

ORDINANCE NO. 2020-_____

AN ORDINANCE ESTABLISHING THE NASSAU COUNTY CONSERVATION LANDS ACQUISITION AND MANAGEMENT PROGRAM; PROVIDING FOR GOALS AND OBJECTIVES, FINDINGS, PURPOSE AND INTENT, AND DEFINITIONS; PROVIDING FOR THE ADOPTION OF THE CONSERVATION LAND ACQUISITION MANUAL; PROVIDING FOR THE CREATION OF THE NASSAU COUNTY LAND ACQUISITION MANAGEMENT TRUST FUND; PROVIDING A PROCESS FOR NOMINATING, RANKING, AND NEGOTIATING THE ACQUISITION OF CONSERVATION PROPERTIES; PROVIDING FOR THE CREATION OF MANAGEMENT PLANS FOR ACQUIRED PROPERTIES; PROVIDING FOR THE FORMATION, DUTIES, AND COMPOSITION OF AN ADVISORY BOARD; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Nassau County (the “County”) has studied various methods for the acquisition of environmentally sensitive land for conservation, preservation, and to afford recreational opportunities to present and future citizens of the County; and

WHEREAS, pursuant to Article VIII, Section 1, Florida Constitution, and Section 125.01, Florida Statutes, the County has broad home rule powers and is authorized to exercise any power to the extent not inconsistent with general or special law; and

WHEREAS, pursuant to Objective CS.02 of the Conservation Element of the Nassau County Comprehensive Plan, “The County shall protect natural communities and ecological systems that provide important natural functions for maintenance of environmental quality and wildlife habitats;” and

WHEREAS, Objective CS.03 of the Conservation Element of the Nassau County Comprehensive Plan provides that “[t]he County shall seek to preserve and expand its ‘green infrastructure’ by creating and protecting a network of waterways, wetlands, woodlands, wildlife habitats, greenways, and other natural areas which sustain clean air, water, and natural resources: provide for a sustainable economy; provide recreational opportunities and enrich the quality of life for County residents and visitors;” and

WHEREAS, pursuant to Policy CS.3.01 of the Conservation Element of the Nassau County Comprehensive Plan, “The County should actively seek to acquire and/or manage natural lands for its green infrastructure that can provide the strategic connection of ecosystem components that are crucial for maintaining the values and services of natural systems. This may be achieved through purchase, donation, conservation

easement, clustering of development rights on the least sensitive areas of a site, public/private partnerships, development agreements or development orders;" and

WHEREAS, Policy CS.3.02 of the Conservation Element of the Nassau County Comprehensive Plan provides that "[t]he County should consider the establishment of a land acquisition fund for the public acquisition of important areas of green infrastructure;" and

WHEREAS, the County's significant natural resources, productive estuaries and wetlands, remarkable biodiversity, and unique subtropical habitats harboring many species of rare and endangered flora and fauna merit conservation and protection; and

WHEREAS, the County retained the services of North Florida Land Trust to assist the County with the delineation of natural resources within the County to serve as a baseline for identifying the most valuable properties for acquisition, as well as the development of a comprehensive manual to assist the County with the formulation of processes and procedures to facilitate the implementation of a comprehensive conservation lands acquisition program, from the nomination of properties through acquisition and their perpetual management and administration for conservation purposes; and

WHEREAS, it is the intent of the Board of County Commissioners of Nassau County to establish the Nassau County Conservation Lands Acquisition and Management Program in furtherance of the aforementioned provisions within the Nassau County Comprehensive Plan and to provide processes and procedures for the identification and acquisition of environmentally sensitive lands within the County for conservation, preservation, and to afford recreational opportunities to present and future citizens of the County.

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

SECTION 1: SHORT TITLE.

This ordinance shall be known as the Nassau County Conservation Lands Acquisition and Management Ordinance.

SECTION 2: GOALS AND OBJECTIVES.

The Nassau County Conservation Lands Acquisition and Management ("CLAM") Program is hereby created to acquire, preserve, restore, and maintain vital and significant threatened natural lands, forest, upland and wetland communities located in Nassau County, for the benefit of present and future generations.

SECTION 3: FINDINGS.

(A) The foregoing recitals are true and correct and incorporated herein by reference.

(B) The County Manager, or his or her designee(s), shall administer this CLAM Program in accordance with the procedures and criteria provided for herein.

SECTION 4: PURPOSE AND INTENT.

In creating the CLAM Program, it is the purpose and intent of the Board of County Commissioners to:

(A) Acquire, protect, and manage environmentally sensitive lands that contain natural upland or wetland communities, native plant communities, rare and endangered flora and fauna, endemic species, endangered species habitat, a diversity of species, significant water resources, or outstanding aesthetic or other natural features, maximizing protection of Nassau County's rarest, most unique, and endangered habitats;

(B) Acquire, protect, and manage environmentally sensitive lands that offer the best human social value, including equitable geographic distribution, natural resource based recreation, and protection of water resources, local ecological awareness, and enhancement of the aesthetic setting of Nassau County;

(C) Acquire, protect, and manage environmentally sensitive lands that serve to recharge the County's aquifers and protect its wetlands and surface water resources to ensure the delivery of clean and plentiful water supplies and provide flood control;

(D) Acquire, protect, and manage environmentally sensitive lands containing the most biological value, including biodiversity, listed species habitat, connectivity, restoration potential, and ecological quality;

(E) Protect present conservation lands by acquiring, protecting, and managing adjacent properties which, if not acquired, would threaten the environmental integrity of the existing resource, or which, if acquired, would enhance and buffer the environmental integrity of the resource, and add to resource connectivity;

(F) Restore the natural functions, as necessary, to any impacted and vulnerable habitats which would then contribute significantly to fulfilling this program's goals;

(G) Help implement the objectives and policies of the Nassau County Comprehensive Plan that have been promulgated to preserve and protect environmental protection areas designated in the Plan and other natural forest resources, wetlands, endangered species habitat, and vulnerable rare habitats;

(H) Identify Nassau County's best and most endangered environmental lands for acquisition, protection and management by evaluating the biological and hydrological characteristics and viability of the resource, the vulnerability of the resource to

degradation or destruction, and the feasibility of managing the resource to maintain its natural attributes;

(I) Manage acquired environmentally sensitive lands with the primary objectives of maintaining and preserving their natural resource values, and providing appropriate natural resource-based recreational and educational opportunities, by employing management techniques that are most appropriate for each native community so that our natural heritage may be preserved and appreciated by and for present and future generations;

(J) Preserve working lands within the County, such as sustainable timberlands and existing farms and ranch lands;

(K) Have the acquired sites available, with minimal risk to the environmental integrity of the site, to educate Nassau County's school-age population and the general public about the uniqueness and importance of Nassau County's subtropical ecosystems and natural communities;

(L) Protect natural resources that lie within the boundaries of other conservation land acquisition programs, where funds from the County's CLAM Program would leverage significant other matching sources of funding for other agency acquisition projects that would not be available without such a local match, or which would result in considerably higher funding rank in another program;

(M) Provide public, resource based recreational opportunities to the citizens of Nassau County, such as, but not limited to trails, camping, nature observation, hunting, fishing, swimming, and boating;

(N) Provide opportunities for educational and research use of managed lands for the public and preparation and dissemination of informative and interpretative materials;

(O) Maximize the effectiveness of local funds by using them to leverage funds available from federal, state, and private sources to fulfill the purposes of the CLAM Program; and

(P) Cooperate actively with other acquisition, conservation, and resource management programs, including, but not limited to, such programs as the State of Florida Conservation and Recreation Lands program, the Land Acquisition Trust Fund, Florida Forever, and Save Our Rivers program, where the purposes of such programs are consistent with the purposes of the CLAM Program as stated herein.

SECTION 5: DEFINITIONS.

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

“CLAM Resource Rankings” shall mean the ultimate product of the Conservation Plan, showing the relative position and weighted value, according to input of the public and subject matter experts, of all the natural resources within the County, which resource rankings are used to rank and prioritize properties nominated for acquisition under the CLAM Program.

“Conservation Easement” shall mean a real property interest that runs with the land and is established through agreement between the landowner and the County, pursuant to which the agrees to restrict development on their land and stop, reduce, or increase certain management practices according to the natural resource needs on the property, or perform other actions to achieve conservation purposes.

“Eligible Group” shall mean the properties ranked number sixteen (16) through twenty-five (25) for potential acquisition by the County through the CLAM Program, as ranked pursuant to the process described herein.

“Management Plan” shall mean a long-term plan related to the administration and management of conservation property acquired through the CLAM Program.

“Nassau County Conservation Lands Acquisition and Management Manual and Conservation Plan” or “CLAM Manual” shall mean that certain document, and all appendices and attachments to same, attached hereto as Exhibit “A,” which sets forth a manual of operations for the administration, management, and implementation of the Nassau County Conservation Lands Acquisition and Management Program.

“Nassau County Conservation Lands Acquisition and Management Program” or “CLAM Program” shall mean the program described in this Ordinance and the CLAM Manual for the acquisition of environmentally sensitive land for conservation, preservation, and to afford recreational opportunities to present and future citizens of the County.

“Nassau County Conservation Lands Acquisition and Management Program Committee” or “CLAM Committee” shall mean the an advisory board appointed by the Board of County Commissioners for the purpose of reviewing and making recommendations to the Board of County Commissioners regarding property to potentially be acquired by the County pursuant to the CLAM Program and performing such other duties and functions as are described in Section 11 of this Ordinance.

“Nassau County Conservation Plan” or “Conservation Plan” shall mean the Nassau County Conservation Plan, attached to the CLAM Manual as Appendix A, which aggregates, weighs and maps, all the natural resources within the County, according to public and subject matter expert opinions.

“Non-Eligible Group” shall mean all properties nominated for potential acquisition by the County through the CLAM Program but which did not rank highly

enough to qualify for the Priority Group or the Eligible Group and are not candidates for acquisition by the County at this time.

“Ordinance” shall mean this Nassau County Conservation Lands Acquisition and Management Ordinance.

“Priority Group” shall mean the fifteen (15) highest ranked nominated properties for potential acquisition by the County through the CLAM Program, as ranked pursuant to the process described herein.

“Property” shall mean any parcel of real property, or any portion thereof or interest therein, that is nominated for acquisition or under management as part of the CLAM Program.

“Staff” shall mean County Staff designated to administer the CLAM Program, as designated by the County Manager or his or her designee, and shall also include the Office of the County Attorney.

“Trust Fund” shall mean the Nassau County Conservation Lands Acquisition and Management Trust Fund.

SECTION 6: ADOPTION OF NASSAU COUNTY CONSERVATION LANDS ACQUISITION AND MANAGEMENT MANUAL AND CONSERVATION PLAN.

The “Nassau County Conservation Lands Acquisition and Management Manual and Conservation Plan,” dated _____, prepared by North Florida Land Trust on behalf of the County, attached hereto as Exhibit “A,” is hereby adopted and incorporated herein by reference. In the event of any conflict between the provisions of this Ordinance and the provisions of the CLAM, the provisions of this Ordinance shall control.

SECTION 7: CREATION OF THE NASSAU COUNTY CONSERVATION LANDS ACQUISITION AND MANAGEMENT TRUST FUND.

(A) There is hereby created the Nassau County Conservation Lands Acquisition and Management Trust Fund (hereinafter referred to as the “Trust Fund”) for the acquisition, preservation, conservation, enhancement, and management of property pursuant to the CLAM Program.

(B) The County Manager is hereby authorized to establish the Trust Fund and to receive and disburse monies in accordance with the provisions of this section.

(C) The County Manager shall identify and implement compatible sources of monetary support to fund the CLAM Program, such as, but not limited to, long term financing through issuance of bonds, notes, and other indebtedness, concessions, sale of forest products and other renewable resources, grants, user and mitigation fees,

leases, and other legally available revenue sources for the acquisition and long-term management of the properties included in the CLAM Program.

(D) The 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.

(E) The Conservation Nassau Management Trust Fund shall receive those monies allocated to it in the approved County budget. :

(F) Disbursements from the Trust Fund shall be made by the County Manager or his or his or her designee only for the authorized purposes set forth herein.

SECTION 8: PROCESS FOR NOMINATING AND RANKING PROPERTIES FOR ACQUISITION.

(A) Nominations.

(1) The County shall accept nominations of properties for potential acquisition by the County through the CLAM Program from any person or organization, including the County, nonprofit organizations, and local, regional, state, or federal governmental entities. The County shall advertise an initial nomination period within days after the effective date of this Ordinance. Thereafter, the County shall accept nominations on a rolling basis.

(2) To nominate a property for potential acquisition, the nominator shall submit an application to the Nassau County Department of Planning and Economic Opportunity on a form provided by the County. Nominators may nominate an entire tax parcel for acquisition in fee simple or only a specific portion thereof or interest therein. In nominating properties, nominators should consider, at a minimum, the information contained in the Conservation Plan, the CLAM Resource Rankings, and the CLAM Manual.

(3) If the nominator has an ownership interest in any real property covered by an application for proposed acquisition, such interest shall be disclosed on the application.

(B) Initial Scoring and Ranking by Staff.

(1) Upon closure of the initial nomination period as described in paragraph 1 hereof, Staff shall initially be responsible for applying the CLAM Resource Rankings and the methodology described in the CLAM Manual for scoring and ranking all nominated properties. Utilizing the CLAM Manual, the Conservation Plan, and the scoring criteria set forth below, Staff shall assign each nominated property a CLAM Score, representing the acquisition value of the property:

<u>Resource Category</u>	<u>Resource Category Score Total</u>	<u>Data Layer</u>	<u>Data Layer Score</u>
<i>Water Issues</i>	<i>40 points</i>		
		Surface Water Buffering	7 points
		Sea Level Rise Adaptation	15 points
		Storm Surge and Flooding	18 points
<i>Species and Habitat Protection</i>	<i>29 points</i>		
		Priority Natural Communities	6 points
		Strategic Habitat Conservation	7 points
		Most Threatened Habitats	6 points
		Gopher Tortoise Suitability	3 points
		Wildlife Corridors	7 points
<i>Working Lands</i>	<i>11 points</i>		
		Sustainable Forestry	5 points
		Significant Farmland Soils	2 points
		High Productivity Timberlands	1 point
		Existing Farms and Ranches	3 points
<i>Outdoor Recreation and Quality of Life</i>	<i>20 points</i>		
		Service Area Density	3 points
		Underserved Areas for Parks	4 points
		Adjacent to Parks	5 points
		Proximity to Trails and Blueways	7 points
		Historic Resources	1 point
<i>Total</i>	<i>100 points</i>		<i>100 points</i>

(2) Additionally, Staff shall compile all relevant information concerning the nominated properties, including boundary and location maps, descriptions of the biological and hydrological characteristics, a summary of its potential for appropriate use, development potential of the site and adjacent land, an assessment of the management needs and costs, the assessed value, and any potentially available matching funds.

(3) Thereafter, Staff shall utilize the CLAM Scores assigned to the nominated properties to sort such properties into a Priority Group (the fifteen (15) highest ranked nominated properties for potential acquisition by the County) and an Eligible Group (the properties ranked number sixteen (16) through twenty-five (25) for potential acquisition by the County). All nominated properties that did not rank highly enough to qualify for the Priority Group or the Eligible Group shall be placed in the Non-Eligible Group, which properties shall not be considered as candidates for acquisition by the County unless later reprioritized as provided herein.

(C) Consideration by CLAM Committee.

(1) Upon Staff's initial scoring and ranking of the nominated properties as described in paragraph (B) of this Section, such nominated properties and the ranking lists shall be presented to the CLAM Committee for review and consideration at a public meeting.

(2) A courtesy notice shall be provided to the owners of properties that are to be considered at the meeting, although failure to notify said owners shall not invalidate the proceedings.

(3) At such meeting, the CLAM Committee shall receive presentations by Staff and public comment regarding the nominated properties. Thereafter, the CLAM Committee may make adjustments to Staff's initial ranking of nominated properties and the grouping of nominated properties into the Priority Group, Eligible Group, and Non-Eligible Group, based upon additional information that may not have been considered in the initial scoring and application of the factors contained in the CLAM Manual, the Conservation Plan, and the scoring criteria set forth above based upon additional information. In making changes to Staff's initial ranking of nominated properties, the CLAM Committee shall provide written justification for making such changes.

(D) Presentation to the Board of County Commissioners.

(1) Upon the CLAM Committee's finalization of the ranking of the nominated properties as described in paragraph (C) of this section, the properties contained in the Priority Group and the Eligible Group shall be presented to the Board of County Commissioners for consideration at a public meeting.

(2) A courtesy notice shall be provided to the owners of properties that are to be considered at the meeting, although failure to notify said owners shall not invalidate the proceedings.

(3) The Board of County Commissioners may modify the rankings, including moving properties from the Priority Group to the Eligible Group and vice versa, and shall approve a final Priority Group, which shall represent the targeted list of parcels for acquisition by the County.

(E) Updates to Rankings; Priority Group and Eligible Group.

(1) Following the Board of County Commissioners' approval of the initial ranking of properties, the Eligible Group and Priority Group lists of properties may be modified at any time by subsequent vote of the Board of County Commissioners.

(2) Additionally, following the processing of applications received during the initial nomination period, upon the County's receipt of additional nominated properties, the Eligible Group and Priority Group lists may be modified through the process described in paragraphs (A) – (D) of this Section.

(F) At any time, any property owner may have their property removed from the Priority Group or Eligible Group by submitting a written request to the County. If a property is removed from the Priority Group or Eligible Group, such property may not be nominated again for a minimum of one year.

SECTION 9: PRIORITY GROUP PROPERTIES FOR ACQUISITION.

(A) Once the Priority Group list is approved by the Board of County Commissioners, Staff shall actively pursue acquisition of properties contained in the Priority Group. All properties shall only be pursued on a voluntary basis from willing sellers, without the use of the County's eminent domain powers.

(B) Upon approval of the Priority Group list by the Board of County Commissioners, Staff shall formulate an acquisition plan for each property contained on the list, including but not limited to the type of property interest that the County should seek to obtain that is most cost effective and aligned with the goals and objectives of the CLAM Program. Upon approval of the Priority Group list, Staff is authorized to communicate with the property owner(s), identify and communicate with potential funding partners, conduct title research, obtain appraisals, perform environmental due diligence, obtain surveys and maps, prepare baseline document reports for proposed acquisition of conservation easements, and conduct such other due diligence as is described in the CLAM Manual or otherwise reasonably related to the acquisition of the property. All such due diligence shall be conducted in accordance with applicable state law, the Nassau County Code of Laws and Ordinances, and the CLAM Manual. Staff shall prioritize the properties on the Priority Group list for acquisition in the order in which they were ranked by the Board of County Commissioners.

(C) Following Staff's development of the acquisition plan for a property on the Priority Group list and any initial due diligence, Staff shall seek to negotiate a suitable acquisition agreement with the property owner(s). Any such acquisition agreement may also be structured as an option contract whereby the County obtains the right to purchase the property or an interest therein for an agreed upon price within a specified period of time. At Staff's discretion, Staff may also utilize a third-party negotiator to negotiate the proposed terms of the acquisition on behalf of the County. All such negotiations shall be conducted in accordance with Section 125.355, Florida Statutes, and all other applicable provisions of law. In the event Staff is unable to negotiate a suitable acquisition agreement with a property owner for a property contained on the Priority Group list, Staff shall declare an impasse and provide written notice to the property owner of same. The property owner shall have three (3) days following the date of the impasse notice in which to notify Staff and request an impasse meeting. If the impasse meeting fails to result in the negotiation of a suitable acquisition agreement, Staff shall note any issues or reasons for the impasse for the project file and provide written notice to the property owner of same.

(D) Upon successful completion of negotiations and receipt of the acquisition agreement signed by the property owner, Staff will present the proposed acquisition

agreement to the CLAM Committee for its review and recommendation as to the proposed acquisition and whether it meets the goals and objectives of the CLAM Program. If the CLAM Committee recommends that the acquisition agreement not be approved, the CLAM Committee shall provide written justifications for its decision. The recommendation of the CLAM Committee shall not be binding on the Board of County Commissioners. Following review by the CLAM Committee, Staff shall present the acquisition agreement as well as the CLAM Committee's recommendation as to same to the Board of County Commissioners. The Board of County Commissioners has final approval authority for any acquisition agreement.

(E) Properties will only be removed from the Priority Group list by successful purchase of the property or property interest, approval of the next succeeding list, withdrawal of positive interest by the property owner, or by direction of the Board of County Commissioners. Upon removal, such properties may still be considered at a later time.

(F) The County finds and determines that Conservation Easements are a valuable tool through which the County may realize the goals and objectives of the CLAM Program, given their flexibility, effectiveness in providing for the conservation and preservation of land and natural resources, and often-times lower cost as compared with fee simple acquisition of a property. The County further finds and determines that the County's acquisition of a Conservation Easement may in certain circumstances be preferable to acquisition of a fee simple interest in property that is identified for acquisition through the CLAM Program. The County finds and determines that the County's acquisition of a Conservation Easement shall constitute an acquisition for purposes of the CLAM Program. The County encourages the use of Conservation Easements as applicable to the unique circumstances of each property that is a candidate for acquisition by the County through the CLAM Program.

SECTION 10: MANAGEMENT PLANS.

(A) A Management Plan shall be created and implemented for all properties acquired by the County through the CLAM Program. All management plans shall be consistent with the purposes set forth herein and in the CLAM Manual. All properties acquired or managed through the CLAM Program shall be managed in accordance with the approved management plan for that property. No use, infrastructure, or improvement shall be permitted on any property acquired or managed under the CLAM Program that is inconsistent with the purposes of the program or that is not provided by an approved Management Plan for the property.

(B) No later than one year from the date of acquisition of a property by the County through the CLAM Program, Staff shall oversee the creation of a Management Plan for such property. All Management Plans shall be prepared by a duly qualified forester, natural resource professional, landscape architect, or other qualified personnel and shall adhere to the minimum requirements for management plans contained in the CLAM Manual.

(C) Staff will present the proposed Management Plan to the CLAM Committee for its review and recommendation as to the proposed plan and whether it meets the goals and objectives of the CLAM Program. The CLAM Committee may also propose modifications and amendments to the Management Plan in furtherance of the goals and objectives of the CLAM Program. If the CLAM Committee recommends that the Management Plan not be approved, the CLAM Committee shall provide written justifications for its decision. The recommendation of the CLAM Committee shall not be binding on the Board of County Commissioners. Following review by the CLAM Committee, Staff shall present the Management Plan as well as the CLAM Committee's recommendation as to same to the Board of County Commissioners. The Board of County Commissioners shall have final approval authority over each Management Plan.

(D) Management Plans shall be for a duration of not more than ten (10) years and may be amended as often as required. Staff shall conduct a comprehensive review of each Management Plan at a minimum at successive three (3) year intervals to ensure that the Management Plan is still suitable for the property. All Management Plan amendments shall be subject to the same review and approval process as governs adoption of the original Plan as set forth in paragraph (C) of this Section.

(E) The County may seek cooperative management arrangements with other agencies and entities, including non-profit organizations and other governmental entities, to further the goals and objectives of the CLAM Program and/or realize cost efficiencies in managing and administering properties acquired through the CLAM Program.

(F) It is the intent of the County that the acquisition of property through the CLAM Program shall permanently extinguish all development rights except those strictly compatible with the purposes and goals of the CLAM Program. Any development rights associated with property acquired through the CLAM Program shall expressly described in the legal documents conveying the property to the County and/or the approved Management Plan.

(G) The County finds and declares that public access is an important element of the CLAM Program and it is the County's intent to permit public use of and access to property acquired through the CLAM Program in a manner that is compatible with such property, except where such use would otherwise be inconsistent with the goals and objectives of the program, such as due to the environmental sensitivity of the property or the presence of endangered or threatened wildlife located thereon. Examples of permitted uses, subject to compatibility with specific parcels, include: camping, hiking, nature photography, bird watching, kayaking, canoeing, swimming, hunting and fishing, and like resource based activities. The County shall also endeavor to make acquired properties acquired through the CLAM Program available, with minimal risk to the environmental integrity of the site, to educate Nassau County's school-age population and the general public about the uniqueness and importance of Nassau County's ecosystems and natural communities.

SECTION 11: COMPREHENSIVE LAND ACQUISITION MANAGEMENT COMMITTEE.

(A) Creation and Purpose. An advisory board to be known as the CLAM Committee is hereby established to assist in the identification and evaluation of properties for acquisition by the County pursuant to the CLAM Program and to otherwise facilitate the implementation of the CLAM Program, as further described herein.

(B) Appointment Regular Members; Qualifications. The CLAM Committee shall be composed of five (5) regular members who are appointed by and will serve at the pleasure of the Board of County Commissioners. Committee members shall have skills, expertise, and/or demonstrable experience in at least one of the following areas:

- (1) Natural resource management and biology;
- (2) Agriculture and forestry;
- (3) Community planning;
- (4) Environmental engineering or civil engineering of stormwater or green infrastructure projects; or
- (5) Environmental regulations, land use law, or commercial real estate.

Members shall receive no compensation. However, members may be entitled to receive such reimbursement for transportation expenses in accordance with Section 112.061(7), Florida Statutes, provided those expenses are pre-authorized by the Board of County Commissioners and reasonably incurred in the performance of duties as a member of the CLAM Committee.

(C) Terms of Office. The initial terms of office of the members shall be staggered as follows:

- (1) Three (3) members shall serve four (4) years.
- (2) Two (2) members shall serve two (2) years.

Thereafter, all appointments shall be for a term of four (4) years. There shall be no limitations on the ability of any member to serve consecutive or multiple terms.

(D) Advisory Members. At the discretion of the CLAM Committee, the Committee may appoint up to three (3) additional non-voting advisory members to the CLAM Committee. Any such advisory members shall serve strictly in an advisory capacity to the CLAM Committee. The term of office for advisory members shall be within the discretion of the CLAM Committee, but in no instances shall any advisory member be appointed for more than a one (1) year term. There shall be no limitation on the ability of advisory members to serve multiple or consecutive terms if appointed by the CLAM Committee.

(E) Officers; Meetings; Rules of Procedure.

(1) At its inaugural meeting, and annually thereafter, the CLAM Committee shall elect a chairperson, vice chairperson, and secretary-treasurer from among the regular members. Officers' terms shall be for a period of one (1) year. There shall be no limitation on the ability of members to serve multiple or consecutive terms as officers.

(2) The presence of three (3) or more regular members shall constitute a quorum of the CLAM Committee necessary to take action and transact business. After a quorum has been established, a simple majority of the quorum may transact any official business of the CLAM Committee.

(3) The CLAM Committee may adopt bylaws and rules and procedures for the conduct of its meetings.

(4) Notice for and the conduct of the CLAM Committee's meetings shall be pursuant to and in accordance with chapter 286, Florida Statutes. The CLAM Committee shall keep the permanent records of the District, which shall include but not be limited to the recorded minutes of all meetings, resolutions, and any and all written documentation of official actions of the Committee. The CLAM Committee's records shall at reasonable times be open to inspection in the same manner as county records pursuant to chapter 119, Florida Statutes.

(5) The CLAM Committee shall meet at least six (6) times per year, unless Staff, in consultation with the chairperson, determine that fewer meetings are required due to a lack of business to be conducted by the Committee.

(F) Regulation of Members; Vacancies.

(1) Except as otherwise expressly provided herein, members of the CLAM Committee shall be subject to all applicable rules and regulations governing volunteers serving on boards, committees, commissions, and other advisory groups adopted by the County.

(2) All members of the CLAM Committee (including advisory members) shall abide by and be subject to Chapter 112, Part III, Florida Statutes, Code of Ethics for Public Officers and Employees.

(3) No member of the CLAM Committee (including advisory members) or their relative, as defined in Section 112.3143, Florida Statutes, may represent a property owner that has nominated their property for potential acquisition by the County pursuant to Section 8 hereof in proceedings before the CLAM Committee or the Board of County Commissioners, or in any other aspect of the nomination and acquisition process.

(4) Any vacancy occurring on the Committee shall be filled for the remainder of the unexpired term in the manner established in this section for regular appointments of members.

(G) Financial Disclosures. All members of the CLAM Committee, including advisory members, shall be deemed "local officers" and shall file a Form 1 financial disclosure annually in accordance Section 112.3145, Florida Statutes.

(H) Use of Staff. The County Manager, or his or her designee, shall appoint Staff to provide support and assistance to the Committee. The agenda for CLAM Committee meetings shall be developed by Staff in consultation with the chairperson. The CLAM Committee shall be represented by the Office of the County Attorney.

(I) Functions, Powers and Duties of the CLAM Committee. The CLAM Committee shall have the following powers, duties, and responsibilities:

(1) Making recommendations to the Board of County Commissioners regarding the potential acquisition of properties that are nominated for potential acquisition by the County through the CLAM Program, in accordance with the procedures described in this Ordinance.

(2) Reviewing proposed acquisition agreements for the proposed acquisition of properties and providing a recommendation to the Board of County Commissioners as to whether the proposed acquisition meets the goals and objectives of the CLAM Program.

(3) Reviewing proposed Management Plans for properties acquired by the County through the CLAM Program and proposed amendments and modifications to same and providing a recommendation to the Board of County Commissioners as to whether a proposed Management Plan or amendment or modification to same meets the goals and objectives of the CLAM Program. The CLAM Committee may also make proposed amendments and modifications to proposed Management Plans presented by Staff for consideration by the Board of County Commissioners. At least once annually following the first year in which the CLAM Program is established, the CLAM Committee shall hold a public meeting for the purpose of receiving a report from Staff concerning the status of all properties acquired by the County through the CLAM Program. Based upon such meeting, the CLAM Committee may provide recommendations to the Board of County Commissioners regarding potential updates or amendments to the Management Plans for any such properties.

(4) For any properties for which the County acquires a Conservation Easement, the CLAM Committee, the CLAM Committee shall monitor the status of such Conservation Easements to ensure that all applicable terms, conditions, restrictions, and covenants are not being violated. At least once annually following the first year in which the CLAM Program is established, the CLAM Committee shall hold a public meeting for the purpose of receiving a report from Staff concerning the status of all Conservation

Easements acquired by the County through the CLAM Program. Based upon such meeting, the CLAM Committee may provide recommendations to the Board of County Commissioners regarding such properties under Conservation Easements.

(5) Performing such other duties and functions as are specifically delegated to the CLAM Committee by the Board of County Commissioners.

(J) Advisory Board. The CLAM Committee shall have no power or authority to commit or bind the County to any policies or actions, to incur any financial obligations, or to create any liability on the part of the County. The actions and recommendations of the CLAM Committee are advisory in nature and shall not be binding upon the County unless approved or adopted by the Board of County Commissioners.

SECTION 12: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Nassau County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 13: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other Ordinance of Nassau 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.

SECTION 14: EFFECTIVE DATE.

A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after its enactment and shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Nassau County, Florida this _____ day of _____, 202__.

**BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA**

Its: Chairman

Attest as to Chairman's signature:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:

MICHAEL S. MULLIN