members shall:

1. Have a willingness to serve in a voluntary capacity.
2. Be willing to make a long-term commitment to the EEL Selection and Management Committee.
3. Have a graduate academic degree in biological or environmental sciences OR demonstrated professional expertise (minimum six (6) years) in a closely related conservation field such as ecosystem management, natural resources conservation, aquatic biology, field ecology, marine biology, botany, geology, hydrology, fire ecology, natural areas management, human use and recreation ~~on~~ in natural areas, science education, or natural area sanctuary design.
- ~~4. Have demonstrated concern for and have actively participated in environmental conservation.~~
54. Have familiarity with demonstrated knowledge of Brevard County ecosystems, and specific knowledge of habitat types and conservation land management techniques.

Page 5-45, Step 14A, Contract Development and EEL Staff Review:

The following language will be added as #5:

5. Per County Administrative Order AO-37, all land purchases that have a contract price of \$750,000 or more are reviewed by the County's Land Acquisition Review Committee to ensure that the facts upon which the appraisals are based are accurate and that all information necessary for the Board's consideration has been provided.

EEL Land Acquisition Manual Draft Revisions

(As approved by both SMC and PC at the August 10, 2010 Joint meeting)

On October 20, 2009, the County Commission directed EEL staff to *“broaden the criteria for the Selection and Management Committee to have at least one member associated with the Economic Development Commission or Tourism Development Council, with eco-tourism in mind.”*

On January 8, 2010, at the joint meeting of the EEL Procedures Committee and Selection and Management Committee, staff was requested to present a proposal for language revisions to the EEL Manuals at the next meeting. It was requested that staff’s recommendations give consideration to the County Commission direction from October 20, and possible options related to the Board discussion related to the EEL Recreation and Education Advisory Committee (REAC) that occurred on November 10, 2009. It was also requested that staff present language revision options associated with SMC ranking process, as referenced in the staff memo from Don Lusk and Mike Knight dated January 7, 2010.

Four additional meetings were held on March 16, (PC), April 27, 2010 (SMC/PC), June 8, 2010 (PC), and August 10, 2010 (SMC/PC). The following document includes the most recent recommendations proposed by the Procedures Committee and Selection and Management Committee.

Existing Language and Suggested Revisions.

Page 2-17, 6.a:

Existing Language and Suggested Revision:

The qualifications of all applicants or nominees responding to a call by the County Commissioners for EEL Selection and Management Committee volunteers shall be reviewed by ~~the EEL Program staff. A qualified list of applicants/nominees shall be established from the available pool of applicants/nominees. a Qualifying Committee consisting of the EEL Program Manager, the Chairman of the Procedures Committee (or their designee), and the Director of Human Resources (or their designee). Staff will present the list of all applicants/nominees to the Qualifying Committee for review and initial ranking based on their level of experience and education.~~

Qualifications for EEL Selection and Management Committee members are outlined in this manual (page ~~2-13~~18).

The method of the initial ranking by the Qualifying Committee is as follows:

1. All applicants who meet the minimum qualifications as approved by the Qualifying Committee will be assigned one hundred (100) points.
2. Five (5) additional points are assigned for each graduate degree (Masters or Doctorate) in a related field of expertise and/or two (2) additional points for each year up to six (6) years for demonstrated professional expertise in biological or environmental sciences OR a closely related conservation field such as ecosystem management, natural resources

conservation, aquatic biology, field ecology, marine biology, botany, geology, hydrology, fire ecology, natural areas management, human use and recreation ~~on~~ in natural areas, science education, or natural area sanctuary design.

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Land Sale Language additions for LAM (FINAL)
As approved at 8/10 PC/SMC Mtg

New Primary Heading, LAM Pg. 4-31: "Land Sales" (similar in size to "Common Methods of Land Acquisition" on page 4-29)

Sale of land:

In certain circumstances it may be appropriate to sell property previously purchased under the EEL Program where the conservation value has diminished since the property was acquired. In these situations, the EEL SMC may recommend the sale of property if they determine that such a sale would provide a greater opportunity to further achieve the conservation goals of the EEL Program. The value for the sale of any property will be based on its fair market value, and will be consistent with County Policies related to the sale of real property. The proceeds from such sale shall be used for the acquisition of comparable conservation lands.

The following sequential steps will be followed when considering land sales:

Step 1: Extraordinary Majority Vote from SMC

All lands considered for sale will be carefully evaluated by the SMC, and must receive an extraordinary majority vote (at least 5 out of 7 affirmative votes) in support of the sale to authorize staff to prepare a Board Agenda Request for consideration by the Board of County Commissioners.

Step 2: County Commission Consideration and Approval

EEL Staff will prepare an Agenda Request to present the land sale / exchange to the Board for consideration. Upon consideration of the recommendation from the SMC, the Board will determine the most appropriate course of action for the disposition of the property including the determination of fair market value, negotiations, and method of sale, in accordance with County Ordinance Chapter 2, Article VIII and Florida Statutes 125.35 and 125.38.

Step 3: Contract Negotiations

Based on the direction provided by the County Commission, staff will take the necessary steps to obtain a contract for sale for approval by either the County Commission or if so directed by the Board, the Chairman of the County Commission.

Step 4: SMC Final Review of Contract

Prior to presenting the sale contract to the Board, EEL staff will present the general contract terms to the SMC for final review and authorization to proceed to the Board. The basic question to be answered in the discussion is: "Does the proposed sale meet the Program objectives and needs and should the SMC recommend the sale for Board approval?"

Step 5: BOCC Consideration of Contract and / or BOCC Chairman Approval of Contract

Based on the direction provided by the BOCC in Step 2, the final contract for sale will either be approved by the BOCC, or executed by the BOCC Chairman. At this point the property will proceed to closing.

Internal County Exchanges and Transfers of Land

Handout provided at Aug. 10 meeting.

LAM Page 4-31: New language to be added as a second paragraph under the existing "Exchange" heading.

In some cases, it may be appropriate for the EEL Program to exchange or transfer lands with other County departments in order to further the goals of the EEL Program. To ensure that all lands being considered for exchange or transfer are consistent with the intent of the voter-approved EEL referendum, and the Board-approved land selection criteria, the following steps will be followed:

Step 1: Conceptual Exchange / Transfer Proposal

Staff will prepare an Exchange / Transfer Proposal for consideration by the Selection and Management Committee. The proposal will include at a minimum, the following information:

1. A history of the initial acquisition and of all properties by the County.
2. An overview of the current use of the property, and the existing and required management obligations related to the property.
3. Justification for the exchange / transfer detailing how it will further the EEL Program goals and mission.
4. An overview of the anticipated management needs of the property, including the estimated initial and annual management costs, priorities, and management partnership opportunities.
5. An overview of public access and environmental education opportunities.

Step 2: Selection and Management Committee Approval

All Exchange / Transfer Proposals must be carefully evaluated by the SMC, and must receive an extraordinary majority vote (at least (5) out of (7) affirmative votes) in support of the proposal in order to authorize staff to prepare a Board Agenda Request for consideration by the Board of County Commissioners.

Step 3: BOCC Consideration of Exchange / Transfer

EEL Staff will prepare an Agenda Request to present the property exchange / transfer Proposal to the Board of County Commissioners for consideration.

Step 4: Initiation of Asset Transfer Process

Upon approval of the Exchange / Transfer Proposal by the Board of County Commissioners, staff will initiate the process for the transfer of the county property between the appropriate county departments.