

COMMISSIONER SAUNDERS: Aye.

COMMISSIONER KOWAL: Aye.

CHAIRMAN LoCASTRO: Opposed?

(No response.)

CHAIRMAN LoCASTRO: It passes unanimously.

MS. PATTERSON: Okay. Ms. Patterson, I think we are moving to 12A.

Item #12A

RESOLUTION 2023-10: REPORT TO THE BOARD BY THE COUNTY ATTORNEY ON THE ISSUE OF PAYING FULL APPRAISED VALUE FOR CONSERVATION COLLIER PROPERTIES - MOTION TO APPROVE WITH THE CLARIFICATION OF THE LANGUAGE FOR PURCHASES NOT TO EXCEED APPRAISED VALUE BY COMMISSIONER HALL; SECONDED BY COMMISSIONER SAUNDERS – APPROVED

MS. PATTERSON: We're going to 12 -- yep. I'm sorry, 12A. This is a -- no, we're going to -- yeah, this is a report to the Board by the County Attorney on the issue of paying a full appraised value for Conservation Collier properties.

MR. KLATZKOW: Commissioner, at your last meeting, there was a Board discussion as to why are we paying full appraised value for these things. Can't we pay less? This is the report back to you saying that you do have a resolution that requires staff to offer the property at appraised value.

The Board has never weighed in on this policy as far as I can tell. You just -- I don't know if it was a staff initiative or CCLAC initiative, but it is a pure policy decision. Three votes, and you can change the policy.

January 10, 2023

I emailed you separately a proposed resolution which would do this, if that's what you wish to do today, or we can bring it back for a future meeting.

CHAIRMAN LoCASTRO: Commissioner Saunders.

COMMISSIONER SAUNDERS: Mr. Chairman, I think that what should have been intended, and certainly what I thought the rule was, is that the county could not pay more than the appraised value. And so I think the resolution of this should be to authorize payment not to exceed the appraised value. There are a couple different situations where you have two appraisals and possibly a third appraisal, and then you average some prices, but not to -- I think staff should be able to negotiate a lower price if there's some issues with the property that would warrant a lower price, but to say you have to offer the appraised value, I think, is not what -- I certainly wouldn't have intended that.

So I would suggest that the language -- the County Attorney come back with language that simply says that the County's not to pay more than the appraised value, and give staff the ability to negotiate, give us the ability to negotiate a lower price.

CHAIRMAN LoCASTRO: Commissioner McDaniel.

COMMISSIONER McDANIEL: Yeah, and I agree. I actually have notes on that that we should pay a negotiated price not to exceed the appraised price, so...

CHAIRMAN LoCASTRO: Commissioner Hall.

COMMISSIONER HALL: So I move to adopt the amended resolution that we all received that says the terminology that staff -- the offer price would be up to and not to exceed --

COMMISSIONER SAUNDERS: I'll second that.

COMMISSIONER HALL: -- the appraisal.

COMMISSIONER McDANIEL: We have public comment.

CHAIRMAN LoCASTRO: Yeah. I just -- I want to, just for

clarity, say what Commissioner Saunders said, and I look for your guidance on clarity, is I think the County Attorney gave us exactly what you said in his proposed agreement, which was the new language would be not to exceed, and the latitude we would have in there -- and maybe it could even -- you know, I wrote on the side here, is this as strong as it could be? Because I think, at least my hope was that by amending the language, it would give the latitude in those unique cases, and I gave an example of a landowner that owns a \$20 million house on a piece of property, then owns the lot right next to it that has some of those conservation type things on it, and the appraised value for that property comes in at \$5 million, but that's a unique circumstance where, yeah, we can just shut up and pay 5 million, and I bet, you know, he laughs all the way to the bank and says, thanks very much, and now I have a permanent park next to my house for the rest of eternity.

And I think in that particular case, that's where we go to the landowner and go, you're really benefiting from us having Conservation Collier buy this lot. You'll never have a house built here that will block your view, you'll never have a noisy neighbor and a whole bunch of other things. So in this particular case, although the appraised value is \$5 million, we'd like to negotiate what we think would be actual fair value because you benefit greatly from it.

And then the secondary positive effect of that, if we bought the lot at a cheaper rate, is it gives us money to possibly buy other lots because we're not overpaying for certain lots or just paying the appraised value. That was the example that I used. I think that's not going to be the norm, but I already know there are some cases where appraised value was paid, and the neighbors or the next-door neighbor owned that property and benefited forever from, you know, having a nice conservation lot and no blockage of their view and noisy neighbors and all those things and, yet, they got full market

value or appraised value where we probably could have -- I bet they would have paid a lot less, and we could have, you know, better utilized taxpayer dollars to buy more lots or just save more out of that Conservation Collier fund.

So I don't know if my colleagues think that the language in here -- I agree with the motion, that our County Attorney did change this language to make that adjustment, but is it strong enough in there to basically dictate that we're looking for the folks who manage this program in those unique cases to negotiate a bit more, and not just say, well, we didn't pay more than appraised value, but my argument would be, wow, but we could have paid so much less if you would have done a deep dive and realized we're paying the next-door neighbor for that lot.

I see we've got some public comment. Let's go to public comment, Mr. Miller.

MR. MILLER: We have one registered speaker today, sir, Brad Cornell.

MR. CORNELL: Good afternoon, Commissioners, Mr. Chair. Thank you for the opportunity to speak on this.

I'm Brad Cornell, and I'm here on behalf of Audubon Western Everglades and Audubon Florida that owns Corkscrew Swamp Sanctuary.

This is an important issue. And as the County Attorney said, you haven't had the chance to discuss the issue of negotiation versus straight-out offering the appraised value. The reason I'm here is to support the existing policy in your two versions of the resolutions that basically direct staff to offer appraised value, and the reason is, notwithstanding, Mr. Chair, what you just gave as an example of somebody owning a lot next door, that's a relatively rare circumstance. There is -- there's a couple of reasons that you want to consider. One is that when we look at urban lots, like on Marco

Island where something like you just described could occur, what we're looking for and the program directs and dictates is only conservation lots. So those conservation lots have listed species on them on Marco Island, for instance. Bald eagles' nests, gopher tortoises, lots of gopher tortoise, which are a threatened species. Burrowing owl, another threatened species. Those are the only lots that are being looked at Marco Island in urban areas. And previous boards have repeatedly asked Conservation Collier to prioritize urban areas where people live. When you do that, you're getting smaller parcels at a higher price. So we've got to recognize what the cost is for getting these urban conservation lots. Again, they are conservation lots for listed species.

The second thing is that we make people wait a really long time when they apply to sell to Conservation Collier. It's a long process. We're trying to speed that up. Your staff have come up with some good ideas, but it's still a long process. So it's, I think, a little unfair to want to go below the market price on a deal when we're asking them to wait a really long time, as long as a year sometimes, and that's been the standard. And so I'm not sure that's a fair thing.

And the third thing is to look at the market and, really, we have a real problem competing with the market. The market is very aggressive, as you all know, and so it's going to be difficult to find good conservation pieces when developers are going to be able to snap them up much faster at a higher price.

So for all those reasons, I think we need to look at keeping it as a very simple, straightforward offer the appraised value. It's fair right down the middle. If they say no, so be it. If they say yes, then it's fair. We're not being -- we're not being taken for a ride, as you might put it. I think it's -- I think it's definitely a fair way to do it.

Thank you.

CHAIRMAN LoCASTRO: So here's where I disagree with

you. It is a rare instance. I want verbiage in a document here that covers all instances. You know, I have a friend that's very environmentally conscious and had been sending me some notes in preparation for this thing. You know, we don't want to have so much latitude in the verbiage that we lose out on all these lots.

I think what Mr. Klatzkow wrote in here gives us latitude, but it doesn't mandate that we lowball everybody. And I would -- I think we have missed out on those rare -- and you're talking -- Brad, you're talking millions of dollars here. So you know what, if there was a rare instance every few years -- we sit in here sometimes for three hours talking about \$10,000 and should we spend it or not.

And I want verbiage that covers every instance, even the rare ones, but I think the folks that run this program are astute enough to make sure that if there is a lot that is so valuable from an environmental standpoint that we're going to lose out on it to a developer or we have somebody here that's not willing to negotiate, we wouldn't be as irresponsible enough to sit on this language and go, you know what, you know, he wouldn't -- we gave him a lowball, and he wouldn't take it so, you know, we lost the lot.

I think the default would always be we decide the priority, working with the team, of the lots and something that's on the Priority List A. I don't think that's where we save a nickel. But if -- but if it is one of those rare instances -- you know, much like when you, you know, buy a car -- I mean, if you want the Honda Civic, you know, then you want it, but you don't walk in and say, oh, I'll pay full price. You know, you offer \$5,000 less, then they say how about -- how about 3,000, you know, less, and then you come to an agreement.

I think we need to be smart businesspeople here at the county and stop just saying, well, here's the two bids, they're both overpriced but, you know, the verbiage says we have to do it. I think we need to start running this program a lot smarter.

Some of the conversation prior to this was that, you know, we weren't trying to lose out on -- we're trying to make this environmental program stronger, because the example I gave, it might be rare, but if the appraisal value was \$5 million on that lot next to Mr. Johnson who's going to benefit, and we tell him, hey, you know, you're going to benefit, why don't we split the difference, and we'll give you 2.5, and he says yes, guess what we get to do with that 2.5 we save? Buy something else that saves a lot that maybe you wouldn't have gotten because we ran out of money.

So I think this gives us a more dynamic approach, but it doesn't shoehorn us into looking for all of the cheap deals. I think the language Mr. Klatzkow put in gives us the latitude now in those rare instances. And some of those rare instances, you know, were million-dollar deals.

Commissioner McDaniel.

But thank you, and thank you for what you do. We're paddling in the same direction. You know I love you.

COMMISSIONER McDANIEL: Agreed.

It's not just the new properties that we have coming before us. This has been going on for quite some time. Our -- my -- our staff shared with me several instances in some of the previous purchases where there were opportunities of consideration of funds paid, terms negotiated. A perfect example in my world was the acquisition of the Pepper Ranch. We paid the appraised value on Pepper Ranch and let the property owners keep the credits that were generated in the RLSA, which they were allowed to sell off to another developer.

So I think this offers us an opportunity to negotiate. It doesn't preclude us from making purchases. The way I understand this is if -- you know, ultimately these offers are going to come to the Board irrespective, but we're going to have more information as to what has transpired in advance.

January 10, 2023

CHAIRMAN LoCASTRO: I don't see anybody else lit up. County Manager, why don't you read what we are about to vote on.

MS. PATTERSON: This was a report on -- I'm sorry, I just lost my place. Here we go. This is a report to the Board by the County Attorney on the issue of paying full appraised value for Conservation Collier properties. I know that County Attorney Klatzkow has provided you a resolution with the option to adopt that resolution or bring it back at a future date. So we'll leave that to the Board if you're satisfied with what he's prepared.

CHAIRMAN LoCASTRO: And what he put in here was very subtle. It crossed out just a few words and then added "shall be determined by the staff but shall be no more than the appraised value," and there was a couple of places where, you know, he made that annotation. So I don't know if any of the commissioners have a comment. It looks like Commissioner Saunders is about to hit -- go ahead, sir.

COMMISSIONER SAUNDERS: Yeah. Well, I would make the motion to approve the --

COMMISSIONER McDANIEL: It's already been done.

CHAIRMAN LoCASTRO: Yep, yep. I think we had a motion to approve and second, then we got into some conversation. So is there a change?

(No response.)

CHAIRMAN LoCASTRO: So we have a motion to approve. We have a second. All in favor?

COMMISSIONER HALL: Aye.

COMMISSIONER McDANIEL: Aye.

CHAIRMAN LoCASTRO: Aye.

COMMISSIONER SAUNDERS: Aye.

COMMISSIONER KOWAL: Aye.

CHAIRMAN LoCASTRO: Opposed?

(No response.)

CHAIRMAN LoCASTRO: It passes unanimously.

Okay. I think we're at the magic hour, right?

MS. PATTERSON: We are.

CHAIRMAN LoCASTRO: My calculations show that we would normally take a break here at 3:10. I think we're going to take the break now. I think it would give the Isles of Capri team that's here a chance to at least have the time to organize, reorganize, keep everything the same. It will give us a chance to sort of reset here, and let's come back here at -- I'm going to say 3:20. And the reason I'm giving some time, people are trying to use the bathroom as well. And so, you know, we're not normally set up for a full room. So let's resume at 3:20.

(A brief recess was had from 3:00 p.m. to 3:20 p.m.)

MS. PATTERSON: Chair, you have a live mic.

CHAIRMAN LoCASTRO: Okay. I'd ask everybody to take their seats, please. Thank you.

Okay. County Manager, I think we are moving into 9A, correct?

MS. PATTERSON: We are.

CHAIRMAN LoCASTRO: Okay. I'll turn it over to you. I know we've got this housekeeping business you're going to read, and we're going to swear people in before we got on to presentations.

Item #9A

ORDINANCE 2023-02: DENY AN ORDINANCE AMENDING ORDINANCE NUMBER 2004-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED