RESOLUTION NO. 93-ENV-01

A RESOLUTION OF ORANGE COUNTY, FLORIDA, PERTAINING TO THE ENVIRONMENT; ESTABLISHING AS MITIGATION A TRUST FUND TO FINANCE THE PURCHASE AND LAND MANAGEMENT COSTS OF ENVIRONMENTALLY SENSITIVE OR DESIRABLE LANDS; PROVIDING FOR ADMINISTRATION OF THE TRUST FUND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the expansion of the Orange County Convention Center, Phase IV, necessitates removal of a small isolated wetland of approximately four (4) acres;

WHEREAS, upon careful review it has become apparent that off-site mitigation is the most prudent and beneficial course of action in this situation;

WHEREAS, several new and viable mitigation banking and other off-site mitigation projects are being established within Orange County;

WHEREAS, participation in one or more of the aforementioned mitigation projects is an acceptable and highly desirable form of mitigation, however, the various states of completion of the mitigation projects and the construction schedule of the Convention Center expansion do not lend themselves to a direct application to a specific mitigation project at this time;

WHEREAS, in recognition that mitigation is required, Orange County hereby establishes a trust fund for mitigation purposes as more particularly set forth below.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. The foregoing recitals are true and correct and are incorporated into this resolution.

Section 2. Establishment of Trust Fund.

A. The Orange County Board of County Commissioners hereby directs the establishment of a trust fund entitled "The Orange County Convention Center Phase IV Expansion
Wetland Mitigation Trust Fund" (hereinafter "Trust Fund") in the amount of Nine Hundred Thousand and No/100 Dollars ($900,000.00).

B. The basis of the Trust Fund monies shall be from the Convention Center fund.

C. The Trust Fund shall be a separate interest bearing account established and administered by the Orange County Comptroller.

Section 3. Administration of the Trust Fund.

A. The Trust Fund shall be administered by the Orange County Comptroller in accordance with the provisions of this section and other applicable generally accepted accounting principles.

B. Any interest earned by the Trust Fund during its existence shall be deposited back into the Trust Fund for disbursement as set forth in subsection C.

C. Any and all Trust Fund monies shall only be disbursed by the Orange County Comptroller upon the written direction from the South Florida Water Management District (hereinafter the "District") for one or more of the following:

1. Purchase of mitigation and maintenance credits as a part of the Orange County, Florida Game and Fresh Water Fish Commission "Split Oak Forest" Mitigation Park. (A description of the program is attached as Exhibit "1".)
2. Purchase of lands along the western boundary (Munger lots) of the District's Shingle Creek property and within the boundary of the existing Shingle Creek Save Our Rivers project.

3. Purchase of environmentally sensitive lands acceptable to the District, whether in or outside of Orange County boundaries, such as lands within the District's Save Our Rivers projects. Examples include, but are not limited to, additional lands added to the existing Lake Forest Preserve owned by the District and managed by Orange County or the recent proposal by the Kissimmee Valley Audubon Society to add the remainder of Shingle Creek in Osceola County to the Save Our River plan.

4. Purchase of additional lands (including funding for restoration and ongoing land management) for programs of the Nature Conservancy.

5. Deposit into a land maintenance and management program for an established mitigation property acceptable to the District.

Trust Fund monies shall not be disbursed for any reason or purpose except as set forth in this subsection.

D. The Trust Fund monies shall be used in the aggregate to purchase at least 60 acres of environmentally sensitive or desirable land. This 60 acre minimum land purchase requirement is in accordance with the 15 to 1 mitigation ratio agreed upon by the County and the District for removal
of the approximately four (4) acres of wetlands from the Convention Center Phase IV expansion site.

E. In recognition of the desired preference to utilize the Split Oak Mitigation Park as the means of mitigation, the County shall have until October 1, 1993 to complete a plan for expenditure of the funds according to the categories listed above which is acceptable to the District. Further, the County is required to implement the project as set forth in the plan within two years of being accepted by the District. Such implementation tasks include but are not limited to the purchase of land or credits, making the appropriate physical improvements, and development and implementation of a land management program. If the plan is accepted by the District, the District shall request disbursements of Trust Fund monies in accordance with the plan. If the County does not submit a plan which is acceptable to the District Board by October 1, 1993, the District may direct that the funds be spent on one of the other alternatives as listed above in subsection C.

F. All Trust Fund monies shall be disbursed by May 4, 1996. After the minimum required 60 acres as set forth in subsection D are acquired, any remaining monies may be deposited into a land maintenance and management program as set forth in subsection C.
Section 4. Effective Date. This Resolution shall take effect upon adoption.

ADOPTED THIS 4th DAY OF MAY, 1993.

ORANGE COUNTY, FLORIDA

BY: Bill O'Leary

in the County Chairman

DATE: MAY 04 1993

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

BY: Deputy Clerk