

**Nassau County Board of County Commissioners
Special Session, September 17, 2018, 4:00 P.M.
Commission Chambers, 96135 Nassau Place, Yulee, Florida**

Call to Order, Invocation and Pledge of Allegiance to the American Flag. Commissioner Leeper called for a moment of silence to honor the late Honorable Judge Robert Williams.

Commissioners:

Present: Chairman Pat Edwards, Commissioners Daniel B. Leeper, Steve Kelley, George V. Spicer, and Justin Taylor.

Nassau County Legislative Delegation: The Honorable Senator Aaron Bean and The Honorable State Representative Cord Byrd.

Other Officials Present: Michael S. Mullin, Interim County Manager/County Attorney.

Staff Present: Justin Stankiewicz, Office of Management and Budget Director; Becky Bray, Public Works Director; Taco Pope, Planning and Economic Opportunity Director; and representing the Clerk's office Brenda Linville and Peggy Snyder, Deputy Clerks.

Official Agenda Summary:

BOARD BUSINESS:

SS180917 - 4:04:44 (Tab A) Special Joint Meeting of the Board of County Commissioners and Senator Aaron Bean and State Representative Cord Byrd to discuss the Stewardship District legislation.

Chairman Edwards explained that the purpose of the meeting was to discuss HB 1075, including the necessity for amendments.

Mr. Mullin provided background information regarding the East Nassau Community Planning Area (ENCPA) and how it began as a public/private partnership with Nassau County. He explained that in 2010, the original 24,000 acres of the ENCPA was being reviewed by the State of Florida as a Development of Regional Impact (DRI), which had strict

State requirements; however, Governor Scott changed the DRI to a Sector plan having a minimum of 15,000 acres.

Mr. Mullin advised that from 2012 to 2013, a mobility fee was approved as well as a Tax Increment Financing (TIF) approach for the main public roads within the ENCPA. If a developer built the public road, they would be reimbursed from the mobility fee collected within the ENCPA. In addition, the TIF amount equating to twelve (12) percent of every tax dollar paid within the ENCPA would go towards a fund to reimburse whoever built the roads. Approval of the first Detailed Specific Area Plan (DSAP) soon followed. Under the Sector Plan legislation, development within a Sector Plan must be done in increments of 1,000 acres for the DSAP and comply with the master plan. This DSAP was approved by the Board of County Commissioners for 4,200 acres known as Wildlight, which is under development and permits are being issued.

Mr. Mullin continued to state that in 2015, Raydient representatives notified the Board that they would make a proposal for the approval of a Stewardship District Bill which would address funding issues, which they felt would benefit the public/private partnership. Between 2015 and 2016, there were eight drafts of House Bill (HB) 1075 authored by Raydient's outside counsel, Hopping, Green and Sams, a firm from Tallahassee. Following numerous meetings, the Board of County Commissioners issued a No Objection letter and approved the Stewardship District Bill with a three to two vote. Referring to a PowerPoint presentation made by Raydient on November 28, 2016, Mr. Mullin pointed out that one of their bullet points emphasized that *"The State of Florida's Stewardship District legislation will provide the best solution to achieve the near and long term public/private goals envisioned by Nassau County."*

Mr. Mullin advised that issues developed between staff and Rayonier representatives as well as the Stewardship District consultants that seem to be contrary to the recreational requirements and HB 1075, which seems to contradict representations made by Rayonier representatives to Chairman Edwards in one of the many meetings that were held. Mr. Mullin referred to a copy of HB 1075 and referenced various paragraphs which include the powers of the district, cooperation with other governmental agencies, levying of and paying special assessments on lands within the district, interlocal agreements, and the provision to

provide public parks and public facilities for indoor and outdoor recreational, cultural, and educational uses. The Stewardship District was aware of who would be the approving authority for DSAPS and development orders.

Mr. Mullin expressed his concerns with HB 1075 and the relationship between the Stewardship District Board and the Board of County Commissioners; lack of any joint meetings; no consultation as to Professional Studies; no joint planning for public recreation; or, any interlocal agreement.

Mr. Mullin advised that during the 2018 Legislative Session in Tallahassee, the County's lobbyist became aware of an amendment to a bill, a committee substitute to HB 697, referred to as the bill relating to statewide impact fees. Included in HB 697, on page 7, paragraph 10, it states: "*In adopting a detailed specific area plan or related development order, a local government may not include or impose as a condition of a development order any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof unless the local government has enacted a local ordinance which requires other development not within a sector planning area to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development.*" This verbiage is contrary to HB 1075. No one consulted with the Board of County Commissioners regarding this amendment in the Legislature which basically "guts" the local bill. The full Board of County Commissioners went to Tallahassee for two weeks and with the help of Senator Bean and Representative Byrd, that amendment was defeated. The Legislature deemed that this should be a local bill and should take place between the Board of County Commissioners and the Stewardship District Board; not the Florida Legislature. Gary Hunter, attorney with Hopping, Green & Sams, told the Senate committee that the County Commissioners misunderstood HB 1075.

Mr. Mullin discussed the engineering report and special assessment methodology report for Wildlight Phase I which was done to determine how the Stewardship District would do their resolution determining the cost for recreation; all of which was conducted without County's knowledge. The former County Manager happened upon a newspaper

advertisement of the proposed meeting for the Stewardship District Board to consider these reports. The Board of County Commissioners sent letters objecting to these reports as the initial report did not address public recreation nor was there any consultation with County staff. The requests began for joint meetings with the Stewardship District and County staff in order to address the public/private partnership, HB 1075, and the consultant's reports. The Stewardship District has responded that there will not be any meetings unless it is under their terms utilizing a facilitator.

Mr. Mullin advised that his reason for the meeting today is to bring forward to Senator Bean and Representative Byrd the issues that the Board finds themselves faced with. The Stewardship District Board advised that they are not part of the total public/private partnership. Mr. Mullin suggested bringing to the Legislative Delegation meeting proposed amendments to HB 1075. Chairman Edwards opened the floor for public discussion for non-agenda items.

The following individuals came forward to speak. Marianne Phillips requested to ask a question of Senator Bean; however, Chairman Edwards advised that her issues were not Board related. Michael Adams came forward in opposition to the Stewardship District.

Gary Hunter, Attorney with Hopping, Green and Sams, representing Rayonier, Inc., came forward in agreeance with the timeline portrayed by Mr. Mullin. He explained that the amendment to the impact fee bill was meant to prevent a local government from imposing obligations beyond what the Sector Plan was created for. This is the law today and was the law before any efforts were made to amend the bill and the language did not change the law. He explained the dual rational nexus test. The sole point of contention has been the issue of parks; the Stewardship District Legislation provides powers within the Legislation to provide enhancements to parks and many different things; one is the power to get debt issued publically financed through the District which would include public and private parks as well as using the funds from the bonding project to enhance these parks. There is frustration between two sophisticated entities and the inability to sit down together and work through an agreement which is required by the Stewardship District Legislation. The Stewardship District cannot use bond financing debt for that district to build a park or

enhancements. He pointed out that every stewardship district in Florida is the same with better parks and upgraded amenities. HB 697 has nothing to do with HB 1075 and the Stewardship District Legislation. HB 1075 creates a framework for public financing and places limitations upon that which requires an interlocal agreement with the County. Even if HB 697 had passed, it would not have reversed the obligations to the County.

Mr. Mullin responded that if there is a misunderstanding with a party, that party is confronted and a debate takes place. He questioned that if the verbiage cited in HB 697 is the law, why was the verbiage placed in the amendment? He stressed that there were many issues whereby the County was not consulted and the Stewardship District refuses to attend a publically-held meeting to discuss the interlocal agreement. There is no reason to filter the public out; they are entitled to transparency.

Chairman Edwards provided a brief history regarding the correspondence between the Board and the Stewardship District regarding a meeting to resolve their issues. He also addressed HB 697 which would remove the interlocal agreement that the Stewardship has agreed to sign. He requested either a fair deal or requested that the Board of County Commissioners kill HB 1075.

Mr. Hunter responded that his client, Rayonier, remains willing to meet with the Board in a neutral venue with a facilitator. It was the Stewardship District's belief that having someone in the room who understands the situation would provide a more productive dialogue as opposed to this kind of exchange. Mr. Hunter added that there clearly is a difference of position between Rayonier, his client, and where the County stands. Regarding the issue of parks, the Stewardship District, unlike other Stewardship Districts, cannot spend one dollar of their bond debt as it relates to public recreation absent an interlocal agreement. It is in his client's interest to have an interlocal agreement with the County. All the Stewardship Districts in Florida have good relationships with their counties which has benefited the communities in which they are located.

Chairman Edwards pointed out that there is a distinct difference in how the Board and the Stewardship District handled this matter. The Stewardship District did not have a problem coming before the County to get the votes on the

ENCPA and the Stewardship District; however, the Commission Chambers is where any meeting should be held. He thanked Mr. Hunter for attending.

Senator Bean thanked Mr. Hunter for attending and asked what could be done to get both sides to have a meeting. Mr. Hunter responded that there is one point of contention which is parks and recreation, how it is funded and who pays what portion. There needs to be a conversation between both parties.

The following citizens came forward to speak regarding the Stewardship District: Larry Fischer, Howard Segal, and April Stem citing unfair taxation of the ENCPA, and, amend or repeal HB 1075.

Mr. Mullin suggested a special meeting between himself, the Board of County Commissioners, Planning and Economic Opportunity Director, and the Office of Management and Budget Director to develop proposed recommendations to present to Senator Bean and Representative Byrd before their Legislative Delegation and bring back a recommendation to the Board for consideration.

Senator Bean inquired what would happen in the event HB 1075 was repealed as the special district has already been established. Mr. Mullin felt this should be something investigated soon as it is not outside the realm of possibility. Further discussion followed regarding the positives of HB 1075.

Representative Byrd thanked Mr. Mullin for providing the history of the Stewardship District and how the situation got to this point after a decade in the making with over 25 public meetings. He added that the Board felt that having numerous Community Development Districts (CDDs) instead of a Stewardship District would be administratively problematic. The minimum cost to Nassau County for the associated public parks would be \$52 million.

Mr. Hunter commented that he was encouraged to hear that there is still an opportunity if both parties can come to the table. Senator Bean believed that the partnership is not broken yet; there is still hope.

Chairman Edwards thanked everyone for attending.

EXPANSION ITEMS:

SS180917 - 4:03:52 A Resolution Honoring The Honorable Judge Robert E. Williams and Declaring the Week of September 17, 2018 as Judge Williams Week.

Motion: Expand the meeting to consider one (1) item as stated above.

Maker: Commissioner Spicer

Second: Commissioner Taylor

Action: Aye: Commissioners Leeper, Kelley, Edwards, Spicer, and Taylor

Follow Up: Interim County Manager/County Attorney

SS180917 - 5:47:40 Expansion Item #1: A Resolution Honoring The Honorable Judge Robert E. Williams and Declaring the Week of September 17, 2018 as Judge Williams' Week.

Motion: Approve expansion item 1 and authorize the Chairman to sign Resolution 2018-101 regarding same.

Maker: Commissioner Leeper

Second: Commissioner Spicer

Action: Aye: Commissioners Leeper, Kelley, Edwards, Spicer, and Taylor

Follow Up: Interim County Manager, County Attorney

DISCUSSION ITEMS:

SS180917 - 5:49:13 Commissioner Kelley's Business:
None.

SS180917 - 5:49:39 Commissioner Spicer's Business:

- Glad that the Board had an opportunity to express their concerns today and thanked Senator Bean and Representative Byrd for their hard work for the citizens of Nassau County.

SS180917 - 5:51:46 Commissioner Leeper's Business:
None.

SS180917 - 5:51:38 Commissioner Taylor's Business:
None.

SS180917 - 5:52:10 Commissioner Edwards' Business:

- Thanked everyone for attending.

Discussion: Senator Bean explained that the results in Tallahassee were a team effort as every commissioner was present as well as key staff. He remains optimistic that they will all move forward in a positive direction.

There being no further business, the special session of the Nassau County Board of County Commissioners adjourned at 5:53 p.m.

Pat Edwards, Chairman

Attest:

John A. Crawford, Ex-Officio Clerk