

**JOINT MEETING: BOARD OF COUNTY COMMISSIONERS AND MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS**

**1. CALL TO ORDER:** January 21, 2003, at 10:00 a.m., in the Jupiter Community Center Auditorium, Palm Beach County, Florida.

**1.A. ROLL CALL**

**MEMBERS AND OFFICERS PRESENT:**

Chair Karen T. Marcus  
Vice-Chair Tony Masilotti - Absent  
Commissioner Burt Aaronson  
Commissioner Addie L. Greene  
Commissioner Jeff Koons  
Commissioner Mary McCarty  
Commissioner Warren H. Newell  
Deputy County Administrator Verdenia C. Baker  
County Attorney Denise Dytrych  
Deputy Clerk Judith Crosbie

**MARTIN COUNTY BOARD MEMBERS AND OFFICERS PRESENT:**

Chair Michael DiTerlizzi  
Vice-Chair Doug Smith  
Commissioner Sarah Heard  
Commissioner Susan L. Valliere  
Commissioner Lee Weberman  
County Administrator Russ Blackburn  
County Attorney Stephen Fry

**1.B. PLEDGE OF ALLEGIANCE**

**1.C. INTRODUCTION**

**2. ITEMS FOR DISCUSSION**

(CLERK'S NOTE: Items 2.F. and 2.G. were discussed together as the first item.)

**2.F.**

TRI-RAIL EXPANSION. DISCUSSED WITH DIRECTION 1-21-2003

**2.G.**

REGIONAL TRANSIT ORGANIZATION. DISCUSSED WITH DIRECTION 1-21-2003

James Cummings, a member of the Tri-County Community Rail Organization (Tri-Rail) Board and of the Regional Business Alliance (RBA), briefed the boards as follows:

- \* After attending a seminar in Broward County about eight months ago to review the status of South Florida, the RBA decided that transportation issues needed to be addressed and resolved immediately.
- \* A continuous stream of traffic was always present on Miami-Dade County and Broward County roadways regardless of how early in the day.

## 2.F. AND 2.G. - CONTINUED

- \* The problem cannot be fixed without federal funding.
- \* The cost would be about \$6 billion according to the tri-county Municipal Planning Organization. This amount was estimated as its transportation need over the next few years.
- \* If transportation issues were addressed now, it would take about 10-12 years to resolve the situation, and it would be more beneficial if the fifth largest urbanized area in the country--Miami-Dade, Broward and Palm Beach counties--form a regional transportation authority and support revision of Florida Statutes Chapter 343.51-343.57, the creation of a tri-county commuter rail authority.
- \* Revisions would have to pass the Florida Legislature this session because in December 2003, the federal transportation act will be reauthorized, as it is every six years.
- \* About \$35 billion-\$40 billion was now in reserve and would be doled out to the states to resolve transportation needs.
- \* If the bid for funding was approved in this distribution, it would take six years to design a network and another six years to build it.
- \* In an attempt to get funding from the federal government, an organized program, such as Tri-Rail, was needed. Tri-Rail had been functioning successfully since the 1980s.
- \* A dedicated funding source was also needed to entice federal monies. The Florida Legislature had taken a position against new taxes. It had been suggested, however, that a \$2 fee be charged for each automobile registration to comply with F.S. Chapter 343. The increase would generate about \$8.3 billion.
- \* The tri-county legislative delegation support would be sought tomorrow in Tallahassee.
- \* There would be support for a regional transportation authority but republicans were hesitant to add any new taxes.
- \* RBA was after money that taxpayers already had paid out. The refund would help promote a transportation system that would work well in the tri-county area.
- \* Soon Martin and Monroe counties would experience transportation problems.
- \* The state owns the Seaboard Coastline Railroad (CSX) on which the Tri-County Commuter Rail Authority operates.
- \* That railroad veers to Pahokee upon reaching North Palm Beach.
- \* In order to facilitate service to Martin County, the authority needs to purchase the Florida East Coast Railway (FEC).
- \* Talks already had begun to purchase the FEC in Miami-Dade, Broward, and Palm Beach counties and to extend it to Martin County.

## 2.F. AND 2.G. - CONTINUED

- \* If the authority controlled both the FEC and CSX rails on both sides of the counties and used shuttle buses between them, more riders would be provided access to their businesses.
- \* Because of the critical time issue, the Florida Legislature must pass the revision to Chapter 343 of the Florida Statutes to create a regional transportation authority during this session.
- \* The support of the commissioners of Miami-Dade, Broward, Palm Beach, and Martin counties was vital.

Commissioner Smith said the Regional Transit Organization (RTO) had made presentations to other organizations within his county. Although the RTO suggested the commission delay any action on the issue at this time, his board was supportive and had received Senator Ken Pruitt's consent to cosponsor the bill, he continued. When it became appropriate for his county to participate, it would do so actively, he concluded.

Mr. Cummings said Monroe County commissioners were supportive of the issue. Mr. Cummings promised to send the commissioners a copy of the program outline through 2020.

Mr. Cummings said the nine-member RTO was made up of a commissioner, a business representative from each county, an appointee of the governor, a Florida Department of Transportation representative, and a member at large. He said the members worked well together and that each county received equal representation.

Commissioner McCarty said the full support of the local delegation would cause the leadership in Tallahassee to act favorably on the issue. She suggested the organization assure equal representation to each entity. She cited Tri-Rail management as a good example.

Commissioner Koons stated that the Palm Beach County-RTO main goal was to extend Tri-Rail services to Martin County. He said both counties should look at what could be done to leverage local dollars to make the connector between downtown West Palm Beach and Martin County.

Commissioner Aaronson said that the transportation issue was nonpolitical and that his commission and its delegation would make it a priority on Palm Beach County Day in Tallahassee. He said that he hoped every other county would do the same.

Mr. Cummings informed the commissioners that each county had signed resolutions supportive of his issue. He said the state representatives in the Interstate 4 corridor from Jacksonville to Tampa were trying to put together a similar package. He also pointed out that that area would be the first route of the bullet train, if it materialized, and that the same area was in competition with other areas of the state for funding. Commissioner DiTerlizzi interjected that the argument could be made that those counties could use the local program as a model.

Commissioner Marcus sought an update on the Tri-Rail five-year plan with anticipated service to Tequesta by 2006. Mr. Cummings stated that the program would be included in the double-tracking process. He said Mangonia Park residents were opposed to a terminal being placed in their community. Another location was being sought, and, service to northern Palm Beach County remained a priority. He said Tri-Rail had been running about 28 trains a day with one-hour headway but the goal was to achieve a 20-minute headway.

## 2.F. AND 2.G. - CONTINUED

Commissioner Marcus directed staff to:

- \* Write Tri-Rail Executive Director Joseph Giulietti and request a status report.

## 2.A.

### UPDATE ON THE SEAFARER PIPELINE SYSTEM (FORMALLY BAHAMA CAY): DISCUSSED WITH DIRECTION 1-21-2003

Ross Wilcox said he had been appointed by the Martin County Commission as its representative to coordinate the permitting process of the Seafarer Pipeline System (SPS). He briefed his audience as follows:

- \* Although additional information was requested from El Paso Corporation (EPC) regarding the Seafarer Pipeline System, minimal correspondence and activity had been provided.
- \* Gulfstream Natural Gas Company, an EPC subsidiary, had obtained permits and would enter through the northern part of the county above Lake Okeechobee.
- \* Although EPC claimed the need for a pipeline, additional information was needed before a determination could be reached.
- \* Safety, the impact of routing to wetlands, and native upland habitats were also issues.
- \* Issues had to be resolved to justify the proposed route from the Bahamas into the Port of Palm Beach up State Road 710 to Martin County's Florida Power & Light Company (FPL) site.

Commissioner Marcus further outlined the path of the pipeline. She said it would begin in the Bahamas to the intra-coastal waterway, under Peanut Island to the Spoil islands, and to the Manatee viewing area, then under the FPL power lines through Riviera Beach and down State Road 710. The company would seek permission to survey the environmentally sensitive lands and ultimately bury the pipes there. She asked Fire-Rescue staff to address safety issues regarding Peanut Island.

Environmental Resources Management Director Richard E. Walesky stated that:

- \* The Palm Beach commissioners were studying the issue and had not yet taken any position.
- \* The 41-mile connect to the Martin County facility consisted of pipes 26 inches in diameter. Nine of the 41 miles would cross through Palm Beach County (PBC) natural areas such as the Pal-Mar Natural Area, Loxahatchee Slough Natural Area, Hungryland Slough Natural Area, and also through the North County General Aviation Airport.
- \* The county conservation partners would be included in any final decisions.
- \* A 50-foot-wide permanent right-of-way was required. Staff suggested the Florida Department of Transportation (FDOT) right-of-way along the Bee Line Highway (SR 710) be considered for placement of the pipeline.

## 2.A. - CONTINUED

- \* An application had not been filed with the Federal Energy Regulatory Commission (FERC) but may be filed in March 2003 or later.
- \* The county would suffer some saltwater marine-related impact offshore.

Commissioner McCarty said she had discussions with the Florida Department of Environmental Protection (DEP) and the representatives did not anticipate the company complying with the need issues and considered the pipeline from the west coast to be adequate. He said DEP would be fighting against it because of the proposed route and environmental impact.

In response to Commissioner Marcus, Mr. Walesky stated that the DEP role was unclear and that the issue was more of a federal project. He said once the application was submitted to the FERC, other agencies, including DEP, would be considered commenting agencies. All the agencies could challenge the process.

Commissioner DiTerlizzi informed his colleagues that Gulfstream Natural Gas Company had made presentations to his commission on several occasions and had held several public hearings. He said he was unaware of the company negotiating an agreement with FPL or any other energy providers. He suggested the commissioners take a proactive role in stating their objections to negative environmental impact and community health and safety issues. He said as safe as the company says the pipelines are, as the systems age, they will prove otherwise.

Commissioner Aaronson pointed out that the power and utility companies were bypassing the local governments and going directly to the federal government because those companies were confident that their requests would be approved at the higher level. He suggested the counties use their federal lobbyists to make their concerns known. He said the companies were not interested in the safety of the constituents, only in the profit they could make.

Commissioner Heard contended that:

- \* The boards knew nothing about safety, environmental damage, the business model, or the company's long-range plans.
- \* Questions abounded about El Paso Corporation's business practices because the FERC was examining a judge's ruling that the company cut natural gas supplies to California during its energy crisis last year.
- \* El Paso maintained that its product had to be sold before it would install pipelines but FPL claimed to have no contract with them. Florida will not necessarily be the beneficiary of the pipeline because it will be classified as a merchant-power plant that would allow the company to market the product anywhere.
- \* Regarding safety issues, El Paso claimed that its integrity program includes designing and installing pipes according to standards that did not exceed those set by industry and FDOT. Two years ago, a pipeline ruptured and killed 12 people in New Mexico. Nationally, between 1986 and 2002, there were 1,342 natural gas pipeline accidents in which 59 people were killed, and 224 injured with property damage totaling \$315 million.

## 2.A. - CONTINUED

- \* The proposed plant was to be built in the Bahamas to avoid environmental laws in the United States. The lands being traversed in the U.S. to place the pipeline were conservation lands that taxpayers paid to protect. The environmental impact assessment that had been given to the Bahamian government was produced by El Paso. The Bahamas could not fund its own assessment and therefore it was unable to get the information it needed to make a careful, critical decision about the impacts to its environment and to its economy.
- \* The amount of water that would be required per day for the plants was not revealed.
- \* She opposed the pipeline. The benefits to Martin and St. Lucie counties were shrouded in secrecy. Palm Beach and Martin counties were being asked to assume all the risks. Strong statements needed to be made to the federal, state, and Bahamian governments.

Commissioner Greene expressed concern about the path of the pipeline through densely populated areas. She echoed Commissioner Aaronson's comment to do whatever was necessary to prevent the line from being installed.

Commissioner Marcus suggested that each board adopt resolutions of opposition similar to that of Palm Beach Gardens. She asked Martin County commissioners to reconsider the team permitting participation it authorized.

Commissioner Marcus said DEP backed off from being partner with Palm Beach County on the Pal-Mar acquisition because of the pipeline issue. She recommended contacting DEP in an attempt to continue acquisition proceedings. Commissioner Marcus suggested the issue be discussed with Riviera Beach officials and with congressional delegations to arouse awareness. She said an active role might discourage El Paso from filing an application.

Commissioner DiTerlizzi said his board responded to team permitting with El Paso because the board wanted to be in the loop. He said the board's consensus now was one of opposition and that both counties should unite in their effort.

Commissioner Weberman suggested that staff prepare a resolution for both counties to approve jointly.

Commissioner DiTerlizzi suggested municipalities adopt resolutions similar to that of Palm Beach Gardens.

Commissioner Smith said that he wanted to be included in any and all discussion. Although he was supportive of the comments, the issue would not disappear because they did not approve of the idea, he contended. It was important for them to be at the table participating in discussions so that the comments can be heard whether they were bonding issues, safety concerns, or notifications, he concluded.

Commissioner Marcus stated that the Town of Palm Beach already had written to the federal government and asked to be notified of any activities.

## 2.A. - CONTINUED

Commissioner Aaronson suggested the chair authorize the lobbyist to work with congressional personnel in an attempt to defeat the issue. He recommended Martin County do the same.

Commissioner Newell said facts and proper documentation should be made available to support the argument if the issue was being opposed. He said he supported the resolution and that pertinent supporting information should be included in the document.

Commissioner McCarty pointed out that federal laws prohibit them from addressing safety issues when dealing with power lines. She said the same might apply to natural gas lines. She concurred with Commissioner Newell's statements and suggested the issue be handled in a methodical, fact-finding way of how the process works, who the decision makers were, and how they can be reached.

Commissioner Marcus said FPL should be informed that the counties were opposing the gas pipeline system and should be asked to work with the local governments. Commissioner McCarty stressed that focus should be placed on the need issue. Commissioner Koons suggested that staff be specific in drafting the resolution.

Both staffs were directed to:

- \* Draft a resolution with supporting documentation, including specifics regarding the needs issue, in opposition to the pipeline.
- \* Draft a letter to FPL from both local governments informing the company of the counties' opposition of the pipeline. Ask FPL to work with the local governments on the issue.
- \* Call DEP about the Pal-Mar acquisition issue.

Palm Beach County Fire Marshall Jim Sweat informed the boards that:

- \* The pipeline was not regulated by local code. County commissions adopt fire safety codes. Until the gas reaches a point of service, such as a valve or main, it does not fall within the county's jurisdiction.
- \* Maintenance over time was a serious concern, and if the pipeline became a reality, the agreement should address long-term maintenance.
- \* Because Peanut Island was isolated, the coast guard and private citizens were often relied on for fire-rescue efforts. It would be difficult to get equipment and personnel to contain a natural gas accident on Peanut Island.

Staff was further directed to:

- \* Draft a letter to the Port of Palm Beach informing its officials of the concerns.

## 2.B.

PALM BEACH COUNTY'S AGRICULTURAL RESERVE ACQUISITION PROGRAMS.  
DISCUSSED WITH DIRECTION 1-21-2003

Environmental Resources Management (ERM) Director Walesky divulged that:

## 2.B. - CONTINUED

- \* Palm Beach County commissioners started the Agricultural Reserve (Ag Reserve) Acquisition Program in 1980 with the Comprehensive Plan utilizing low density, clustering development, and transfer of development rights (TDR).
- \* The Ag Reserve was considered a sending area to allow TDRs to be used outside the sending area in an attempt to keep density low.
- \* In 1989, the Comprehensive Plan reduced the Ag Reserve from 20,000 acres to about 15,000 acres.
- \* The county tried the Purchase of Agricultural Conservation Easements (PACE) Program but it proved unsuccessful. Disputes were raised on value of properties when TDRs expired and agricultural property owners began to hold the land for future development.
- \* The board adopted a master plan for the Ag Reserve and included a recommendation to create a bond issue to buy land within the Ag Reserve. In 1999, the conservation land bond issue to set aside \$100 million to purchase land within the Ag Reserve was approved by over 67 percent of the voters.

Mr. Walesky said some basic facts were that:

- \* The Ag Reserve had a unique micro climate that allows winter vegetables to grow.
- \* Currently, 1,900 acres associated with seven transactions had been purchased for \$85,604,000. An additional 100 acres had been donated and a 79-acre parcel was under option contract.
- \* The county land was leased back to farmers for agricultural production and left as open space, used for water resources, or for habitat restoration.
- \* The county had partnered with the South Florida Water Management District (SFWMD) in the acquisition of properties in the Ag Reserve that were needed for projects in the Comprehensive Everglades Restoration Plan (CERP).
- \* The county had been working with the state to extend the East Everglades boundaries into part of the Ag Reserve for those properties to qualify for the Florida Forever Program.
- \* Issues raised were how much revenue could be generated over the long term, according to the Internal Revenue Service's guidelines, and how would the partnership with the Florida Forever Program work in terms of lease back.

Commissioner Aronson questioned Mr. Walesky's statistics as to the amount of acres acquired through the program.

Staff was directed to:

- \* Double-check the statistics and report the correct data to Martin County.



## 2.B. - CONTINUED

Commissioner Marcus pointed out that Palm Beach County was the only entity in Florida to enact an ag reserve program. The public was supportive of the program and it was successful, Commissioner Marcus continued. She encouraged Martin County commissioners to look at the model used and copy it if they had an area designated for such a program.

Commissioner Aaronson said the county would have taken about 4,000 acres out of development by the time money allotted for purchases was used.

Commissioner DiTerlizzi said his board had unanimously decided to work toward protecting their agricultural area in excess of 200,000 acres. He said they anticipated about 60-70 acres to be purchased for the CERP and a portion of the remaining acreage to be preserved with the remainder used for agriculture. He said they would be sure to keep the public in the loop with information.

Commissioner DiTerlizzi directed his staff to:

- \* Put the issue on the agenda.
- \* Obtain a copy of the Palm Beach County program and information.
- \* Learn about the pitfalls and the campaign used against Palm Beach County.

The following points were brought out during the discussion that ensued:

- \* The acquired land was agricultural. Properties not acquired had a development option to set aside 60 percent in preservation status with the 40 percent with the higher density to remain undeveloped.
- \* Some areas did not receive TDR. Other zones that received only TDR were developed.
- \* An identified problem was that the cities were not a part of the process.
- \* There may be legislative answers instead of floating a sales tax or bond in Martin County.
- \* Martin County should take a proactive step because the process was affordable now.
- \* Martin County would not rush into anything until its staff investigated how the wetland mitigation rule would protect the county.
- \* Martin County should put its development rights on the transportation corridors.

## 2.B. - CONTINUED

- \* Developers were buying properties in Palm Beach County under the Ag Reserve process with prices being doubled every two years.
- \* Martin County should be aggressive in its preservation effort.
- \* If a bond issue was introduced, it should address not only environmentally sensitive lands but also water retention and storage areas.
- \* With the small ranches of about 20 acres, Martin County was looking at a tremendous burden to taxpayers caused by urban sprawl.
- \* The Martin County board did not have unanimous support on TDR. Protection of agriculture and environmentally sensitive lands and the desire to limit urban sprawl were factors on which they agreed. They hoped to move forward with information from other areas throughout the country with similar programs to preserve their open space.

Commissioner Marcus offered the assistance of ERM Director Welesky and Florida Real Estate Director Matthew Sexton for a workshop with Martin County commissioners.

## 2.C.

### ACQUISITION AND PRESERVATION ACTIONS TO INCREASE WATER FLOWS TO THE LOXAHATCHEE RIVER. DISCUSSED 1-21-2003

The following points were brought out during the discussion:

- \* Palm Beach County had moved aggressively to acquire and protect land within the Loxahatchee watershed to provide a water source to the river and to recharge the aquifer.
- \* Over 23,000 acres had been acquired within the watershed and those lands were being maintained in a conservation status. The county was also moving forward with restoration of those lands.
- \* The county was partnering with South Florida Water Management District (SFWMD) to rehydrate much of the land within the watershed that previously was drained by dikes and canals.
- \* The Department of Environmental Protection (DEP) and SFWMD held a visioning retreat in which Palm Beach County and Martin County participated.
- \* The Riverbend Park Hydrological Restoration Project was one of the big projects being worked on with the Parks and Recreation Department and SFWMD.
- \* The Loxahatchee Slough restoration was another big project. Palm Beach County owned about 11,000 acres.
- \* Both counties were working on the Cyprus Creek and Pal-Mar conservation lands that bordered the counties.
- \* The Loxahatchee River was being restored for it to be used as storage so that

water can be retained from the wet season.

## 2.C. - CONTINUED

Issues expressed were that:

- \* Funding was a concern for reservoir land acquisition.
- \* Minimum flows and levels implementation going through the SFWMD was also an issue.
- \* Additional development allowed in the watershed of the Loxahatchee River remained ongoing.

Martin County Deputy County Administrator Dan Hudson stated that:

- \* Martin County was partnering and cooperating with other entities on issues associated with the Loxahatchee River.
- \* Cypress Creek had 14,000 acres that were groves. It was considered a target area for restoration and conversion to water quality and potential water treatment areas. An intergovernmental team of agencies was being put together to partner on restoring the project. A \$500,000 grant was being sought through the Loxahatchee River preservation initiative and a similar amount from SFWMD.
- \* Restoration of the historic flows to the south was the goal for the Kitching Creek project. Martin County invested \$424,000 on a comprehensive basin study. Total restoration was estimated at \$7 million. The U.S. Army Corps of Engineers (ACOE) had been viewing the project favorably. The project could benefit from the ACOE-206 Appropriation Program of up to \$5 million.
- \* The Pal-Mar Natural Area was important to the hydrology of the area. Martin County in partnership with SFWMD had acquired 9,000 acres within the county boundaries and recently added another 400 acres as part of the Cypress Creek deal. Most of the larger acreage already had been purchased; a three-prong approach was being used to obtain smaller parcels, however. The tax certificate sale authority was being used and 250 acres were acquired through that process last year. Another 270 acres had been obtained through the voluntary sales program that had been taken back from the SFWMD.
- \* Negotiation had been underway with Hartsell Ranch for 2,000 acres of scattered parcels.

Commissioner Koons commented that Palm Beach and Martin counties had one of the most aggressive land-purchasing programs.

Commissioner Marcus said that after a meeting with SFWMD, she was pleased to know that the district was willing to take steps to do land acquisition for restoration purposes. Funds needed to be identified for the elevation of PGA Boulevard, Bee Line Highway, and Northlake Boulevard to comply with the restoration efforts, she stated. She mentioned that Congressmen Mark Foley and E. Clay Shaw showed interest in the issues.

## 2.D.

### OVERVIEW OF PALM BEACH COUNTY'S GREENWAY/OKEECHOBEE RING TRAIL PLAN. DISCUSSED WITH DIRECTION 1-21-2003

Commissioner Koons said he served on the Greenway Project. He encouraged his Martin County colleagues to join in on the project and assist in the final coordination. He suggested the designation from Lake Okeechobee to the Atlantic Ocean on the Florida Scenic Trail, which runs from Alabama to the Keys, should be explored because significant funding opportunities could be realized from the federal government. As an economical development strategy, the greenway should be considered an eco-tourism opportunity along with biking, equestrian activities, hiking, and canoeing. He suggested both counties coordinate and explore the opportunities.

Commissioner Smith endorsed the idea. He suggested both staffs get together and determine how best to merge the efforts without duplicating them.

Commissioner DiTerlizzi directed the Martin County staff to meet with its commission and discuss the opportunities. He invited Commissioner Koons to the meeting.

Environmental and Resources Management (ERM) Director Walesky said Jupiter Isle, which abuts the Palm Beach/County/Martin County line, had been trying to obtain development rights from the Town of Jupiter. Palm Beach County had been trying to get a corridor to connect the Jupiter Flatwoods Natural Area to the Loxahatchee River. The developer and both counties' staff were working in collaboration to make the connection, he concluded.

Commissioner Marcus urged the Martin County commission to assist the Town of Jupiter in its attempt to be certain that a true buffer was provided instead of a golf course to be used as such. Commissioner Marcus said the county offered to purchase a 300-foot buffer in order to make it a greenway corridor but the developer refused to sell and only offered 100 feet of property each to Palm Beach and Martin counties.

Commissioner DiTerlizzi directed his staff to research the issue. He commented that the developer most likely would seek approval from Martin County since abutting property was involved.

**RECESS: At 12:20 p.m., a brief recess was declared.**

**RECONVENE: AT 12:30 p.m., the meeting reconvened.**

## 2.D. - CONTINUED

Commissioner Koons said that:

- \* State funding would be looked at to complete the Lake Okeechobee Scenic Trail. It would be beneficial economically to cities in the south.
- \* Palm Beach County agreed to help other counties around the lake seek funding opportunities.
- \* The Florida Department of Transportation had contributed \$12.5 million; the Florida Department of Environmental Protection had not yet contributed, however.

## 2.E.

### POSITION ON SECURING JOINT TITLE TO PARCELS BOUGHT IN CONJUNCTION WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION. DISCUSSED WITH DIRECTION 1-21-2003

Martin County Deputy Administrator Hudson stated that the land funding program required the county to partner with other governmental agencies but until recently, the Florida Department of Environmental Protection (DEP), through the Florida Forever Program (FFP), chose not to share title with local governments. His board became interested in changing the rule to allow a long-term interest in ownership of property. The issue became apparent during the Cypress Creek acquisition and went through without DEP participation. The board had then placed the issue on the legislative agenda of requiring DEP to make provision for sharing ownership with local government. The Martin County legal department's opinion was that the issue might not need the legislative approach because the state has the authority to share title now. Martin County staff had been entertaining the idea to join with Palm Beach County and ask the governor's office to make the change if it has the authority, he concluded.

Environmental and Resources Management Director Walesky said Palm Beach County had been dealing with the share title issue for a long time. The county was the first to go to the Acquisition and Restoration Council (ARC) and attempt to get title on the Pal-Mar property. He said the county had also partnered with DEP under the FFP, previously called Preservation 2000 (P 2000), on three properties. He said it was a good partnership because land was being set aside in conservation, but in reality, the council obtained all the titles after the county paid one-half of the money toward the property. The county then leased back the property and managed it without any reimbursement.

Mr. Walesky also stated that when FFP was called P-2000, during the first 10-year cycle of the Land Acquisition and Management Council, the council prepared a white paper and recommended favorably that ARC share title. The governor's cabinet seemed to support the issue and directed the agencies to write rules of various circumstances that title could be shared. When the county attempted to share title regarding the Pal-Mar property, the agencies said there were no rules because acquisitions were handled on a case-by-case basis. The county did its own white paper and had appeared before the agencies several times over a two-year period. DEP decided not to share title with ARC support. Thus began a divided interest in title. The county owned one-half the title and managed the entire property. The issue was in the county's legislative package. The advantage of shared title was long-term protection and land use. It took two partners to decide land use change. Florida Community Trust allowed the county to keep title with a reverter clause to retrieve the land if it was mismanaged. Some state agencies were concerned that if the county shared title with them, the county may expect them to share management cost as well.

Commissioner DiTerlizzi said funding of maintenance costs was a big issue. Martin County Administrator Blackburn added that the item was also a part of the Martin County legislative program. He said the possibility of both counties approaching specific legislators together would be a way to jointly address the issue.

Commissioner Marcus said both counties' lobbyists could work together in coordinating the effort.

Mr. Walesky said an argument existed that stated that the law was already sufficient to allow for sharing of title; therefore the best approach was to take it directly to the governor and cabinet. Martin County Attorney Fry added that it was a legitimate option.

## 2.H.

## ARTICLE V. DISCUSSED 1-21-2003

Commissioner Marcus, current chair of the Florida Association of Counties (FAC), stated that:

- \* A meeting would be held in Tallahassee the following day with Senator Rod Smith, the Senate leadperson on the Article V issue.
- \* The issue is boiling down to where county resources could be used to fund Article V.
- \* The cost-shifting amount was unknown.
- \* The counties had been working on definitions with the Article V team. Present legislation did not mirror the Constitution Revision Commission language that was used on the ballot in 1998 that had specific language tailored for county and state.
- \* The FAC subcommittee would debate the issue and would know the cost shifts when the governor's budget was made public.
- \* Senator Smith contended that the state would not pay for Article V but that the counties would be made to fund the approximate budget of \$700 million - \$800 million.
- \* Representative Anna Holliday (Holly) Benson, the Article V chair from the House, had been supportive of the counties' position.
- \* Martin County should let taxpayers know, as Palm Beach County had done, that Article V would be supported by property taxes and not by the state sales tax.
- \* The Senate, including Senators Pruitt and James E. King, Jr., had been supportive but the House had been causing concerns.

Commissioner DiTerlizzi commented that he had seen the notification being sent with Palm Beach County Truth in Millage (TRIM) notice to property taxpayers. He said his staff was investigating the issue also and that he had been in contact with some of the legislative delegation to let them know that Martin County would let its citizens know from where the unfunded mandate came.

Commissioner Marcus said Representative Joe Negron, chair of the Appropriation of Justice Committee, played an important part in the issue. She encouraged the Martin County commissioners to discuss the issue when they visit with him next week.

## 2.J.

### LEGISLATIVE PRIORITIES. DISCUSSED 1-21-2003

Commissioner Newell said an addition to Palm Beach County priorities would probably affect Martin County as well. He recalled a motor vehicle accident at the county line that caused riders in the back of a pickup truck to be ejected and die. He said Palm Beach County was attempting to get the state law amended to allow local ordinances that would restrict unsecured riders in the back of those trucks. He said safety, health, and welfare were the driving factors. He encouraged Martin County to join in the endeavor.

In response to Commissioner Weberman about the Palm Beach County stand on private utilities taking over public utilities, Palm Beach County Director of Legislative Affairs Todd Bonlarron said his county had not addressed the issue. Commissioner DiTerlizzi informed the group that the Florida Association of Counties took a stand against Gulf Breeze and Wilton taking over Florida water. Commissioner Marcus offered assistance with similar issues of interest and importance to Martin County.

Commissioner DiTerlizzi listed his county's legislative issues in order of importance as follows:

- \* Article V
- \* The Everglades Restoration
- \* Revenue Sharing/State Unfunded Mandate
- \* Legislation that protects the existing funding levels of Preservation 2000 and Florida Forever Program
- \* Medicaid Shifts

Commissioner Marcus said Palm Beach County priorities were listed under the headings of appropriation, legislative, appropriation support issues, and legislative supportive issues.

In response to Commissioner DiTerlizzi about the dogfighting issue, Mr. Bonlarron explained that a provision in the state statutes stated a specific period when searches could be conducted. He said staff was seeking to have the specific language removed from the law.

Commissioner DiTerlizzi suggested that his board look at the issue and add it to their list. He said it could be beneficial to their community.

The following points were brought out:

- \* Martin County should use the Palm Beach County legislative program as an incentive to make theirs into a meaningful document.
- \* Palm Beach County would appreciate the support of Martin County in seeking legislation for traffic safety photo enforcement.
- \* Martin County would consider issues discussed at their meeting.
- \* Martin County installed cameras specifically for detection capability.



**2.K. UNSCHEDULED ITEM**

**2.K.1.**

LAKE WORTH LAGOON. DISCUSSED 1-21-2003

Commissioner Newell commented that the discharge of water into the St. Lucie and Calusahatchee rivers over the past weeks had affected the Lake Worth Lagoon in Palm Beach County as well. He said the U.S. Army Corp of Engineers (Corp) attempt to defray the discharge from Lake Tahoe was a worthwhile project but that the water was also causing damage to other environmental projects.

Commissioner Heard said a March 10, 2003, meeting to continue discussion regarding the item was scheduled. She stated that she had been advocating a public facilities amendment. She said the Lake Tahoe incident of the previous week was a perfect example. Although they had good intentions, the Corp, Florida Fish & Wildlife Conservation Commission, and South Florida Water Management District restoration efforts ruined county plans. There were no protections in the local laws to say those entities could not impact the counties negatively by doing restoration efforts upstream. An integrated connection needed to be established and the regulatory agencies should be made aware that they can not impact the eco-system, she said.

Commissioner DiTerlizzi said the counties should equally be blamed for the discharges and should share the responsibilities as they are being asked to share adversities. Enough water naturally should be held back to restore environmentally sensitive areas. If the counties hold back their 50 percent of the outflow into the estuaries, the state's releases may not be as detrimental to the water body, he said.

**2.K.2.**

INTER-COUNTY MEETINGS. DISCUSSED 1-21-2003

The following points were brought out:

- \* Both counties should meet at least twice a year.
- \* The Palm Beach County chair should invite Martin County to the Palm Beach County, Miami-Dade County and Broward County tri-county meetings.

**3. ADJOURNMENT**

**The meeting was adjourned at 1:30 p.m.**

ATTESTED:

APPROVED

Clerk

Chair