

RESOLUTION NO. 54-2010

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; REQUESTING COOPERATION AND FINANCIAL ASSISTANCE FROM THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS CONCERNING THE CARE AND MAINTENANCE OF LAND UNDER THE CONTROL OF THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM (EELS) WITHIN THE TOWN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town of Malabar is a municipal corporation organized and existing in Brevard County, Florida and has a total land area of 11.5 square miles; and

WHEREAS, the EELS program was approved by Brevard County voters in a 1990 Brevard County referendum; and

WHEREAS, the Brevard County Board of County Commissioners has final responsibility for implementation of the EELS program; and

WHEREAS, the EELS program has purchased nearly ___ acres of land in the Town which is approximately _____ percent of the land in the Town; and

WHEREAS, the EELS program goals include, but are not limited to, inter-agency partnership, effective communication with the public, uniform acquisition procedures throughout Brevard County, providing liaisons with local agencies, cooperation with all municipalities in Brevard County, consideration of the financial situation of the affected municipality, impacts on the local community, economic impacts and impact on local programs; and

WHEREAS, the Town has previously asked for a better cooperative existence between the Town and EELS and the EELS has responded by keeping the Town informed about future and pending land purchases within the Town; and

WHEREAS, due to the unique ecological make-up of the Town some lands within the Town are environmentally sensitive and are worthy of preservation; and

WHEREAS, the Town recognizes that such environmentally sensitive land purchases within the Town are accomplished between a willing seller and a willing buyer; and

WHEREAS, as a result of these purchases the land is removed from the Town's tax base; however, the Town, as part of its commitment to the overall health safety and welfare of the citizens of the Town, still provides law enforcement, other emergency services, stormwater management and occasional maintenance and care to the EELS land which puts a strain on the Town's limited resources.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

Section 1. The Town Council hereby requests that the Brevard County Board of County Commissioners and EELS engage in a dialogue with Town to develop a plan for the providing of law enforcement, other emergency services, stormwater management and for the continuing care and maintenance of EELS land within the corporate limits of the Town, as now

exists or may exist in the future, which would result in the EELS absorbing the financial responsibility for the care, maintenance and provisions for emergency services of EELS land within the Town.

Section 2. The Town Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Brevard County Board of County Commissioners and the Director of the EELS.

Section 3. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was moved for adoption by Council member _____ . The motion was seconded by Council member _____ and, upon being put to a vote, the vote was as follows:

Council Member Nancy Borton	_____
Council Member Brian Vail	_____
Council Member Steve Rivet	_____
Council Member Jeffry (Jeff) McNight	_____
Council Member Marisa Acquaviva	_____

This resolution was then declared to be duly passed and adopted this _____ day of _____, 2010.

TOWN OF MALABAR

BY: _____
Mayor Tom Eschenberg, Chairperson

ATTEST:

Debby Franklin,
Town Clerk/Treasurer

Approved as to form and content:

Karl W. Bohne, Jr.,
Town Attorney

