

ORDINANCE NO. 94- 40

AN ORDINANCE RELATED TO THE FUNDING OF THE ACQUISITION, MANAGEMENT AND RESTORATION OF ENVIRONMENTALLY SENSITIVE LANDS, WATER RESOURCES, AND IMPORTANT WILDLIFE HABITAT IN POLK COUNTY; DETERMINING TO LEVY, SUBJECT TO REFERENDUM HEREIN AUTHORIZED, POLK COUNTY AD VALOREM TAXES 0.2 MILL FOR A PERIOD OF TWENTY YEARS; PROVIDING FOR THE EXPENDITURE OF SAID AD VALOREM TAX REVENUES; PROVIDING FOR THE PLEDGE OF SAID REVENUES; PROVIDING FOR THE HOLDING OF A TAX REFERENDUM AND BALLOT QUESTION TO AUTHORIZE SAID LEVY ON NOVEMBER 8, 1994; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Polk County, a political subdivision of the State of Florida, as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known and may be cited as the "Polk County Environmental Lands Acquisition Ordinance."

SECTION 2: LEVY

Subject to the approval of a majority of those qualified electors of Polk County voting in the referendum hereinafter provided for, there is hereby levied and imposed a 0.2 mill ad valorem tax, for the purpose of paying the principal of, interest on and premium, if any, on bonds issued for the purpose of acquiring, preserving, protecting, managing to the extent allowed by law and restoring endangered and environmentally sensitive lands, water resources and important wildlife habitat. A Polk County Environmental Lands Trust Fund is hereby created and all funds collected under this levy will be placed in a trust fund to be used for purposes set forth in this Ordinance. Properties purchased through this Ordinance may be used for passive outdoor recreational purposes (such as but not limited to hiking, canoeing

or wildlife photography) provided that such uses will not disturb or degrade the environmental quality of the site and are compatible with and supportive of the stated purposes of the Ordinance. All territory within the incorporated and unincorporated areas of Polk County, Florida, shall be embraced under this Ordinance. Any property acquired pursuant to this Ordinance may be conveyed, in whole or part, to other public agencies for preservation, management, or recreation purposes provided that:

2.1 Such conveyance is done pursuant to a written agreement between the County and the public agency which will provide that any use of the property by such agency or any other subsequent public agency owner must be consistent with preserving, protecting, managing to the extent allowed by law or restoring the property, subject to the County having the right of first refusal if such other public agency to dispose of such property. Such management will be done only to the extent legally permissible.

2.2 Any proceeds received by the County from such conveyance shall be expended only to provide revenues for acquisition, preservation, and protection, management and restoration of endangered and environmentally sensitive lands, water resources and significant wildlife habitat.

2.3 Any property acquired pursuant to this Ordinance which is not conveyed to another public agency shall be held by Polk County for the purposes specified in Section 2.2 of this Ordinance.

SECTION 3: EXPENDITURES

The proceeds of the tax authorized in Section 2 of this Ordinance, as well as any interest or penalties thereon, shall be expended only to provide revenues for paying the principal of interest on and premium, if any, on bonds issued for the purpose of acquisition, preservation, protection, management and restoration of endangered and environmentally sensitive lands, water resources and important wildlife habitat. All lands purchased under this Ordinance must meet the Polk County Citizen Land Acquisition Selection Advisory Committee Evaluation Criteria as approved by the Board of County Commissioners as provided in Section 4. Site management may include security, exotic plant control, prescribed burning, development of public access, maintenance and restoration of natural systems. Emphasis will be placed on acquiring environmentally significant lands where other land acquisition programs will provide matching funds for the acquisition.

SECTION 4: EVALUATION CRITERIA

Environmentally sensitive lands are properties that contain traits that are significant to the ecosystem or are important to the preservation of water, wildlife and wilderness resources.

Nominations of environmentally sensitive lands will be periodically solicited by Polk County. Each proposal will undergo a preliminary site assessment by the County to ensure that the proposals meet the basic criteria of environmentally sensitive lands. The Citizen Land Acquisition Selection Advisory Committee (CLASAC) will rank each of the proposals according to the following

criteria on water, wildlife, and wilderness resources. Upon endorsement of the ranking by the Board of County Commissioners, County Staff will initiate acquiring the appropriate properties.

WILDERNESS RESOURCES

(1) UNIQUENESS AND LEVEL OF ENDANGERMENT

The site features one or more high quality, functioning ecosystem types or natural communities that is endangered at any of these levels.

- 5- The site contains one or more functioning endangered ecosystem types, or at least one community that is globally unique or critically endangered.
- 3- The site contains one or more functioning natural communities of national or statewide importance; the site includes one or more moderately endangered communities.
- 1- The site presents one or more functioning communities of countywide significance.
- 0- The site contains no functioning unique endangered natural communities.

(2) THREAT OF DEVELOPMENT

The site is immediately threatened with irreparable damage from development, conversion, or other changes in land use.

- 4- The threat of development is immediate and serious; e.g., a project officially approved for development, or one where the official permitting process has been initiated.
- 2.5- The owner has definite, serious plans to develop the site.

- 1- No development plans are currently in motion, but the site has a high potential for development in the near future.
- 0- Continued de facto preservation of the site is assured well into the future, or significant development is unlikely.

(3) SPECIAL GEOGRAPHICAL CONSIDERATIONS

The site is located within an Area of Critical State Concern, adjacent to an Outstanding Florida Water, or includes one or more ancient sand scrubs along the Lake Wales, Lake Henry, or Winter Haven Ridges.

- 4- The site satisfies more than one of these criteria.
- 2.5- The site is an excellent example of one criterion, e.g., the site is within the "core area" of the Green Swamp ACSC or the "Lake Wales Ridge Ecosystem" CARL proposal.
- 1- The site satisfies one criterion.
- 0- There are no special geographic considerations.

(4) CORRIDORS, GREENWAYS, INHOLDINGS, and BUFFERS

The site is a link or unit in a functioning wildlife corridor, of an existing or proposed "greenway" project, would preserve a significant amount of urban "greenspace," or would enhance the integrity of existing protected natural areas.

- 5- The site represents an essential "keystone" property, a vital link in a documented major wildlife corridor or greenway project, or the last remaining greenspace in an urban area.

- 3- The site is an important link in an existing, proposed, or potential greenway project, serves as an important wildlife corridor, is an excellent example of urban greenspace, or is an inholding, or adjacent ownership needed to protect or "round out" an existing preserve.
- 1- The site could be incorporated into a greenway project, could be used as a wildlife corridor, provides urban greenspace, or affords some buffering for other preserved areas.
- 0- This is an isolated site with little or no effect on other preserved areas.

(5) SPECIAL FEATURE SITES

The site contains a unique or outstanding geological, paleontological, archeological, or historical feature.

- 2- The special feature is of good quality, or the site contains numerous special features.
- 1- At least one special feature is present on site.
- 0- The site contains no known special features (as defined herein).

(6) RECREATION AREAS

The site provides outstanding opportunities for passive, nature-oriented outdoor recreation compatible with preservation of its natural amenities.

- 3- The site is "state park quality."
- 2- The site is fully usable for recreation.
- 1- Portions of the site could be used for recreation.

- 0- The public cannot utilize the site for recreational purposes without jeopardizing the natural amenities which justify its preservation.

(7) EDUCATIONAL VALUE

The site is particularly appropriate for use as an environmental education facility or for scientific study.

- 3- The site is located in close proximity to a school and can function as an "outdoor classroom," is particularly appropriate for environmental education, or is of extraordinary value as a scientific research site.
- 2- The site is appropriate for employment in environmental education or scientific study.
- 1- Limited public education or scientific research is possible on site.
- 0- There is no significant potential for education nor scientific research.

(8) SCENIC BEAUTY

The site includes one or more areas of outstanding natural scenic beauty.

- 2- This is a "picture postcard" site featuring one or more areas of outstanding natural scenic beauty.
- 1- Scenic areas are present on site.
- 0- The site exhibits little or no scenic beauty.

(9) PRISTINE CONDITION

The natural amenities of the site exist in a relatively pristine condition.

- 2- The site is biologically pristine, with existing natural communities intact. All herb, shrub and canopy layers are dominated by native species.
- 1- Natural communities have been damaged or altered but are restorable. Enough healthy populations of native species are present to provide propagules for restoration of herb, shrub, and canopy layers.
- 0- The site has been excessively altered or damaged and meaningful restoration is impractical or impossible.

WATER RESOURCES

(10) PROTECTION OF SIGNIFICANT WATER BODIES

The site is important for preserving or enhancing a significant water body.

- 10- The site is essential for preservation of all or most of an important water body, such as an unspoiled lake of significant size, a free-flowing stream, or a water body of exceptional beauty or utility.
- 7- The site would contribute significantly to the preservation of an important water body; or would preserve completely one or more water bodies of lesser significance, such as a pond, slough, or creek.
- 3- The site is located adjacent to an important water body or would assist in preservation of one or more water bodies.
- 0- The site is not adjacent to a body of water.

(11) AQUIFER RECHARGE, WELLFIELDS, AND GROUNDWATER PROTECTION

The site is of beneficial effect upon groundwater supplies.

- 10- The site constitutes a prime aquifer recharge area of extensive size, or a known wellfield of significant size or capacity, or is of vital importance to protecting the quantity or quality of groundwater supplies.
- 7- The aquifer recharge capability of the site is significant; the site is believed to include a significant wellfield or contains an existing wellfield; or the site affords significant protection for groundwater supplies.
- 3- Portions of the site contribute to aquifer recharge; or the site potentially includes a wellfield; or the site assists in protection of groundwater supplies.
- 0- The site has an insignificant effect upon aquifer recharge; no existing or potential wellfield on site; the site has little or no effect upon groundwater supplies.

(12) WETLANDS PROTECTION

The site is essential for protection of important wetlands.

- 10- The site encompasses a significant amount of relatively pristine, functioning wetlands with demonstrable effects upon surface or groundwater quality such as water retention or cleansing.
- 7- The site contains relatively pristine wetlands or a significant amount of damaged but restorable wetlands.

- 3- The site contains wetlands capable of functioning to some extent in the protection of surface or groundwater quality, or is amenable to on site restoration of functioning wetlands.
- 0- There are no wetlands on site.

WILDLIFE RESOURCES

(13) BIODIVERSITY

The site exhibits a high incidence of Florida's natural biological diversity, with few weedy species.

- 10- The level of biodiversity is extremely high; e.g., numerous biological communities or native species functioning within a single site.
- 7- The level of biodiversity is high, e.g., one complete biological community in good or excellent condition.
- 3- The level of biodiversity is moderate.
- 0- The level of biodiversity is low.

(14) ENDANGERED SPECIES

Preservation of the site would assist in protecting one or more plant or animal species listed by the state or federal governments or the Florida Natural Areas Inventory as endangered, threatened, or of special concern.

- 10- Several rare species are known to inhabit the site, and good quality habitat is present.
- 7- The site features one or more rare species along with adequate habitat for their survival.

- 3- The site features at least one rare species, with minimally adequate habitat.
- 0- No rare species are known to exist on site, or the habitat is of such poor quality that species survival is unlikely.

(15) WILDLIFE POPULATIONS

The site features viable and healthy populations of game and non-game animals, freshwater fisheries, or native plants (not counting exotic species).

- 10- The site contains large or thriving populations of several wildlife or important plant species, along with sufficient habitat to ensure survival in perpetuity; the site features critical breeding grounds or nesting sites.
- 7- The site is adequate for large or thriving populations of several wildlife or important plant species, even if such populations are not currently extant.
- 3- Viable populations of some wildlife or important plant species are present or could be maintained on site.
- 0- Few or no important wildlife species are present, and the site is not suitable for reintroduction of same.

OTHER FACTORS

(16) MANAGEABILITY AND SUSTAINABILITY

The desirable natural amenities of the site can be maintained and managed without undue expense or difficulty; ecosystem processes are able to function properly; the site contains a full

complement of species that should be present in its representative ecosystem.

- 10- The site contains the full complement of species that should be present in its representative ecosystem (with the exception of large predators and extremely rare species), the ecosystems are of sufficient size and quality to insure long-term viability, and all appropriate management techniques can be undertaken without adverse consequences.
- 5- Expected species may be missing, but capable of reintroduction; ecosystem functions may be compromised but are recoverable; and the site is capable of management to preserve or enhance these natural amenities.
- 2.5- The biological integrity of the site is low but the site is sufficiently manageable for protection of some natural amenities.
- 0- The site is so insular or fragmented that it is unlikely to sustain any viable ecosystem or species population; appropriate management techniques cannot be utilized without undue expense, difficulty, or adverse consequences.
- 10- The site poses potentially serious impediments to acquisition or preservation, such as a disputed chain of title, or multiple ownerships; crucial portions of the site are owned by parties unwilling to sell or to

preserve essential natural features; the site poses an unusually high risk of liability, such as prohibitively difficult hazardous waste cleanup problems or other dangerous conditions.

Proposals will then be ranked according to a three tiered, A-B-C, system. The "A" category being the most desirable and the "C" category being the least desirable. Properties within a single tier shall be considered equal with other proposals regardless of its actual numerical score.

A proposal will be placed in the A-B-C category according to the following conditions:

- A- (1) Properties receiving more than 50 points.
- (2) Upon an affirmative vote by CLASAC, properties receiving a minimum of 35 points which can be acquired for less than 50 percent of their appraised value, or where matching funds are available totaling no less than 50 percent of the appraised price.
- (3) Upon an affirmative vote by CLASAC, properties receiving a minimum of 20 points which can be acquired through donation, or whose essential natural amenities can be preserved without cost.
- B- (1) Properties receiving between 35 and 50 points.
- (2) Upon an affirmative vote by CLASAC, properties receiving fewer than 20 points which can be

acquired through donation or preserved without cost.

- C- Properties receiving fewer than 35 points, except those which CLASAC determines by affirmative vote are inappropriate for acquisition or preservation by Polk County.

SECTION 5: AUTHORIZATION OF BONDS

Subject to the approval of a majority of those qualified electors of Polk County voting in the referendum hereinafter provided for, general obligation bonds of Polk County are authorized to be issued in one or more series to acquire, preserve, protect, manage and restore environmentally sensitive lands, water resources and significant wildlife habitat. These bonds will be issued in one or more series in an amount not exceeding 20 million dollars, such bonds will bear interest payable at rate or rates not to exceed the maximum lawful rate and mature over a period not to exceed 20 years from the date of issuance.

SECTION 6: AUTHORIZATION OF MILLAGE

Such general obligation bonds shall be payable from ad valorem taxes levied on all taxable real property in Polk County at a rate of 0.2 mill in any one year for a period of 20 years from the first levy. Such bonds shall bear interest at such rate or rates not exceeding the maximum rate permitted by law at the time of the sale of the bonds, the actual rate to be determined upon the sale of the bonds to the bidder whose bid produces the lowest cost to the County.

SECTION 7: PLEDGE

All of the proceeds derived by the tax hereby levied and imposed may, to the extent permitted by law, be pledged by the Board of County Commissioners to secure and liquidate bonds issued by the County for the purposes set forth in this Ordinance.

SECTION 8: REFERENDUM

8.1 The proposed levy of ad valorem taxes and issuance of general obligation bonds in an aggregate principal amount not exceeding 20 million shall be presented to the Polk County electorate by placing the question of whether a 0.2 mill annual levy shall be authorized for twenty (20) years at a referendum election held in conjunction with the November 8, 1994 Polk County general election.

8.2 The question of the ballot shall be as follows:

FOR THE PURPOSE OF PRESERVING WATER, WILDLIFE AND WILDERNESS RESOURCES, SHALL POLK COUNTY ISSUE GENERAL OBLIGATION BONDS FOR THE PURCHASE OF ENVIRONMENTALLY SENSITIVE LANDS? THESE BONDS WILL BE ISSUED IN ONE OR MORE SERIES IN AN AMOUNT NOT EXCEEDING 20 MILLION DOLLARS. SUCH BONDS WILL BEAR INTEREST PAYABLE AT RATE OR RATES NOT TO EXCEED THE MAXIMUM LAWFUL RATE AND MATURE OVER A PERIOD NOT TO EXCEED 20 YEARS FROM THE DATE OF ISSUANCE. THE PRINCIPAL, INTEREST AND PREMIUM, IF ANY, ON SUCH BONDS WILL BE PAID FROM THE PROCEEDS OF A 0.2 MILL ANNUAL LEVY OF AD VALOREM TAXES ON ALL TAXABLE REAL PROPERTY IN POLK COUNTY FOR A PERIOD OF TWENTY YEARS.

_____ FOR BONDS

_____ AGAINST BONDS

8.3 Notice of the referendum shall be published in full in a newspaper of general circulation in Polk County, at least twice, once in the fifth week and once in the third week prior to the week

in which the referendum is to be held, the first publication to be not less than thirty (30) days prior to the date of such referendum.

SECTION 9: AUTHORIZATION

The Board of County Commissioners, officers, agents and employees of the county are hereby authorized and directed to do all acts and things which may be required of them in order to carry out the provisions of this Ordinance and to place the question stated in 8.2 above on the November 8, 1994 ballot.

SECTION 10: SEVERABILITY

The provisions of the Ordinance are severable, and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality, or inapplicability shall not affect or impair the remaining provisions of this Ordinance.

SECTION 11: EFFECTIVE DATE

11.1 The levy of ad valorem tax proposed by this Ordinance shall become effective when and only if approved by the "For Bonds" vote by a majority of those voting on the question posed at the November 8, 1994 referendum. If a majority of those voting do not vote "For Bonds" to the question posed, the proposed levy shall not be authorized and shall be of no force and effect.

11.2 This Ordinance shall be effective upon receipt of official acknowledgement that it has been duly filed, but shall be of no further effect if the proposed levy is not approved by a majority of those voting at the November 8, 1994 referendum.



RECEIVED

8-03-94
Clerk Of The Board

M. Crews

FLORIDA DEPARTMENT OF STATE
Jim Smith, Secretary of State
DIVISION OF ELECTIONS
Bureau of Administrative Code
The Elliot Building
Tallahassee, Florida 32399-0250
(904) 488-8427

August 1, 1994

Honorable E. D. "Bud" Dixon
Clerk of Circuit Court & Auditor
Polk County Courthouse
330 W. Church Street
Post Office Box 988
Bartow, Florida 33830

Attention: Martha H. Crews, Deputy Clerk

Dear Mr. Dixon:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of July 28, 1994 and a certified copy of Polk County Ordinance No. 94-40, which was filed in this office on August 1, 1994.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb