

From: Jeff Klatzkow <Jeff.Klatzkow@colliercountyfl.gov>
Subject: ARTICLE IX. - CONSERVATION COLLIER PROGRAM | Code of Ordinances | Collier County, FL
Date: September 27, 2023 at 8:53:45 AM EDT
To: Sandy Parker <sandy@sparkers-soapbox.com>
Cc: Rick LoCastro <Rick.LoCastro@colliercountyfl.gov>

I am bringing the attached proposed ordinance to the Board for their next meeting (October 10th).

Jeffrey A. Klatzkow
Collier County Attorney
(239) 252-2614

From: Sandy Parker <sandy@sparkers-soapbox.com>
Sent: Wednesday, September 27, 2023 8:36 AM
To: Rick LoCastro <Rick.LoCastro@colliercountyfl.gov>
Cc: Jeff Klatzkow <Jeff.Klatzkow@colliercountyfl.gov>
Subject: Re: ARTICLE IX. - CONSERVATION COLLIER PROGRAM | Code of Ordinances | Collier County, FL

EXTERNAL EMAIL: This email is from an external source. Confirm this is a trusted sender and use extreme caution when opening attachments or clicking links.

Thanks, Rick.
Jeff: time to talk today or tomorrow?
Sandy Parker

Sparker's Soapbox
Facilitating and encouraging
informed voting in Collier County
and throughout Florida
www.sparkers-soapbox.com

On Sep 27, 2023, at 8:28 AM, Rick LoCastro <Rick.LoCastro@colliercountyfl.gov> wrote:

Sandy

I've added our County Attorney to this email... You should converse with him.

...Rick

RICK LOCASTRO
Collier County Commissioner
District 1

ORDINANCE NO. 2023 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2002-63, AS AMENDED, THE CONSERVATION COLLIER IMPLEMENTATION ORDINANCE, TO PROVIDE FOR THE ABILITY TO TRANSFER FUNDS OUT OF THE CONSERVATION COLLIER MANAGEMENT TRUST FUND AND THE CONSERVATION COLLIER ACQUISITION TRUST FUND FOR ANY COUNTY PURPOSE DEEMED TO BE IN THE BEST INTEREST OF THE PUBLIC BY MAJORITY VOTE OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On December 3, 2002, the Board of County Commissioners (“Board”) adopted Ordinance No. 2002-63, establishing the Conservation Collier Program, which Ordinance has been amended from time to time; and

WHEREAS, the Board desires to further amend Ordinance 2002-63, as provided herein.

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

SECTION ONE: AMENDMENT TO SECTION 6 OF ORDINANCE NO. 2002-63, AS AMENDED.

Section 6 is hereby amended as follows:

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 Seventy-five percent (75%) of all revenues collected for Conservation Collier. This percentage shall be reviewed annually by the Board.
 - 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, and for any other County purpose deemed to be in the best interest of the public by majority vote of the Board of County Commissioners.
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 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, 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. Administrative costs shall be limited to the greatest extent possible.
 - d. Costs to acquire and dispose of real and personal property or any interest therein when 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.
 - e. Acquisitions consistent with Collier County Land Development Code and the Growth Management Plan.

f. 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.

g. 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.

h. 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.

i. 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.

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

1. The repayment of any loans to mortgage lenders or mortgage loans;
2. Any project;
3. 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.

k. To engage the services of private consultants on a contract basis for rendering professional and technical assistance and advice.

l. To identify parcels of land that would be appropriate acquisitions.

m. 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.

n. Funds may be transferred out of the Conservation Collier Acquisition Trust Fund for any other County purpose if found to be in the best interest of the public by majority vote of the Board of County Commissioners.

SECTION TWO: AMENDMENT TO SECTION 7 OF ORDINANCE NO. 2002-63, AS AMENDED.

Section 7 is hereby amended as follows:

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 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 and for any other County purpose deemed to be in the best interest of the public by majority vote of the Board of County Commissioners.

2. The Conservation Collier Management Trust Fund shall receive monies from the following sources:

a. Revenues collected for Conservation Collier in an amount no less than 25% percent 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.

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

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 and as approved by the Board of County Commissioners.

4. Funds may be transferred out of the Conservation Collier Management Trust Fund for any other County purpose if found to be in the best interest of the public by majority vote of the Board of County Commissioners.

SECTION THREE: 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.

