

Green Rebuttal

September 6, 2011

By Commissioner Ray Judah

The Clerk of Courts is perceived as an unbiased guardian of local government's use of public money. Sadly, Charlie Green has used the veil of his office to invoke baseless allegations challenging policy decisions by the Lee County Board of County Commissioners (BOCC).

Recently, Mr. Green refused to release tourism tax dollars to pay for consulting services performed on behalf of Lee County and the Tourist Development Council (TDC). His action is contrary to the County Attorney's opinion that such use of tourism funds is consistent with State statute to protect and restore beaches, shoreline or rivers with public access.

The TDC over the past seven years has protected and enhanced the county's vital natural resources through stricter water quality standards and landmark estuary protection legislation. Now, through Mr. Green's legal counsel, those efforts have been deemed "too remote and indirect to be characterized as directly protecting or enhancing the physical nature of the subject water bodies." This "new" standard is absurd. Mr. Green seemingly fails to comprehend that sustainable natural resources are the cornerstone of Lee County's multi-billion dollar tourism industry.

Federal and state water resource experts have been paid with tourism funds since 2004, when the TDC boldly addressed the devastation from excessive releases of polluted Lake Okeechobee water on the Caloosahatchee and coastal beaches and estuaries. Unwilling to accept the opinions of the County Attorney and the Florida Attorney General, Mr. Green has forced the BOCC to take legal action, using taxpayer money, to overturn his decision to refuse payment.

Mr. Green has also weighed in recently on the County's purchases of the Fisherman's Co-op site, Wachovia Bank building, County Road 951 right-of-way, and the Waterway Estates property.

After the devastating hurricane seasons of 2004 and 2005, the BOCC realized that an appropriate land-based site on Pine Island was needed for proper disposal of debris from construction and solid waste generated on residential barrier islands. Illegal barge transportation of garbage and building materials was disruptive to residents and the environment. After an exhaustive search for a deep-water site that would not impact residents, shoreline mangroves or shallow-water seagrass, the Fisherman's Co-op site was the only parcel that met zoning requirements and state and local permitting approval. In addition to accommodating critical commercial operations, the site provides important public water access to recreational boaters.

The Wachovia building was acquired when the county was growing at 26,000 new residents a year and space was desperately needed for county and constitutional offices. The building was purchased with cash to avoid debt. Recently renovated, it provides office space for the Clerk of Courts (some of Charlie Green's staff), the Lee County Visitor and Convention Bureau (VCB) and the Economic Development Office (EDO). Consolidating the VCB and EDO into one location has eliminated \$500,000 in annual lease payments and enhances business activity in the downtown Fort Myers River District.

Due to explosive population growth in the 1990s and early 2000, the BOCC relied on a computer-generated travel-demand model used to develop the Metropolitan Planning Organization's 2030 long-range transportation plan to purchase right-of-way (R-O-W) for the future construction of C.R. 951 east of I-75.

Even with the economic slowdown and decline in population growth over the past several years, a critical need still exists to provide alternative access for Florida Gulf Coast University's increasing student enrollment, and enhanced access to the future research and development business park north of Alico Road. The purchase price for the R-O-W included land zoned and permitted for residential lots.

In 2005, Lee County was under a consent order with the Florida Department of Environmental Protection to abate excessive nutrient discharges from its Waterway Estates wastewater treatment plant. A comprehensive study by engineering consultant Hazen and Sawyer determined that the most cost-effective solution was to purchase land adjacent to an existing wastewater plant to expand capacity and upgrade treatment to reclaim wastewater effluent.

Lee County has since entered into an agreement with the Florida Government Utility Authority to connect with the North Fort Myers Utilities plant. The Waterway Estates land remains a valuable County asset, and several possible future uses, based on will of the public, include a marina or park.

The public record will verify that the BOCC spend funds based on value and demonstrated need.