

June 29, 2007

Governor Charlie Crist  
Office of Governor Charlie Crist  
The Capitol  
Tallahassee, FL 32399-0001

Re: Investigation of Environmental Protection Commission's Board of Directors  
Hillsborough County, Florida

Governor Crist:

We the people of Hillsborough County, including all jurisdictions therein, hereby respectfully request that you investigate the actions and the composition of the board of directors of the Hillsborough County Environmental Protection Commission (EPC) for reasons outlined below. The actions taken in three board meetings from March, 2007 through June, 2007 have displayed this board of directors':

1. Inability to act in the best interest of the agency;
2. Inability to distinguish between their roles as board of directors of EPC and the board of the Hillsborough County Commission; **and most importantly,**
3. Inability to act in the best interest of the public.

We believe the recent actions of this board of directors rise to the same level of concern which compelled you to investigate the Hillsborough County Expressway Authority's board.

As you are aware, the EPC is a state legislatively created body which regulates air, water (wetlands), and noise for unincorporated Hillsborough County, cities of Tampa, Temple Terrace and Plant City. All four jurisdictions have comprehensive plans, land development codes and ordinances interwoven with the stricter standards of review and regulation of the EPC. The stricter standards within the EPC rules are the whole reason the EPC was created to begin with – the public wanted stricter controls on the environment than offered by the state and federal governments.

At the March 15, 2007, EPC board meeting, an amendment filed on a bill to take away local control of wetlands was discussed by the board. Since EPC was a direct example used in Tallahassee legislative session and passage of the amendment would mean the elimination of the wetlands division of EPC, the staff asked permission to defend the organization in Tallahassee. As you can see from the enclosed transcript, the board of directors of the EPC voted 5-2 to NOT allow the organization to participate, let alone defend itself on this issue. **How can this even remotely be considered acting in the best interest of the agency? How is this acting in the best interest of the public?**

Thankfully, you had advised in the newspapers that your red pen was out on that amendment, and the amendment died. On behalf of all of us, THANK YOU for assisting in saving our EPC.

Since duplication with other agencies and streamlining the wetlands permitting process was an issue, staff was instructed to review same and come back with recommendations at the next meeting.

During the May 17, 2007 board meeting, the board of directors reviewed the processes on wetland regulation of the county staff, EPC, Southwest Florida Water Management District, and DEP. Delegation of wetlands regulation from the water management district was also discussed. During the public comment portion of the meeting it was very clear from the dozens of citizens testifying that they wanted EPC to regulate stricter control over our wetlands. Other testimony included Steve Dibbs (a well known developer with a very visible vendetta toward the EPC), his family, employees and his “expert land use team” all asking for our local EPC wetlands regulation surrendered to the state water management district.

Two things were very interesting at this meeting: 1) Other than the Dibbs’ team and a couple of other development interests, there was a suspicious absence of the “usual” development interests in the county, ie. homebuilders, land use attorneys, and planners; 2) Of particular interest was an attorney from the Hopping, Green law firm in Tallahassee standing at the podium requesting that our board of directors eliminate the EPC. **Why is a Tallahassee state-wide development industry lobbyist law firm interested in Hillsborough County’s EPC?** (Please note that this is the same law firm that brought forward the amendment to take away local control of wetlands regulation during the session.) A copy of the May 17, 2007 meeting transcript is enclosed for your review.

At the continuation of this issue at the June 21, 2007 meeting, again only the Dibbs’ team and interests were in attendance (absence of “usual” development interests noted for a second time) as were a few citizens. A motion was made by the board of directors of EPC to eliminate the wetlands division of the EPC, and to amend the comprehensive plan and land development code to mirror the water management district’s regulations. The motion passed 4-3. The June 21, 2007 transcript is enclosed.

Inappropriate handling of this meeting:

1. The agenda for the meeting did not reflect an item on eliminating the wetlands division, let alone any action to be taken on the matter.
2. Public comment was not allowed on this issue even though the Chairman of the Board advised on the record that it would be;
3. The Executive Director was not allowed to present his report, which contained recommendations on streamlining, duplication and a one-stop development permitting hybrid as requested by the board of directors. He was finally timed 3 minutes after the motion was made to speak.

4. The board of directors' discussions on the county's budget was from the perspective of a county commissioner versus a board of director for EPC. Even when staff advised that EPC had already made the requested budget cuts required by the county, the board of directors still passed the motion to eliminate the wetlands division for county budget reasons outside the purview of the EPC board.
5. This board of directors unilaterally made a decision for all four jurisdictions in Hillsborough County without consulting them or putting the issue on the agenda for proper notice. The wetlands division is a rule and there was no legal notice of a hearing on rulemaking. Therefore, we question whether the action of the board of directors is even legal.
6. This decision by this board of directors did not act in the best interest of its own agency, the public or of Tampa, Temple Terrace and Plant City. This was brought to their attention during discussions by Commissioner Mark Sharpe, but ignored. As a matter of fact, we don't know who or what interests their actions represented, but there is a connection between Tallahassee lobbyist firm, and a local developer, Steve Dibbs, and our board of directors of EPC as all of this has been orchestrated too well. Attached are emails and letters regarding the Dibbs/Hopping, Green law firm in Tallahassee.

Hillsborough County has an abundance of lakes, creeks, the Hillsborough River, Tampa Bay, Hillsborough Bay and all its estuaries that need a higher standard of regulation for protection. The Hillsborough River is a drinking water source as well as an already damaged water body we are trying to correct. We can't afford political gaming with our precious natural resources.

**In conclusion, we believe the actions of the board of directors of EPC constitute official misconduct (malfeasance); wrongful exercise of lawful authority (misfeasance); and, neglect of duty bestowed upon them by legislative act.**

Governor, please look at the inequities in the composition of the board of directors. We don't believe the interests of all the jurisdictions are represented. Please look at the actions taken by this board of directors to protect the public interest in this county. If there is any additional information that you need from us, please use the contact information below.

Respectfully submitted,

WE, THE PEOPLE, OF HILLSBOROUGH COUNTY (see attached)

Enc: Transcripts from 3/15, 5/17 and 6/21/07 of EPC meetings  
Articles and Editorials from the Tampa Tribune and St. Petersburg Times  
Dibbs/Hopping, Green connection documents  
Letter from Congresswoman Kathy Castor  
6/21/07 Agenda  
Dr. Garrity's 6/21/07 Recommendation

Contact Info: Coalition 4 Responsible Growth, Inc.  
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The Citizens for the Revitalization of Temple Terrace (CRTT)  
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The Temple Terrace Preservation Society  
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Fred H. Lively  
Janet L. Lively  
Greg Riski  
Vaughn Wood  
Jeff Kocher  
Barbara Dowling  
Danny Thrasher  
Steve Morris

*Jan Fowler*  
*Odessa, FL*

*Greg Colvin*  
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Deborah Cope (Positions held within the community):  
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(Urban Charrette is a newly formed organization under the non-profit Tampa Community Design Center. Urban Charrette is an urban design collaborative which advocates for a "livable" Tampa Bay region. Our members include architects, planners, landscape architects, business owners, developers, students, and policy makers.)

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