

Public Hearing – Meeting Summary

Funding Request – Manatee Study

Monday, August 19, 2013

5:00 p.m.

Members Present

Steven Jenkins, Chair

Michelle Tappouni, Vice Chair

Gary Bowers, M.D.

Nick Howland

Bobby Baker, P.E.

Lucinda Sonnenberg, Ph.D.

Tony Bellamy (arrived 5:55 pm)

Staff / Resources Present

James Richardson, Program Administrator

Ruby Tucker, Executive Secretary

Jody Brooks, OGC

Scott Trebatoski, Acting Chief

Calvin Burney, Director, Planning Department

Visitors

Quinton White, Jr., Ph.D., JU

Call to Order

Chair Jenkins reconvened the Public Hearing at 5:10 pm. stating there were several questions raised by the Board at last weeks meeting and a concern that the COJ Manatee Study would not fall under the purview of the EPB.

Certification of Public Notice

The public notice required by Florida law appeared in the Financial News & Daily Record.

James Richardson, EPB Administrator provided the EPB with copies of the Manatee Project proposal submitted by Dr. White stating that Chair Jenkins requested that staff invite a representative to respond to their questions and the connection of the request in Section 360.602 of the ordinance code.

Lucy Sonnenberg disclosed a conflict of interest with the proposed COJ Manatee Study. A conflict of interest form will be submitted as part of the record. Board Member Sonnenberg will abstain from voting.

The Board discussion proceeded. A question was directed to Board Counsel Jody Brooks, is the purpose of the Manatee Project within the purview of the uses of the Environmental Protection Fund (EPF). Jody Brooks stated that the Board is tasked with overseeing Air and Water, Noise Control and Odor Control. There is nothing in the rules or regulations dealing with wildlife protection. Section 360.602(f) Uses of Fund states: Any studies, surveys, tests and investigation shall be special projects of a unique, onetime nature, and shall not be continuing, or ongoing studies.

The Manatee Protection Plan is an annual ongoing project since 2006. The proposal is to fund the project for a two year period (FY13/14 & FY14/15). In review of the manatee plan submitted the first task may have some water quality aspect, but the remaining tasks are more of aerial surveys, counts of manatees and water craft related, with no substantial connection of the request to the Ordinance Code.

A lengthy discussion ensued with questions concerning the budget, match funding, EPF balance, educational component, outreach material, etc.

Presentation by Petitioner

Calvin Burney, Director, Planning Department, stated that over a number of years there have been entities that have participated in match funds for the Manatee Plan. In review of other counties with Manatee Protection plans, the environmental agencies are the leading players. If the Board would consider funding the project for a single year the proposal can be modified.

Ms. Brooks stated that other agencies or local governments may within their authorizing legislation have wildlife protection or natural resource protections, however, this ordinance does not provide the Board the ability to grant this type of funding request. The Jacksonville City Council can still approve the funding request as long as it goes through the legislation ordinance process.

Dr. Quinton White stated that state funding is gradually being cut and adjustments have been made by reducing the number of flights, which is an educational tool because the reports are released to media, the Florida Times-Union, radio and television stations. City Council and the Waterways Commission has requested that more water quality information be included in their reports concerning the SJR. Each month a report is produced with information regarding what's happening in the river such as, rainfall salinity, nutrients, algae blooms etc. One of the tasks is to work with the port and the marine transportation exchange to publicize what's going on with manatees, water quality issues and distribute this information to boat captains etc. Next year its anticipated to develop a best management plan, to be approved by the state and passed by City Council which will change the report updates to an implementation plan.

Board Discussion and Staff Clarification

Discussion occurred at this time with concerns expressed such as: that the manatee plan under the Planning Department has no connection to the Board, how will the Board be tied in, will reports be submitted to the Board, what is Waterways Commission role, what will happen after this year, etc.

Several members expressed that the Board is not saying this is not an important project or that the Board does not want to fund the project, however, they have concerns about their ability to grant the request under the ordinances listing their duties (Ord. 73.102) and uses of the trust fund (Chapter 360.602).

Comments from Public

None

Board Vote

A motion was made to not approve the COJ Manatee Study proposed funding request. Motion was properly seconded and failed. Vote (3-3). *Board Member Sonnenber disclosed a voting conflict and abstained from voting.*

After some discussion, a motion was made to defer action and to continue the funding request until the next meeting. Motion was properly seconded and failed. Vote (3-3).

Further discussion took place regarding the funding request and options available to provide the funding. There was some consensus that in another form, the funding request might be eligible. Following this discussion, a motion was made to not fund the request as currently presented which was properly seconded and approved unanimously by the body, with one abstention.

Procedural Summary

EPB Counsel Brooks restated the board action to not fund the request as it was currently presented to the board.

Adjournment

The Public Hearing was adjourned.

Respectfully submitted

Ruby Tucker, Executive Secretary I
Environmental Protection Board