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Lee County Commission to vote on 20/20 referendum

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The Lee County Commission will hold a public hearing Tuesday and then vote on whether to send a much-changed Conservation 20/20 program back to voters this fall.

Twenty years ago, Lee County voters approved a half-mill tax increase to fund the purchase of conservation lands critical to the local water supply, flood prevention, wildlife habitat and passive recreation.

Over those two decades, the Conservation 20/20 program has spent more than $316 million to acquire, restore and conserve about 24,931 acres, which is not quite 5 percent of the county's sprawling 520,629 total acreage.

On Tuesday, the county commission will decide whether to put the program back on the ballot in November. Some, like Commissioner Brian Hamman, say the program was only intended to last seven years, and that local voters deserve the right to vote on whether to continue using their tax dollars to buy and maintain environmentally sensitive lands. Others, like Commission Chairman Frank Mann, don't want to risk a public vote and claim it isn't needed just two years after Lee County voters overwhelmingly supported the state water and land conservation initiative, or Amendment One.

The public will have a chance to weigh in on whether the program should be put back on the ballot before the county commission vote, but it's not a formally scheduled public hearing. Speaking could begin shortly after the meeting starts at 9:30 am, but it will likely occur late in the meeting.

The program has evolved since a group of residents pushed for its adoption in the wake of a 1994 study that found Lee County lagging behind the state and other counties in setting aside local land for conservation. Last year, the county commission voted to allow the county to pursue the acquisition of lands instead of having to wait for sellers to offer up their properties. The program now focuses on properties that can improve water quality and quantity, according to conservation lands manager Cathy Olson. It also now allows for the purchase of development rights.

The committee formed to evaluate 20/20 applications is recommending the county commission approve the purchase of another 98 acres to protect the Daughtrey's Creek watershed, a tributary of the Caloosahatchee River, in March, Olson noted.

Some people who supported the program at its inception, and even lobbied on its behalf, believe these changes have undermined Conservation 20/20, turning it into a water quality program rather than a conservation tool.

Former County Commissioner Ray Judah, who served 24 years until he lost in 2012 to Larry Kiker, said many former supporters may voice their disappointment in November. Others may voice their distrust in how their taxes are being spent after the commission voted to stop funding 20/20 during the recent recession but kept the tax rate stable, essentially diverting taxes initially levied for conservation purposes to a general fund bailout,
Judah said. The disappointed and the distrustful could combine to topple Conservation 20/20 in November, Judah said.

Assistant County Manager Pete Winton said the county never used money collected for 20/20 acquisition to plug any holes in the general fund, but agreed that the county commission did suspend collections in 2013 without decreasing the tax rate to address a looming deficit of between $30 million to $37 million. That still left the county with about $96 million set aside for conservation, Winton said. While doing this, the county commission agreed that it would replenish the fund if the amount drops too low. It now has about $89 million remaining, Winton said.

The county spends between $4 million and $7 million a year to maintain and restore the existing preserves, depending on the work required, Winton said. All maintenance costs are funded through the general fund.

A county audit raised more questions about the program's performance.

The Lee County Clerk of Court audited the program in 2011 and claims to have found the county overpaid for conservation land, especially during the recession, when it paid more than twice as much per acre than it had during good economic times. County officials disputed the audit.

The county formed a blue-ribbon committee to review the program in light of the audit and recommended changes rather than shelving the land-buying program, which supporters say has never sparked an outcry from constituents, even after the audit findings.

The audit played a role in the 2012 county commission elections, prompting several candidates, including now commissioners Hamman and Kiker, to promise to put the program back to voters if elected. They are two of likely four votes on the five-man commission in favor of sending the program to referendum, with Mann likely to be the only holdout. None of the commissioners have openly opposed the 20/20 program. The commission voted 2-2 to support the statewide Amendment One campaign, which remains unfunded. Mann and Manning voted in favor and Kiker and Hamman voted no. Cecil Pendergrass was absent.

Rae Ann Wessel, the director of the Sanibel-Captiva Conservation Foundation and a member of the committee that evaluates 20/20 properties for potential purchase by the county commission, told commissioners there is no need to spend the money on a referendum when there is no public outcry and about 78 percent of Lee County voters who participated in the 2014 general election supported Amendment One. But her fellow committee member George Wheaton said he is scared of a referendum because voters might reject the program out of frustration with the commission's use of conservation dollars for non-conservation purposes.

IF YOU GO

WHAT: Lee County Commission holds hearing, then votes on sending 20/20 Conservation to referendum

WHEN: 9:30 a.m., Tuesday although public comment may be allowed later in the meeting

WHERE: County Commission chambers, 2120 Main St., Fort Myers