

ORDINANCE NO. 08-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA AMENDING THE PINELLAS COUNTY CHARTER BY ADDING ARTICLE II, SECTION 2.08 TO SAID CHARTER; PROVIDING FOR THE DESIGNATION OF ENVIRONMENTAL LANDS THAT ARE SUBJECT TO THE CHARTER PROVISIONS; REQUIRING REFERENDUM APPROVAL BY A MAJORITY VOTE OF THE ELECTORS OF PINELLAS COUNTY TO REMOVE THE ENVIRONMENTAL LANDS DESIGNATION FROM COUNTY-OWNED ENVIRONMENTAL LANDS OR TO SELL, CONVEY OR TRANSFER ANY FEE SIMPLE INTEREST IN COUNTY-OWNED ENVIRONMENTAL LANDS OR TO LEASE OR LICENSE ANY INTEREST IN COUNTY-OWNED ENVIRONMENTAL LANDS FOR A PERIOD LONGER THAN TEN YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; CALLING A REFERENDUM SUBMITTING THE PROPOSED CHARTER AMENDMENT TO THE ELECTORS OF PINELLAS COUNTY; PROVIDING FOR PUBLICATION OF THE REFERENDUM; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, protecting environmental lands in Pinellas County supports a sustainable natural and urban environment to meet the needs of present and future generations; and

WHEREAS, Article II, Section 2.04(d) of the Pinellas County Charter provides that the Board of County Commissioners has countywide regulatory authority relating to the acquisition, development and control of County-owned property; and

WHEREAS, pursuant to Article VI, Section 6.01 of the Pinellas County Charter, the Board of County Commissioners may propose amendments to the Pinellas County Charter by ordinance passed by an affirmative vote of not less than a majority plus one (1) member, subject to referendum approval at the next scheduled countywide election; and

WHEREAS, consistent with this countywide regulatory authority over County-owned lands granted in the Pinellas County Charter, the Board of County Commissioners proposes to further amend the Pinellas County Charter to require referendum approval by a majority vote of the electors of Pinellas County to remove the environmental lands designation from County-owned lands, or to sell, convey or transfer, or to lease or license any interest in County-owned environmental lands for a period longer than ten years; and

WHEREAS, providing multiple layers of protection for environmental lands through conservation easements, deed restrictions, facility management plans, the Comprehensive Plan, and this proposed Charter amendment serves the public interest by supporting the sustainability of natural resources, watersheds, and natural habitat; provides resource-based recreation opportunities; and promotes a healthy environment and community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in a meeting duly assembled this _____ day of _____, 2008, as follows:

Section 1: Article II of the Pinellas County Charter is hereby amended by adding Section 2.08 to read as follows:

Section 2.08. Environmental Lands.

- (a) The preservation of environmental lands as defined herein within Pinellas County supports the sustainability of natural resources, watersheds, and natural habitat; provides resource-based recreational opportunities; and promotes a healthy environment and community.
- (b) Environmental lands subject to the provisions of this Charter are those County-owned lands designated as environmental lands pursuant to Section 90-112, Pinellas County Code, and include County-owned lands within the Allen's Creek Management Area, Alligator Lake Management Area, Anclote Islands Management Area, Brooker Creek Preserve, Cabbage Key Management Area, Cow Branch Management Area, East Lake Management Area, Joe's Creek Management Area, King Islands Management Area, Lake Seminole Management Area, Lake Tarpon Management Area, Lake Tarpon West Management Area, Long Branch Management Area, Mariner's Point Management Area, Mobbly Bayou Preserve, Ozona Management Area, Shell Key Preserve, Travatine Island Management Area and Weedon Island Preserve.
- (c) Additional County-owned lands may be designated as environmental lands subject to the provisions of this Charter by adoption of an ordinance by the board of county commissioners.
- (d) The environmental lands designation may be removed from County-owned lands by adoption of an ordinance by the board of county commissioners and approval by a majority vote of the electors of Pinellas County in a referendum held at a general or special election called by the board of county commissioners, if the lands affected constitute more than one (1) acre within a designated facility, or by adoption of an ordinance by the board of county commissioners if the lands affected constitute one (1) acre or less within a designated facility.
- (e) The County shall not sell, convey, or transfer any fee simple interest in County-owned lands designated as environmental lands subject to the provisions of this Charter, and the County shall not lease or license for a period longer than ten (10) years any interest in County-owned lands designated as environmental lands subject to the provisions of this Charter, unless authorized by a majority vote of the electors of Pinellas County in a referendum held at a general or special election called by the board of county commissioners.

Section 2. Codification.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 3. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the valid portions thereof. The County hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional. The invalidity of any portion of this ordinance shall not abate, reduce, or otherwise affect any consideration or obligation required hereunder.

Section 4. Referendum.

Pursuant to the applicable provisions of Article VI, Section 6.01 of the Pinellas County Charter, and Chapters 100 and 101, Florida Statutes, a referendum is hereby called and shall be held on Tuesday, November 4, 2008, at which time there shall be submitted to the electors of Pinellas County, Florida, the following question:

BALLOT TITLE: Charter Amendment Designating and Governing Conveyance, Lease or License of County-Owned Environmental Lands.

BALLOT QUESTION: Shall the Pinellas County Charter be amended to designate certain County-owned lands as environmental lands, and to require approval by a majority vote of the electors to remove the environmental lands designation, or to convey any fee simple interest in designated County-owned environmental lands, or to lease or license any interest in designated County-owned environmental lands for a period longer than ten years?

_____ FOR the Charter Amendment

_____ AGAINST the Charter Amendment

Section 5. Publication of Referendum.

The Clerk of the Board shall publish notice of the referendum in accordance with Section 6.01, Pinellas County Charter, and applicable Florida Statutes, in the *St. Petersburg Times* on the following dates: September 19, 2008, September 26, 2008, October 3, 2008, October 10, 2008, and October 17, 2008 or on such other dates as provided in Section 6.01, Pinellas County Charter and applicable Florida law.

Section 6. Effective Dates of Ordinance and Charter Amendment.

(a) Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

(b) The Charter amendment proposed by this Ordinance shall become effective January 1, 2009, only if approved by a majority vote of the electors voting on the question posed by the referendum, and shall apply to all transactions after this date. If the question posed is not approved by a majority vote of the electors voting, the proposed Charter amendment shall not take effect, this Ordinance shall be of no force and effect, and shall be thereby repealed.

STATE OF FLORIDA
COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on _____ relative to:

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IN WITNESS WHEREOF, I hereunto set my hand and official seal this ____ day of _____, 2008.

KEN BURKE
Clerk of the Circuit Court and
Ex-officio Clerk to the
Board of County Commissioners

(SEAL)

By: _____
Deputy Clerk