

**DRAFT****ORDINANCE NO. 2006-\_\_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE NO. 2002-63, WHICH ESTABLISHED THE CONSERVATION COLLIER PROGRAM, BY REVISING SECTION SIX: CREATION OF THE CONSERVATION COLLIER ACQUISITION FUND; SECTION EIGHT: LAND ACQUISITION ADVISORY COMMITTEE; SECTION TEN: CRITERIA FOR EVALUATING LANDS FOR ACQUISITION AND MANAGEMENT; SECTION ELEVEN: ACQUISITION LIST; SECTION TWELVE: NOMINATION OF ACQUISITION PROPOSALS AND CANDIDATE SITES; SECTION THIRTEEN: PROCEDURE FOR SELECTION OF ACQUISITION PROPOSALS FOR PLACEMENT ON THE ACTIVE ACQUISITION LIST AND SUBSEQUENT PURCHASE PROCEDURES; SECTION FOURTEEN: MANAGEMENT PLANS AND USE OF ENVIRONMENTALLY SENSITIVE LANDS; SECTION FIFTEEN: RESPONSIBILITIES OF THE COUNTY MANAGER; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Collier County has studied various methods for the acquisition of environmentally sensitive land for conservation, preservation and urban green space; and

WHEREAS, Collier County has Home Rule Powers established by the Florida State Legislature pursuant to *Florida Statutes*, Chapter 125 and has the power to carry on government to the extent not inconsistent with general law; and

WHEREAS, Collier County desires to provide a mechanism to equitably deal with the implementation of the Community Character Plan, the Comprehensive Growth Management Plan, which recommend acquisition of environmentally sensitive lands; and

WHEREAS, on Tuesday, November 5, 2002, the electorate of Collier County authorized the County to levy a 0.25 mill ad valorem property tax for a period not to exceed 10 (ten) years, for acquisition, protection, restoration, and management of environmentally sensitive lands in Collier County for the benefit of present and future generations; and

WHEREAS, Collier County's significant natural resources, productive estuaries and wetlands, remarkable biodiversity, and unique subtropical habitats harboring many species of rare and endangered flora and fauna merit the most protection any county's citizens' could offer; and

WHEREAS, it is the intent of the Board of County Commissioners of Collier County to establish Conservation Collier to implement this mandate and to support its purposes to the fullest, limiting all uses of, and all investment earnings on, such levies to such purposes; and

WHEREAS, the Collier County Board of County Commissioners recognizes the need for the creation of an advisory board to advise the County and the public in the implementation of the program and the selection of project sites for acquisition; and

WHEREAS, the Collier County Board of County Commissioners, in recognition of the fact that the proposed environmentally sensitive lands are to be purchased in whole or in part through a special ad valorem assessment, hereby recognize the rights of our citizens to have reasonable public access and for all our citizens to partake and enjoy various outdoor activities in a reasonable and environmentally friendly manner on lands purchased with these funds; and

WHEREAS, the Board of County Commissioners will ensure that Conservation Collier is a willing participant program and shall utilize only methods of voluntary acquisition;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

**SECTION 1: Name:**

This ordinance shall be known as Conservation Collier Implementation Ordinance.

**SECTION 2: Objectives:**

Conservation Collier is therefore hereby established to acquire, preserve, restore, and maintain vital and significant threatened natural lands, forest, upland and wetland communities located in Collier County, for the benefit of present and future generations.

**SECTION 3 – Findings:**

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. All ad valorem funds generated hereby shall be collected by the Collier County Tax Collector.

3. The County Manager, or his or her designee, shall administer this program in accordance with the procedures and criteria provided for herein.

**SECTION 4 – Purpose and Intent:**

1. To acquire, protect and manage environmentally sensitive lands that contain natural upland or wetland communities, native plant communities, rare and endangered flora and fauna, endemic species, endangered species habitat, a diversity of species, significant water resources, or outstanding aesthetic or other natural features, maximizing protection of Collier County's rarest, most unique and endangered habitats;

2. To acquire, protect and manage environmentally sensitive lands that offer the best human social value, including equitable geographic distribution, natural resource based recreation, and protection of water resources, local ecological awareness, and enhancement of the aesthetic setting of Collier County;

3. To acquire, protect and manage environmentally sensitive lands that serve to recharge the County's aquifers and protect its wetlands and surface water resources to ensure the delivery of clean and plentiful water supplies and provide flood control;

4. To acquire, protect and manage environmentally sensitive lands containing the most biological value, including biodiversity, listed species habitat, connectivity, restoration potential, and ecological quality;

5. To protect present conservation lands by acquiring, protecting and managing adjacent properties which, if not acquired, would threaten the environmental integrity of the existing resource, or which, if acquired, would enhance and buffer the environmental integrity of the resource, and add to resource connectivity;

6. To restore the natural functions, as necessary, to any impacted and vulnerable habitats which would then contribute significantly to fulfilling this program's goals;

7. To help implement the objectives and policies of the Collier County Growth Management Plan which have been promulgated to preserve and protect environmental protection areas designated in the Plan and other natural forest resources, wetlands, endangered species habitat, and vulnerable rare habitats;

8. To identify Collier County's best and most endangered environmental lands for acquisition, protection and management by evaluating the biological and hydrological

characteristics and viability of the resource, the vulnerability of the resource to degradation or destruction, and the feasibility of managing the resource to maintain its natural attributes;

9. To manage acquired environmentally sensitive lands with the primary objectives of maintaining and preserving their natural resource values, and providing appropriate natural resource-based recreational and educational opportunities, by employing management techniques that are most appropriate for each native community so that our natural heritage may be preserved and appreciated by and for present and future generations;

10. To have the acquired sites available, with minimal risk to the environmental integrity of the site, to educate Collier County's school-age population and the general public about the uniqueness and importance of Collier County's subtropical ecosystems and natural communities;

11. To protect natural resources which lie within the boundaries of other conservation land acquisition programs, where Conservation Collier funds would leverage significant other matching sources of funding for other agency acquisition projects that would not be available without such a local match, or which would result in considerably higher funding rank in another program, however, Collier County shall exclude Municipalities within the County from any requirement to provide matching funds; and,

12. To cooperate actively with other acquisition, conservation, and resource management programs, including, but not limited to, such programs as the State of Florida Conservation and Recreation Lands program, the Land Acquisition Trust Fund, Florida Forever, and Save Our Rivers program, where the purposes of such programs are consistent with the purposes of Conservation Collier as stated hereinabove.

#### **SECTION 5– Definitions:**

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

1. “Acquisition proposal” shall mean (a) parcel(s) of land which has/have been nominated or recommended for conservation in accordance with the procedures provided for herein.

2. “Acquisition project” shall mean (a) parcel(s) of land approved by the Board of County Commissioners for conservation by the county in accordance with procedures provided for herein.

3. “Authorized Purpose” means expenditures authorized herein.

4. “Non-profit organization” shall mean an organization as defined in section 501 of

the United States Internal Revenue Code, operating in Collier County, which includes among its primary goals the conservation of natural resources and the protection of the environment.

5. “Buffer land” shall mean that land which is adjacent to publicly-owned environmental land, or privately held land permanently dedicated to conservation, or that land which is an in-holding within publicly-owned environmental land, and which, if not acquired, would threaten the environmental integrity of the existing resource, or if acquired, would enhance the environmental integrity and connectivity of the resource.

6. “Environmentally sensitive” land shall mean that land which contains natural upland or wetland communities, native plant communities, rare and endangered flora and fauna, endemic species, endangered species habitat, a diversity of species, significant water resources, or outstanding aesthetic or other natural features.

7. “Management” shall mean the preservation, enhancement, restoration, conservation, monitoring, or maintenance of the natural resource values of environmentally sensitive lands which have been acquired or approved for management under Conservation Collier, including provision of appropriate public access.

8. “Target Protection Areas” shall mean larger areas of environmentally sensitive land within which are located specific sites which generally satisfy the initial screening criteria and meet the goals of Conservation Collier.

9. “Natural resource-based recreation” shall mean all forms of uses which are consistent with the goals of this program, and are compatible with the specific parcel. Such uses shall include, but not be limited to, hiking, nature photography, bird-watching, kayaking, canoeing, swimming, hunting and fishing.

#### **SECTION 6 - Creation of the Conservation Collier Acquisition Trust Fund.**

Collier County shall establish the Conservation Collier Acquisition Trust Fund for use in acquiring environmentally sensitive lands in Collier County. This fund shall receive and disburse monies in accordance with the provisions herein.

1. The Conservation Collier Acquisition Trust Fund shall receive monies from the following sources:

a. All monies accepted by Collier County in the form of federal, State, or other governmental grants, reimbursements, allocations, or appropriations, foundation or private

grants, donations for acquisition of environmentally sensitive lands and payments provided for mitigation activity associated with such acquisition activity.

b. Such additional allocations as may be made by the Board of County Commissioners from time to time for the purposes set forth herein.

c. All interest generated from the sources identified herein except where monies received have been otherwise designated or restricted.

d. Supplementation from the Conservation Collier Management Trust Fund, but only with the approval of the Collier County Board of County Commissioners.

e. Up to Eighty-five percent (85%) of all ad valorem revenues collected for Conservation Collier.

f. The proceeds of any property acquired with funds from the Conservation Collier Acquisition Trust Fund that is leased or sold by the County, said proceeds, as determined by the Board of County Commissioners, to be committed either to the Conservation Collier Acquisition Trust Fund or to the Conservation Collier Management Trust Fund for the purposes provided for herein. Any such sale or lease shall only be in accordance with the goals of this Program.

g. Prior to acquiring land located within a Municipality's boundaries, approval must first be obtained from the governing body of that Municipality.

2. The Conservation Collier Acquisition Trust Fund shall be maintained in a separate and segregated trust fund of the County to be used solely for the authorized purposes set forth herein.

3. Disbursements from the Conservation Collier Acquisition Trust Fund shall be made only for the following authorized purposes:

a. Acquisition of properties which have been approved for purchase by ~~resolution of~~ the Board of County Commissioners.

b. Costs associated with each acquisition including, but not limited to, appraisals, surveys, environmental reports, title commitments and insurance policies ~~search work~~, real property taxes, documentary stamps and surtax fees, and other transaction costs.

c. Costs of administering Conservation Collier, including any loans from the General Fund for funding start-up costs until such time as the fund is closed. Administration of the program may be conducted by County staff or by contract with a private or not for profit entity subject to meeting all County and Conservation Collier purchasing policies ~~procedures~~. Administrative costs shall be limited to the greatest extent possible.

d. To undertake and carry out studies and analyses of county conservation land needs and ways of meeting those needs, limited to no more than \$150,000.00

e. To acquire and dispose of real and personal property or any interest therein when ~~such acquisition is~~ necessary or appropriate to protect the natural environment, provide public access or public recreational facilities, preserve wildlife habitat areas or provide access to management of acquired lands; to acquire interests in land by means of land exchanges; and to enter into alternatives to the acquisition of fee interests in land, including, the acquisition of easements, life estates, leases, and leaseback arrangements.

f. Acquisitions consistent with the Collier County Land Development Code ~~and development regulations~~ and the Growth Management Plan.

g. To cooperate with other local, regional, state, or federal public land acquisition programs. In such cases, the County may enter into contractual or other agreements to acquire lands jointly or for eventual resale to other public land acquisition programs in Collier County.

h. All lands acquired and titled solely in the name of Collier County shall be managed by Collier County, wherever located, unless by mutual written agreement management arrangements and responsibilities are undertaken with other local, regional, state, or federal agencies. All lands jointly acquired with other local, regional, state, or federal agencies, including Municipalities, shall include, as part of the acquisition process, some mutual written agreement regarding the responsibilities of the joint owners for maintenance.

i. To borrow money through the issuance of bonds for the purposes provided herein, to provide for and secure the payment thereof, and to provide for the rights of the holders thereof.

j. To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be authorized for trust funds under *Florida Statutes*, Section 215.47 as amended.

k. To insure and procure insurance against any loss in connection with any of the trust's operations, including without limitation:

- a. The repayment of any loans to mortgage lenders or mortgage loans;
- b. Any project;
- c. Any bonds of the County;

Insurance may be procured in such amounts and from such insurers, including the Federal Government, as may be deemed necessary or desirable by Collier County.

- l. To engage the services of private consultants on a contract basis for rendering professional and technical assistance and advice.
- m. To identify parcels of land that would be appropriate acquisitions.
- n. To do any and all things necessary or convenient to carry out the purposes of, and exercise the powers given and granted herein to the full extent of the law.

**SECTION 7 - Creation of the Conservation Collier Management Trust Fund:**

There is hereby created the Conservation Collier Management Trust Fund (hereinafter referred to as the Conservation Collier Management Trust Fund) for the preservation, enhancement, restoration, conservation and maintenance of environmentally sensitive lands that either have been purchased with monies from the Environmentally Sensitive Lands Acquisition Trust Fund, or have otherwise been approved for management. The Finance Director is hereby authorized to establish the Conservation Collier Management Trust Fund and to receive and disburse monies in accordance with the provisions of this section.

1. The Conservation Collier Management Trust Fund shall be maintained in a separate and segregated trust fund of the County to be used solely for the authorized purposes set forth herein.
2. The Conservation Collier Management Trust Fund shall receive monies from the following sources:
  - a. Ad-valorem taxes collected for Conservation Collier in an amount not to exceed 15% of the total collected in any one year.
  - b. All monies accepted by Collier County in the form of federal, State, or other governmental grants, allocations, or appropriations, as well as foundation or private grants and donations, for management of lands acquired with the Conservation Collier Acquisition Trust Fund or otherwise approved for management.
  - c. Additional allocations as may be made by the Board of County Commissioners as necessary from time to time for purposes strictly consistent with the goals and purposes of Conservation Collier.
  - d. All interest generated from the sources identified herein, except where monies received have been otherwise designated or restricted.



3. Disbursements from the Conservation Collier Management Trust Fund shall be made by the County Manager or his or her designee only in accordance for the authorized purposes set forth herein.

**SECTION 8 – Land Acquisition Advisory Committee:**

1. Creation and Purpose: The Land Acquisition Advisory Committee is hereby established to assist the Board of County Commissioners in establishing an Active Properties Acquisition List with qualified purchase recommendations consistent with the goals of Conservation Collier.

2. Appointment and Composition: The Land Acquisition Advisory Committee shall be composed of nine (9) members who are appointed by and will serve at the pleasure of the Board of County Commissioners in accordance with Ordinance No. 2001-55. Membership of the Land Acquisition Advisory Committee shall comprise broad and balanced representation of the interests of Collier County citizens, including:

- a. Environmental and conservation interests in Collier County;
- b. Agricultural and business interests in Collier County;
- c. Educational interests in Collier County; and
- d. General civic and citizen interests from throughout the county.

Individual members of the Land Acquisition Advisory Committee shall have expertise, knowledge or interest in ecology, conservation of natural resources, real estate or land acquisition, land appraisal, land management, eco-tourism or environmental education. A nominee shall submit to the Board of County Commissioners written evidence of his or her expertise, knowledge or interest in any of the above. The members of this committee should include representatives from different areas of Collier County.

3. Terms of Office: The initial terms of office of the members shall be staggered between the individual interests, for balance purposes, and be set as follows:

- a. Three (3) members shall serve three (3) years.
- b. Three (3) members shall serve two (2) years.
- c. Three (3) members shall serve one (1) year.

Thereafter, all appointments shall be for a term of three (3) years. The process for appointments and terms of office shall be governed by Collier County Ordinance No. 2001-55.

4. Officers, Quorum and Rules of Procedure: At its earliest opportunity, the membership of the Committee shall elect a chairperson and vice chairperson from among the members. Officers' terms shall be for a period of one (1) year, with eligibility for reelection.

The presence of five (5) or more members shall constitute a quorum of the Committee necessary to take action and transact business. The Committee shall, by majority vote of the entire membership, adopt rules of procedure for the transaction of business. The Land Acquisition Advisory Committee shall comply with the applicable requirements of the Florida Sunshine Law, and shall keep a written record of meetings, resolutions, findings and determinations in accordance with Chapter 112, *Florida Statutes*. Copies of all Committee minutes, resolutions, reports, and exhibits shall be submitted to the Board of County Commissioners.

5. Attendance and Vacancies: Committee member attendance requirements, including failure to attend meetings and member removal from office are governed by Collier County Ordinance No. 2001-55, as amended.

6. Functions, Powers and Duties of the Land Acquisition Advisory Committee: The Land Acquisition Advisory Committee shall have the following duties and responsibilities:

a. The Land Acquisition Advisory Committee's primary responsibility is to recommend to the Board of County Commissioners an Active Properties Acquisition List with qualified purchase recommendations consistent with the goals of Conservation Collier and pursuant to the policies outlined herein below.

b. The Land Acquisition Advisory Committee may, from time to time, recommend to the Board of County Commissioners proposed expenditures from the Conservation Collier Trust Funds; additional selection or acquisition policies, procedures, and programs; and other such matters as may be necessary to fulfill the purposes of Conservation Collier. However, the goals and primary criteria of Conservation Collier may not be modified except by countywide referendum vote.

c. The Land Acquisition Advisory Committee shall have no power or authority to commit Collier County to any policies, to incur any financial obligations or to create any liability on the part of the County. The actions and recommendations of the Land Acquisition Advisory Committee are advisory only and shall not be binding upon the County unless approved or adopted by the Board of County Commissioners.

d. At such time as there are insufficient uncommitted funds in the Conservation Collier Acquisition Trust Fund to conclude another acquisition and all acquisition projects have been closed, the Land Acquisition Advisory Committee shall report to the County Commission that its business is concluded. All remaining Conservation Collier Acquisition Trust Fund monies shall then be transferred to the Conservation Collier Management Trust Fund.

7. Review of the Land Acquisition Advisory Committee: The Land Acquisition Advisory Committee shall be reviewed by the Board of County Commissioners every four years in accordance with the provisions of Section Nine of Collier County Ordinance No. 2001-55, as amended.

**SECTION 9 - Property Eligible for Acquisition and Management:**

1. Properties eligible to be considered for acquisition and management under Conservation Collier shall be only environmentally sensitive lands available from willing and voluntary participants.

2. Acquisition of property shall not be constrained based on the immediate availability of management money.

3. Any environmentally sensitive land not on the acquisition list which is offered for conveyance or donation to Collier County and is proposed for management by Conservation Collier shall be evaluated as provided for herein below and may only be accepted and approved for management by the Board of County Commissioners.

**SECTION 10 - Criteria for Evaluating Lands for Acquisition and Management:**

1. The evaluation of each acquisition proposal shall be based on satisfying at least two of the initial screening criteria below. Qualified sites shall then be further prioritized by secondary evaluative criteria listed below under Section 2. The initial screening criteria are:

a. Land with the most rare, unique and endangered habitats found in Collier County, order of preference: tropical hardwood hammocks, xeric oak scrub, coastal strand, native beach, xeric pine, riverine oak, high marsh (saline), tidal freshwater marsh, other native habitats.

b. Lands offering the best human social values, including equitable geographic distribution, appropriate access for natural resource-based recreation, and enhancement of the aesthetic setting of Collier County.

c. Land which protects the most water resource values, including aquifer recharge, water quality, wetland dependant species habitat, and flood control.

d. Land containing the most biological value, including biodiversity, listed species habitat, connectivity, restoration potential, and ecological quality.

e. Land which enhances and/or protects the environmental value of current conservation lands through function as a buffer, ecological link, or habitat corridor.

f. Any qualified land which meets at least two of the above criteria, and has matching funds available and/or which Conservation Collier funds availability would leverage a significantly higher funding rank in another acquisition program. ~~Without such funding circumstances, Conservation Collier funds shall not be available for projects within the jurisdiction of another agency's acquisition boundaries.~~

2. Those proposed acquisition proposals which are initially qualified under the screening criteria shall be evaluated and ranked by the staff and Land Acquisition Advisory Committee using Secondary Ranking Criteria based on site visit information which confirms or refutes the initial screening criteria evaluation, and based on comparative size (to prefer larger of similar parcels), vulnerability to destruction (to prefer most threatened of qualified parcels), overall resource ecological quality (to prefer highest quality of similar parcels) and the estimated feasibility and costs of management (to prefer most manageable parcels).

3. The Board of County Commissioners hereby shall approve and make a part hereof the attached initial list of Target Protection Areas within which are located specific sites which generally satisfy the initial screening criteria and meet the goals of Conservation Collier. Inclusion on this list is not a guarantee of any specific purchase. All specific proposals will be evaluated and ranked by staff and the Land Acquisition Advisory Committee for a recommendation of approval to the Board of County Commissioners.

In accordance with the goals, policies and procedures of this Conservation Collier Implementation Ordinance, the following list is the first Target Protection Areas adopted for consideration by the Land Acquisition Advisory Committee, County Staff and the Board of County Commissioners.

a. All designated Urban lands on the Future Land Use Map of the Collier County Growth Management Plan with predominantly native vegetative cover.

~~1. All Collier County Natural Resource Protection Areas and Sensitive Lands, as shown on the Future Land Use Map of the Collier County Growth Management Plan.~~

- b. All undeveloped lands with predominately native vegetative cover in the Northern Golden Gate Estates, as shown on the Future Land Use Map of the Collier County Growth Management Plan.
  - c. The Flow-way and Habitat Stewardship Areas as depicted on the Future Land Use Map of the Collier County Growth Management Plan.
4. The County Manager shall prepare and periodically update for presentation to the Board of County Commissioners, a Conservation Collier Program Manual, developed by staff and the Land Acquisition Advisory Committee, which, upon approval by the Board of County Commissioners, shall be used as a guide for implementing the provisions of this ordinance, and shall also include the initial and secondary criteria listed herein above for evaluating Conservation Collier Acquisition Proposals. Commencement of the acquisition and management program shall be immediate upon approval by the Board of County Commissioners, passage of the referendum and appointment of the Land Acquisition Advisory Committee, even if the manual has not been completed.

#### **SECTION 11 – Acquisition List:**

The overall Conservation Collier Acquisition List shall consist of two specific lists: the Target Protection Areas List and the Active Acquisition List. The Land Acquisition Advisory Committee and Board of County Commissioners shall approve both in accordance with the procedures set forth below:

1. The Target Protection Areas List shall consist of lands representing the highest natural resource values (such as Natural Resource Protection Areas), but generally not specific parcels, and is initially approved by the Board of County Commissioners and updated periodically by the Board of County Commissioners and Land Acquisition Advisory Committee. It is established and updated in accordance with Conservation Collier goals, procedures and criteria.
2. The Active Acquisition List shall consist of criteria-qualified sites that have been selected from Target Protection Areas, as well as qualified acquisition proposals submitted to the Land Acquisition Advisory Committee by the public, all of which have ~~received positive responses~~ had applications submitted by from property owners. The Active Acquisition List shall separate proposals into three (3) categories, A (pursue acquisition), B (hold for re-ranking in the next cycle), and C (no interest in acquiring). The A-category parcels/projects shall be further categorized as 1 (high priority), 2 (medium priority) and 3 (low priority), in order to give County

staff direction as to priority for acquisition tasks. The Active Acquisition List shall be updated periodically according to Conservation Collier procedures and criteria. Site acquisition proposals that receive the highest evaluations pursuant to the Conservation Collier criteria and for which acquisition is feasible will be placed on this list, pending recommendation approval by the Land Acquisition Advisory Committee and approval by the Board of County Commissioners.

3. Once approved by the Board of County Commissioners, the County shall actively pursue acquisition of A-category projects on the Active Acquisition List. All sites shall be pursued on a voluntary “willing participant” basis only, without the use of the County’s eminent domain powers.

4. Projects will only be removed from the Active Acquisition List by successful purchase of the site, approval of the next succeeding list, withdrawal of positive interest by the property owner, or by resolution of the Board of County Commissioners. Projects removed may still be considered at a later time.

**SECTION 12 – Nomination of acquisition proposals and candidate sites:**

1. Nominations for the Conservation Collier Program may be made by any person or organization, including Collier County, regional, State or Federal agencies, by contacting program staff in writing and providing positive identification of the parcel/project through a map or folio number(s). Staff will send an inquiry to the owner in the form of an interest letter advising of the nomination and asking if the owner wishes to submit an application for consideration to the Conservation Collier Program.

2. An owner may nominate his or her own property by submitting an application.

3. County staff will send letters of interest to property owners within Target Protection Areas as directed by the Land Acquisition Advisory Committee asking if the owner wishes to submit an application for consideration to the Conservation Collier Program.

4. An application submitted by the property owner to the County Manager or his designee shall be evidence of a willing seller.

5. While p

~~1. Specific site consideration will be given to all individual properties which lie within the Target Protection Areas List and which have generated a positive interest response to a letter of acquisition inquiry sent by the County or county designated contact.~~

2. ~~Public and landowner applications nominating properties for acquisition may be submitted at any time, during or after the first annual public solicitation meeting (described below), applications shall be gathered and evaluated within the framework of an acquisition cycle, which time frame shall be publicly announced. by any person or organization, including Collier County, regional, State or Federal agencies.~~

3. ~~All nominations shall be made by filing an application with the County Manager or his designee, which will then be forwarded to designated staff and the Land Acquisition Advisory Committee for review.~~

4. 6. There will be an annual public meeting for the purpose of updating the Board of County Commissioners and the public and for soliciting proposals and applications. The first such meeting will take place at the end of the first year of implementation of Conservation Collier.

5. 7. ~~If the applicant has an ownership interest in any real property covered by an application for proposed acquisition, such Owner interest shall be disclosed in applications in the same manner as required of zoning applicants by the Collier County Land Development Code. This shall not apply to governmental applicants.~~

6. ~~If the applicant does not have an ownership interest in the real property covered by an application or if the applicant is a governmental agency, the name and address of the owner as listed in the Property Appraiser's records shall be provided with the application.~~

**SECTION 13 – Procedure for selection of acquisition proposals for placement on the Active Acquisition List and Subsequent Purchase Procedures:**

1. Acquisition proposals for which applications have been received shall be prescreened using the initial screening criteria. Those that satisfy two (2) out of six (6) of the Initial Screening Criteria shall be forwarded to the Land Acquisition Advisory Committee for a vote for a complete evaluation.

1. ~~Upon approval of the referendum and subsequently with each update of the Target Protection Areas list, county staff will send letters of inquiry to all property owners within these Target Protection Areas. Positive responses will be forwarded to designated staff for preliminary review, using the initial screening criteria.~~

~~2. After the first annual public solicitation of nominations, landowner and publicly nominated projects will be forwarded first to county staff for the mailing of inquiry letters. Designated staff using the initial screening criteria will review all positive responses.~~

~~3.2. Acquisition proposals which do not satisfy the initial screening criteria or which satisfy initial screening criteria but for other reasons Nominated properties that may not fulfill the purposes of Conservation Collier or do not satisfy the initial criteria will be reported to the Land Acquisition Advisory Committee and shall not be evaluated further unless at least five [5] members of the Land Acquisition Advisory Committee vote for a complete evaluation.~~

~~4.3. Proposals which satisfy the initial screening will be further evaluated for presentation are forwarded to the Land Acquisition Advisory Committee and staff for secondary criteria review and ranking. Staff shall Evaluation shall include a site visit, which staff shall coordinate with the property owner, and which may include one Advisory Committee member, review of information about the parcel(s) available in the County's electronic databases and research into any other records retained by the County about the parcel(s). Using both observed and gathered data, staff shall prepare an Initial Criteria Screening Report (ICSR) which will include send along with each proposal: boundary and location maps for each site, descriptions of the biological and hydrological characteristics, including initial criteria satisfied, a summary of its potential for appropriate use, development potential of the site and adjacent land, an assessment of the management needs and costs, the assessed and estimated value, and any potentially available matching funds. This acquisition proposal information shall be the Initial Criteria Screening Report.~~

~~5.4. Upon completion of the InitialCriteriaScreeningReport ISCR, the Land Acquisition Advisory Committee shall hold a public hearing to consider the recommendations for presentation of information contained in the ICSR regarding each site, the applicants' and/or landowners' comments, and comments from the public. A courtesy notice shall be provided to the owners of properties which are the subject of the hearing, although failure to notify said owners shall not invalidate these proceedings.~~

~~5. After all properties within the current acquisition cycle have been presented, tThe Land Acquisition Advisory Committee shall evaluate all qualified proposals using the secondary ranking criteria, as documented in the ICSR Initial Criteria Screening Report along with, and public comments, and their own experience and judgments, and then rank the parcels according~~



to the A, B and C ranking categories to create a recommended ~~propose top ranked proposals for~~ the Active Acquisition List at ~~this~~ a public hearing. ~~Subsequent~~ Additional meetings may be called to complete this task.

~~6. County staff shall coordinate initial site visits with Land Acquisition Advisory Committee and interested landowners of top ranked proposals that are proposed for the Active Acquisition List. Staff shall write Site Visit Reports regarding all initial site visits.~~

~~7. Upon completion of the staff's initial site visit reports, the Land Acquisition Advisory Committee shall convene a public hearing to recommend additions to, and approve the Active Acquisition List for submittal to the Board of County Commissioners. Coordination will be made with any potential matching funds entities, as necessary.~~

~~8. 6. The recommended Active Acquisition List shall be forwarded to the Board of County Commissioners, who, in a public meeting, shall vote on whether to approve all or part of the proposed Active Acquisition List. Properties may be added but any additional properties must be subjected to the entire evaluation process.~~

~~7. County Staff shall notify property owners and the public of the final approved Active Acquisition List. and any additions that may be added to it. Additions may be added but any additional properties must be subjected to the entire evaluation process.~~

~~8. After approval of the Active Acquisition List, Real Estate Services staff will arrange for appraisals for A-category parcels/projects and when appraisals are received make an offer to the owner(s) pursuant to the approved Conservation Collier Land Acquisition Purchase Policy (Resolution No. 2003-195, or as superseded). Parcels located within the Rural Fringe Mixed Use District "Sending" lands are subject to additional requirements regarding Transfer of Development Rights (TDR) credits, as specified in the Conservation Collier Land Acquisition Purchase Policy, Resolution 2003-195, or as superseded. the Board of County Commissioners will direct Once an offer is accepted, Real Estate Services staff will prepare a contract and request the owner sign. This signed contract will be presented to the Land Acquisition Advisory Committee at a public meeting to decide, by majority vote, whether to recommend approval of the contract to the Board of County Commissioners. Along with the contract, staff will provide willto prepare a Project Design Report for each parcel/project, including cost, appraisals, title research, history ,and purpose of project, and program qualifications.~~

9. After obtaining a recommendation from the Land Acquisition Advisory Committee, the contract, Project Design Report and Land Acquisition Advisory Committee recommendation will be presented to the Board of County Commissioners at a public hearing for their review and approval.

~~9. Upon completion of the Project Design Reports, the Land Acquisition Advisory Committee shall hold a second public meeting to decide, by majority vote, which projects are recommended to proceed to negotiations.~~

10. The Board of County Commissioners shall have final approval authority for after approval of the Active Acquisition List and the Land Acquisition Committee's recommendations for negotiations, will instruct County staff to negotiate for purchase for each listed project, with optional use of a third party non profit organization negotiator, as authorized by the Board of County Commissioners.

~~11. Upon successful completion of negotiations, County staff will present to the Land Acquisition Advisory Committee the proposed contract terms for the committee's review and recommendations. County staff will forward the recommendations of the Land Acquisition Advisory Committee to the Board of County Commissioners for contracts recommended for approval and for contracts that should not proceed as negotiated.~~

~~12. The Board of County Commissioners shall approve the contract terms for each proposed project and shall authorize any and all purchases.~~

11. Once a contract has been approved and executed by the Board of County Commissioners in accordance with County policies, Real Estate Services shall proceed close on the purchase of property in accordance with County policies.

#### **SECTION 14 - Management plans and use of environmentally sensitive lands:**

1. No later than ~~s~~Sixty [60] days from the date of acquisition, an interim management plan for any property acquired shall be submitted by County staff to the Land Acquisition Advisory Committee for approval. Upon approval, the plan shall be submitted to the Board of County Commissioners for final approval and shall be implemented by the County Manager pursuant to the Board's direction. Any such interim management plan(s) shall not be implemented for more than two (2) years after acquisition of the property, prior to the expiration of two [2] years, either a new management plan shall be implemented or, by affirmative action of the Board, the interim plan shall continue.

2. A final management plan, with required review and updating every ten years, shall be prepared, with review and input of the Land Acquisition Advisory Committee, for each property acquired by Conservation Collier which shall:
  - (a) Identify such management activities as are necessary to preserve, enhance, restore, conserve, maintain, or monitor the resource, as appropriate; and
  - (b) Identify such uses as are consistent with the preservation, enhancement, restoration, conservation, and maintenance of the resource; and
  - (c) Estimate the annual costs of managing the project.
3. Annually, the ten-year management plans prepared during the preceding year shall be submitted to the Board of County Commissioners for its approval. Each ten-year management plan shall be updated at least every five (5) years from the last date of Board approval, and may be amended as often as required. Management plan updates and amendments shall be reviewed by the Land Acquisition Advisory Committee for their input and recommendations and then submitted to the Board of County Commissioners for approval.
4. All management plans shall be consistent with the purposes set forth herein. All properties acquired or managed through Conservation Collier shall be managed in accordance with the approved management plan for that property.
5. No use, infrastructure, or improvement shall be permitted on any property acquired or managed under Conservation Collier that is inconsistent with the purposes of the program or that is not provided by an approved management plan for the property.
6. The County will seek cooperative management arrangements with other agencies and entities, in keeping with the approved management plans and goals of Conservation Collier.
7. Purchasing land using Conservation Collier program funds permanently extinguishes all development rights except those strictly compatible with the purposes and goals of Conservation Collier, unless such lands are exchanged for similar lands within and between multi-parcel projects that have been previously recommended by the Conservation Collier Land Acquisition Advisory Committee and approved by the Board of County Commissioners in accordance with the goals and purposes of the Program (Staff). Unless such lands are exchanged for similar lands within a single multi-parcel project that has been previously recommended by the Conservation Collier Land Acquisition Advisory Committee and approved by the Board of County Commissioners in accordance with the goals and purposes of the Program (CCLAAC). In case

of these land exchanges, development rights are restored to those properties exchanged out of County ownership.

8. Public access is an important element of management and this Program. Examples of permitted uses, subject to compatibility with specific parcels, include: hiking, nature photography, bird watching, kayaking, canoeing, swimming, hunting and fishing. The program will also make the acquired sites available, with minimal risk to the environmental integrity of the site, to educate Collier County's school-age population and the general public about the uniqueness and importance of Collier County's subtropical ecosystems and natural communities.

**SECTION 15 - Responsibilities of the County Manager:**

The County Manager shall facilitate such activities, designate such staff, and assign such responsibilities as are necessary to fulfill the purposes of this Ordinance. ~~chapter. The manager shall, at a minimum, do the following:~~

- ~~1. Designate staff to evaluate acquisition proposals in accordance with the approved criteria and prepare and implement project management plans.~~
- ~~2. Make recommendations to the Land Acquisition Advisory Committee on acquisition proposals.~~
- ~~3. Designate a negotiation resource committee to develop negotiation strategies for approved acquisition projects, to monitor negotiations, and to assist in coordinating all activities relating to negotiations, purchase agreements and closings, as needed. The Negotiation Resource Committee shall include at least one (1) representative from the Real Property Department, the Environmental Services Department, the Department of Facilities Management, the Parks and Recreation Department, and the County Attorney.~~

**SECTION 16 – Sunset of the Conservation Collier Ad Valorem Tax:**

1. The Conservation Collier special tax revenue will sunset after 10 (ten) years, unless reauthorized through similar voter referendum approval.
2. The Management Trust Fund continues in perpetuity, as long as Conservation Collier lands remain in county hands.

**SECTION 17 - Inclusion in the Code of Laws and Ordinances:**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or

re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**SECTION 18 - Conflict and Severability:**

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

**SECTION 19 – Effective Date:**

This Ordinance shall take effect only upon the passage of the November 5, 2002 referendum levying up to 0.25 mills of ad valorem taxes for a period of ten (10) years to fund the acquisition of environmentally sensitive lands and its being filed with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this \_\_\_\_ day of \_\_\_\_\_, 2007 ~~2002~~.

Attest:  
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

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

By: \_\_\_\_\_  
JAMES N. COLETTA, Chairman

Approved as to Form and Legal Sufficiency:

\_\_\_\_\_  
Jennifer A. Belpedio, Assistant County Attorney

~~Jacqueline Hubbard Robinson~~  
~~Assistant County Attorney~~ 04-000-01129/144