

LEE COUNTY RESOLUTION NO. 12-11-22

**A RESOLUTION ADOPTING THE RECOMMENDATIONS
OF THE CONSERVATION 2020 BLUE RIBBON COMMITTEE**

WHEREAS, the Board of County Commissioners of Lee County Florida (Board) adopted Administrative Code 2-3 (AC 2-3) entitled Advisory Committees, Boards and Commissions on July 30, 1986, which authorizes the Board to designate and create Special Advisory Groups by resolution as necessary for the administration of the affairs of the County; and

WHEREAS, the Board may use Special Advisory Groups for the study of special projects or programs pursuant to Florida Statutes Section 125.01(1)(s) and AC 2-3; and

WHEREAS, on June 19, 2012 the Board created a Special Advisory Group known as the Conservation 2020 Blue Ribbon Committee to review the Conservation 2020 Program and recommend changes to enhance the effectiveness of the program; and

WHEREAS, after meeting several times, the Blue Ribbon Committee prepared a list of findings and recommendations for the Board's consideration; and

WHEREAS, on November 6, 2012, the Board heard and considered the findings and recommendations of the committee during a public meeting.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA that:

1. The purpose of the Blue Ribbon Committee was to review the Conservation 2020 Program and recommend changes to increase the efficiency of the purchase process and possibly make other recommendations to procedures concerning the acquisition of conservation lands, land stewardship management activities, and the future funding of the Conservation 2020 Program.
2. The Blue Ribbon Committee offered 16 recommendations on potential modifications to the Conservation 2020 Program. Those recommendations are hereby adopted as set forth in detail in Exhibit A attached hereto.
3. Staff is directed to amend the Lee County Conservation Lands Implementation Ordinance (No. 05-17) where appropriate to employ the recommendations of the Committee.
4. The Board acknowledges and confirms the sunset of the Blue Ribbon Committee effective November 1, 2012.

11/6/12
A5A

Commissioner Judah made a motion to adopt the foregoing resolution. The motion was seconded by Commissioner Mann. The vote was as follows:

John Manning	Aye
Brian Bigelow	Absent
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 6th day of November, 2012.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Marcia Wilson
Deputy Clerk

By: John Manning
John Manning, Chair



APPROVED AS TO FORM:

By: Donna Marie Collins
Donna Marie Collins
Office of the Lee County Attorney

Exhibit A: Recommendations of the Conservation 20/20 Blue Ribbon Committee
Approved by the Board on November 6, 2012

EXHIBIT A
Conservation 20/20 Blue Ribbon Committee (BRC) Recommendations
As approved by the BOCC November 6, 2012

Recommendation 1a:

Amend the Ordinance to reflect County practices to require 2 appraisals for purchases over \$500,000.

Recommendation 1b:

For purchases over \$500,000 where there is a 20% or more difference between the two appraisals, the County will obtain a third appraisal.

Recommendation 2:

Amend Ordinance to "open Request for Proposals (RFP) for Qualified Appraisers annually", and further state "appraisers for conservation lands program are State qualified in the property type being appraised".

Recommendation 3:

Properties with entitlements should continue to be considered as long as they meet the Conservation 20/20 Program Criteria. Amend the Ordinance to state, "The entitlements must have been established prior to property being submitted to the Conservation 20/20 Program. Appraisals used in the consideration of value of the property once submitted to CLASAC, should not include any entitlements acquired after submission to the program."

Recommendation 4:

Amend Ordinance to allow for the County's acceptance of donations of environmentally sensitive lands into the Conservation 20/20 Program.

Recommendation 5a:

Create a market feasible Transfer of Development Rights Program.

Recommendation 5b:

If Conservation 20/20 property has any transferable density rights or entitlements of value, these rights should be severed from the property before changing the Land Use to Conservation Lands; furthermore, these rights should be placed into a TDR Bank as an asset to the Conservation 20/20 Program, and should inure to the benefit of the future management fund, not the acquisition fund.

Recommendation 6:

CLASAC revisit the scoring of the different secondary criteria to determine if adjustments to the point system are necessary. In this process, CLASAC should consider prioritizing and broadening the criteria.

Recommendation 7:

Consider use of Conservation Easements as another possible means to acquire environmentally sensitive lands, if not in conflict with Conservation 20/20 Program policies.

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Recommendation 8:

Amend the CLASAC Ordinance to affirmatively acknowledge the statutory prohibition against members doing business with the County applies to members of the CLASAC committee who desire to nominate/sell property to the County. Also, amend the Ordinance to acknowledge the Board of County Commissioner's statutory authority to waive the prohibition in a particular instance after full disclosure of the proposed transaction. Failure of a member to disclose will result in immediate dismissal from the CLASAC.

Recommendation 9:

Amend the Ordinance to state, "Florida Statute 112, Part 3 (Code of Ethics) applies to all CLASAC members".

Recommendation 10:

Continue to utilize new formats as documented in the Division of County Lands Policies and Procedures. Clarify to Appraiser the intended user of the report is Lee County Division of County Lands --- Conservation 20/20 Program.

Recommendation 11:

The County's appraiser(s) should not be given copies of the portions of the Seller's appraisal which deal with evaluation conclusions.

Recommendation 12a:

Hire an outside Financial Analyst to evaluate the maintenance and restoration obligations in order to properly adjust the percentage allocated to Land Management for a 100 year plan.

Recommendation 12b:

Place a freeze on purchases of new nominations of properties received after January 1, 2013, for 90 days or until the results of the findings by the Financial Analyst (whichever may occur sooner) show how properties currently owned may be properly cared for in perpetuity.

Recommendation 13:

Bring new Referendum forward in 2016 general election. Ask the voters if they desire to continue with a Land Purchasing Program for County conservation purposes with dedicated funding for acquisition of lands and funding for restoration and perpetual maintenance of said lands.

Recommendation 14:

Have staff present the negotiated price and terms on each property with the CLASAC and add CLASAC's recommendation on whether to purchase at that price or not, on the "blue sheet". This will provide the Board with an additional layer of review before the Board makes its final decision.

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Recommendation 15:

Perform an economic and environmentally sustainable study on all land in Lee County to provide a viable objective on the proper percentage of the total property necessary to be acquired through the 20/20 Program.

Recommendation 16:

Board request information from the Clerk of Courts with regards to any potential opportunities in the investment of funds to receive a higher rate of return.

RECEIVED
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CLERK OF COURTS
LEE COUNTY