

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: February 24, 2009 Consent Regular
 Ordinance Public Hearing

Department

Submitted By: Environmental Resources Management

Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution that repeals Resolution 94-1051, which created the Natural Areas Management Advisory Committee (NAMAC), repeals amending Resolutions 95-1455, 99-1188 and 2003-0713, and recreates NAMAC as presently constituted, except for deleting the duties, functions and membership of NAMAC relating to the Public Lands Grant Program (Program).

Summary: The Resolution removes obsolete provisions of Resolution 94-1051, as amended by Resolutions 95-1455, 99-1188, and 2003-0713, and consolidates all necessary provisions into one Resolution. It also removes the requirement for and duties of the two representatives appointed by the League of Cities (seats 8 and 9), which are no longer needed due to the deletion of the Program from the Unified Land Development Code (ULDC); specifies that the representative of a local municipal government (seat 4) should be from a parks and recreation program; changes the requirement for a member of the Conservation Land Acquisition Selection Committee (CLASC) or its successor (seat 6) to a citizen position (since CLASC has sunsetted and no successor Land Acquisition Advisory Committee has been created); clarifies that the two citizen positions (seats 6 and 7) should be filled by citizens having an interest in the preservation and conservation of natural areas; makes minor clarifications to the duties and functions of NAMAC, including qualification of their duty to review and comment on management plans in accordance with the requirements of the Palm Beach County Natural Areas Ordinance (No. 94-12); provides for staff assistance to NAMAC; and removes language pertaining to policies and procedures that is already contained in other countywide resolutions. All current members in seats 1 through 7 are retained, with their term expiration dates unchanged. Countywide (SF)

(Continued on Page 3)

Attachments:

- Resolution

Recommended by: Richard E. Warkley 1/21/09
Department Director Date

Approved by: [Signature] 2/2/09
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT * <i>See below</i>	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____
Budget Account No.: Fund _____ Agency _____ Org. _____ Object _____
 Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact

* There is no fiscal impact associated with this item.

C. Department Fiscal Review: *JF*_____

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Administrator Comments:

<u><i>Jim Burt</i></u>	<u><i>1-27-09</i></u>	<u><i>Dr. J. Jacob</i></u>	<u><i>1/28/09</i></u>
OFMB <i>1/27/09</i>	<i>CV 1/23/08</i>	Contract Administrator	<i>E. Vender 1/28/09</i>

B. Legal Sufficiency:

Mark Toy
Assistant County Attorney

C. Other Department Review:

Department Director

(Continued from page 1)

Background and Justification: On August 16, 1994, the Board approved Resolution 94-1051, which created the seven-member NAMAC Committee and provided for membership requirements and terms, meetings and organization, and duties and functions. NAMAC's purpose was to review staff-developed management plans with a specific focus on public uses of the site, and to make recommendations to staff on possible changes with final approval by the Board. The duties of NAMAC included holding public hearings to solicit input from the public relating to the management plans, to review the results of ongoing monitoring of natural areas to determine whether management goals are being met, and to periodically review the management plans for possible modification. All members were to be appointed at large by the Board. The initial members were appointed on November 1, 1994. The Department of Environmental Resources Management provides staff support to NAMAC.

Resolution 94-1051 was amended on October 17, 1995 (R95-1455) to remove the need for citizen members to have expertise in ecology, conservation of natural resources, environmental land management, environmental education, or public recreation. It was amended again on July 13, 1999 (R99-1188) to allow seat 6 to be filled by one (1) member of the County's CLASC Committee or by a member of a BCC-appointed successor land acquisition advisory committee, or absent such a committee, a citizen interested in natural areas. CLASC sunsetted in 2007 and no successor land acquisition advisory committee was created. Therefore, the requirement for seat 6 in the proposed Resolution has been changed to a citizen interested in natural areas. The current member serving in that seat also served as a citizen representative on CLASC and therefore qualifies for continuation on NAMAC in seat 6.

Resolution 94-1051 was further amended on February 25, 2003 (R2003-0713) to add the duties of reviewing grant applications submitted by public entities to the Program and making recommendations to the Board for the selection of applications to be funded and to add two (2) temporary members (seats 8 and 9), appointed by the League of Cities, to sit as part of NAMAC at the annual meeting at which the applications were reviewed and the recommendations were made. On September 23, 2008 the BCC adopted Ordinance No. 2008-040, which revised the ULDC to eliminate the Program. Therefore, all provisions related to the Program, including seats 8 and 9 are no longer needed and have not been included in the proposed Resolution.

Provisions relating to current County conditions of appointment for advisory board members that are set forth in Resolution 95-1806 have been deleted. Provisions for technical and legal staff support to NAMAC, for public notice of field trips and public hearings, and for additional advisory committee duties have been added to be consistent with the current activities of NAMAC members and staff. The additional duties, which are currently performed by NAMAC, include review and comment on conceptual site plans prepared by staff as part of grant applications for acquisition and management funding, review of staff-proposed interim changes to management plans, and provision of recommendations to staff regarding policies related to the management of natural areas. The Resolution was reviewed by NAMAC at its December 19, 2008 meeting. All recommendations made by NAMAC at that meeting have been incorporated into the proposed Resolution.

RESOLUTION NO. R-2009-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CREATING THE NATURAL AREAS MANAGEMENT ADVISORY COMMITTEE; PROVIDING FOR MEMBERSHIP; PROVIDING FOR TERM AND REMOVAL; PROVIDING FOR MEETINGS AND ORGANIZATION; PROVIDING FOR DUTIES AND FUNCTIONS; PROVIDING THAT COMMITTEE ACTION IS ADVISORY ONLY; PROVIDING FOR ASSISTANCE TO THE COMMITTEE; PROVIDING FOR RATIFICATION; PROVIDING FOR REPEAL OF RESOLUTIONS 94-1051, 95-1455, 99-1188, AND 2003-0713.

WHEREAS, the Board of County Commissioners of Palm Beach County (the "Board") created the Natural Areas Management Advisory Committee by adoption of Resolution 94-1051, on August 16, 1994, to review and comment on management plans developed by staff for environmentally sensitive lands purchased or leased by the County and to hold public hearings on these plans prior to final adoption by the Board; and

WHEREAS, Resolution 94-1051 was amended by Resolutions 95-1455, 99-1188 and 2003-0713, and over the course of time certain portions of the Resolution and amendments have become obsolete; and

WHEREAS, the Board wishes to repeal the existing Resolutions pertaining to the Natural Areas Management Advisory Committee in order to remove obsolete provisions and to consolidate all necessary provisions into one Resolution.

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

Section 1. Creation. Upon adoption of this Resolution by the Board, there is created and established a committee to be known as the Palm Beach County Natural Areas Management Advisory Committee (the "Advisory Committee").

Section 2. Purpose. The purpose of the Advisory Committee is to review and comment on management plans developed by staff for natural areas and conservation lands managed by the Palm Beach County Department of Environmental Resources Management ("ERM"), with a specific focus on proposed public uses of these sites, and to make recommendations to staff on possible changes to each plan prior to making a recommendation to the Board on approval of the plan.

Section 3. Membership.

A. The Advisory Committee shall have seven (7) members who shall be appointed at large by the Board according to the provisions set forth herein. The composition of the Committee shall be as follows:

1. One (1) member with experience in the management of natural areas.
2. One (1) biological scientist.
3. One (1) professional educator with knowledge of South Florida ecosystems.
4. One (1) representative of a local municipal government parks and recreation program.
5. One (1) member of the Palm Beach County Parks and Recreation Department staff.
6. Two (2) citizens having an interest in preservation and conservation of natural areas.

B. Appointment of individuals to the Advisory Committee.

1. The Board, acting as a whole, shall appoint seven (7) individuals to fulfill the requirements of subparagraphs A.1-6 of this section.
2. The Board shall make its appointments from a list of nominees submitted by Board members or by ERM, which shall solicit nominees in order to fulfill the requirements of subparagraph A.1-6 of this section.
3. All members of the Advisory Committee except the citizen representatives shall have expertise in biology/ecology, conservation of natural resources, environmental education, environmental land management, or public recreation. Each nominee, except nominees for a citizen advisory position, shall submit to ERM written evidence of his or her expertise in any of the above.

C. All appointments except for a vacancy shall be for a term of three (3) years. A member appointed to fill the remaining term of a vacancy shall serve until the expiration of the unfulfilled term. No member shall be reappointed without approval by the Board at one of its regular meetings.

Section 4. Conditions of Appointment.

A. There shall be no limit on the number of terms that an individual may serve.

B. County employees shall not be appointed to the Advisory Committee, except that an employee of the School District of Palm Beach County may be appointed as a representative of the education community, as specified in subparagraph A.3. of Section 3 of this Resolution, and that an employee of the Palm Beach County Department of Parks and Recreation shall serve on the Advisory Committee, as specified in subparagraph A.5 of Section 3 of this Resolution.

C. An Advisory Committee member who is an employee of a local government shall not represent specific interests of the local government on Advisory Committee issues.

Section 5. Meetings and Organization.

A. The Advisory Committee shall establish a regular time and place to hold business meetings. Reasonable public notice of all Advisory Committee business meetings, field trips and public hearings shall be provided, and all such business meetings, field trips and public hearings shall be open to the public at all times and shall allow public comment.

B. A quorum must be present for the conduct of Advisory Committee business meetings. A majority of the members appointed shall constitute a quorum. All business meetings shall be governed by Robert's Rules of Order.

C. The Advisory Committee shall adopt any rules of organization and procedures that may be required. The Advisory Committee may elect a chairperson and vice chairperson, may establish subcommittees for specific subjects or tasks, and may invite participation in a subcommittee by nonmembers in order to obtain input from other sectors of the public interested in the management of natural areas and the duties of the Advisory Committee.

Section 6. Duties and Functions. The Advisory Committee shall have the following duties and functions:

A. To review and comment on initial and revised management plans developed by staff for natural areas and conservation lands managed by ERM, in accordance with the requirements of the Palm Beach County Natural Areas Ordinance (No. 94-13), as may be amended from time to time.

B. To hold a public hearing on each management plan, as required, to solicit input from the public.

C. To consider oral and written public comments at hearings and at Advisory Committee business meetings.

D. To make a recommendation to the Board regarding the approval of each management plan reviewed by the Advisory Committee.

E. To review and comment on conceptual site plans prepared by staff as part of grant applications for funding for acquisition and/or management of natural areas.

F. To review and comment on staff-proposed interim changes to management plans.

G. To review the results of ongoing monitoring of natural areas to determine whether management goals are being met.

H. To make recommendations to staff regarding policies related to the management of the natural areas.

I. To periodically review management plans for possible modification.

Section 7. Assistance to the Committee. The Advisory Committee may call upon any department or other agency of the County, regional, state, federal or local governments for information or advice in the performance of its work. Staff from ERM shall provide administrative support to the Advisory Committee. The County Attorney's Office shall act as legal counsel to the Advisory Committee at all its meetings and shall provide such legal advice and assistance as may be requested by the Advisory Committee.

Section 8. Committee Action Advisory Only. The actions, decisions and recommendations of the Advisory Committee are advisory only and shall not be binding on the Board or County staff.

Section 9. Ratification. Notwithstanding anything contained herein, this Resolution also hereby acknowledges, ratifies, and confirms all actions of the Advisory Committee known as the Natural Areas Management Advisory Committee as was previously approved and organized by the Board of County Commissioners prior to the formal adoption of this Resolution. This Resolution hereby acknowledges, ratifies, and confirms the appointment of each currently-serving member of the Advisory Committee appointed pursuant to Resolution 94-1051, as

amended, and each such member shall continue to serve on the Advisory Committee until such member's three (3)-year term under the previously existing Resolution 94-1051, as amended, expires.

Section 10. Severability. If any section, sentence, clause, phrase, or word of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holdings shall in no way affect the validity of the remaining portions of the Resolution.

Section 11. Repeal of Resolutions 94-1051, 95-1455, 99-1188 and 2003-0713.

This Resolution expressly repeals and supersedes Palm Beach County Resolutions 94-1051, 95-1455, 99-1188 and 2003-0713, except to the extent that certain actions taken thereunder are ratified as provided herein.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

District 1: Karen T. Marcus
District 2: John F. Koons
District 3: Shelley Vana
District 4:
District 5: Burt Aaronson
District 6: Jess R. Santamaria
District 7: Addie L. Greene

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2009.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK

By: _____
County Attorney

By: _____
Deputy Clerk