



## Gulf Consortium Agenda

June 20, 2014 10:00 a.m. - 12:00 noon (Eastern)

Hilton Orlando Bonnet Creek  
14100 Bonnet Creek Resort Lane  
Orlando, FL 32821

1. Call to Order
2. Pledge
3. Public Comment
4. Consent Agenda
  - a) Minutes Approval Gulf Consortium Meeting 3/26/14
  - b) Minutes Approval Executive Committee Call 6/2/14
  - c) List of Directors/Alternates/Governor's Appointees
  - d) Financial Report
  - e) Notice of Meeting as published in the Florida Administrative Register
5. Tourism Marketing Presentation (VISIT Florida)
6. Gulf Fisheries Presentation (Mr. Luiz Barbieri, Fish and Wildlife Research Institute)
7. Debbie Harker, US Treasury Inspector General
8. Chair Request for Resolution(s)
9. Staff Update
  - a. Legal
  - b. Legislative
10. Status Invitation to Negotiate (ITN)
11. Roles Discussion including Funding Options and Implementation Options
12. Public Comment
13. Meeting Schedule for 2014
  - a) July – Open - NACO Meeting July 8<sup>th</sup> NOLA (***If two or more Directors/Alternates attend, a public notice is required***)



- b) August - Thursday, August 7<sup>th</sup> 9:30am-12:00noon Central– Pensacola – in conjunction with FAC Board Retreat
- c) September - Wednesday, September 17<sup>th</sup> 9:30am-12:00noon Central – Walton County – in conjunction with FAC Policy Conference
- d) October - Open
- e) November - Open
- f) December - Wednesday, December 3<sup>rd</sup> 9:30am-12:00noon Eastern- St. John’s County – in conjunction with FAC Legislative Conference

14. Adjourn

**Gulf Consortium Meeting  
March 26, 2014 10:00 a.m. (ET)  
Tallahassee City Commission Chambers  
Leon County (Tallahassee, FL)**

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**Officers in Attendance:** Commissioner Mike Thomas (Bay), Commissioner Rebecca Bays (Citrus), Administrator Mike Cassidy (Dixie), Commissioner Grover Robinson (Escambia), Commissioner Cheryl Sanders (Franklin), Commissioner Warren Yeager (Gulf), Commissioner Wayne Dukes (Hernando), Commissioner Betsy Barfield (Jefferson), Natural Resources Director Charlie Hunsicker (Manatee), Commissioner George Neugent (Monroe), Commissioner Dave Parisot (Okaloosa), Commissioner Jack Mariano (Pasco), Commissioner Susan Latvala (Pinellas), Commissioner Lane Lynchard (Santa Rosa), Commissioner Nora Patterson (Sarasota), County Administrator Jack Brown (Taylor), Commissioner Ralph Thomas (Wakulla), Commissioner Sara Comander (Walton), Governor Appointee Pam Anderson, Governor Appointee Peter Bos, Governor Appointee Lino Maldonado, Governor Appointee Collier Merrill, Governor Appointee Michael Sole, Governor Appointee Neal Wade

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**Agenda Item #1 – Call to Order**

Commissioner Grover Robinson called the meeting to order at 10:05 am (ET).

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**Agenda Item #3 – Public Comment**

1. Janet Bowman, Nature Conservancy.
  2. Jessica Koelch, National Wildlife Federation.
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**Agenda Item #4 – Consent Agenda**

Mr. Doug Darling, Interim Director, presented the consent agenda containing minutes from the January 24, 2014 Gulf Consortium Board of Directors' (Board) Meeting in Leon County, an updated list of Directors/Alternates and the Notice of Meeting as published in the Florida Administrative Register. A motion to approve the consent agenda was presented by Commissioner Susan Latvala (Pinellas) and seconded by Commissioner Ralph Thomas (Wakulla).

**ACTION: APPROVED**

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**Agenda Item #5 – Introduction of Governor's Appointees**

The six Gubernatorial Appointees were all present and introduced themselves to the Board.

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**Agenda Item #6 – Presentation on National Fish & Wildlife Foundation (NFWF), Ms. Jennifer Fitzwater, FWCC, Mr. Mike Sharpe, NFWF and Mr. Thomas Kelsch, NFWF.**

Mr. Mike Sharpe, Director, Gulf Environmental Benefit Fund (AL, FL, MS), gave an overview of the Gulf Environmental Benefit Fund established using criminal penalties including a timeline, project selection criteria, overarching goals and focal areas of the fund.

Ms. Jennifer Fitzwater, Gulf Restoration Coordinator, Florida Wildlife Conservation Commission, updated the Board on the upcoming deadline from project submission through the Department of Environmental Protection's website.

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**Agenda Item #7 – Staff Update**

Ms. Sara Bleakley, Interim General Counsel, briefed the Board on current legislation being considered in the Florida Legislature and informed the Board neither House nor Senate bills had been placed on an agenda.

Next Ms. Bleakley led the Board in a discussion on entering into an Interlocal Agreement (ILA) with Leon County for their assistance with developing the Invitation to Negotiate and Procurement Policies. A motion to adopt the ILA concept was presented by Commissioner Susan Latvala (Pinellas) and seconded by Commissioner Sara Comander (Walton).

**ACTION: APPROVED**

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**Agenda Item #8 – Annual Audit Presentation**

Ms. Dana Powell and Ms. Bonnie Gandy from Law, Redd, Crona & Monroe, P.A. presented the auditor's opinions on the financial status of the Consortium as of September 30, 2013 and noted there were no exceptions issued. A motion to accept the annual audit was presented by Commissioner Sara Comander (Walton) and seconded by Commissioner Rebecca Bays (Citrus)

**ACTION: APPROVED**

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**Agenda Item #9 – Procurement Policy**

Ms. Sarah Bleakley, Interim General Counsel, briefed the Board on the revised draft procurement policy including the requirement the Board approve termination of a contract, the requirement the Board approve payment of contract claims over \$10,000 and the requirement the Board approve all solicitations. Discussion ensued. A motion to approve the Resolution establishing the Procurement Policy for the Gulf Consortium was presented by Commissioner Warren Yeager (Gulf) and seconded by Commissioner Ralph Thomas (Wakulla).

**ACTION: APPROVED**

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**Agenda Item #10 – Invitation to Negotiate**

Ms. Sarah Bleakley, Interim General Counsel, presented to the Board the two phase Invitation to Negotiate as approved by the Gulf Consortium Executive Committee, phase one being the invitation to negotiate and phase two being the request for a best and final offer. Discussion ensued. A motion adopting the Invitation to Negotiate as included in the agenda packet was presented by Commissioner Rebecca Bays (Citrus) and seconded by Commissioner Warren Yeager (Gulf).

**ACTION: APPROVED WITH ONE NO VOTE (Commissioner Betsy Barfield, Jefferson)**

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**Agenda Item #11 – Visioning and Roles Follow-Up**

Mr. Doug Darling, Interim Manager, provided a summary of the visioning and roles workshop held January 24, 2014. Discussion ensued including next steps for the Board.

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**Agenda Item #12 – Public Comment**

1. Shelly Kelly, Leon County Purchasing Director

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**Agenda Item #13 – Meeting Schedule for 2014**

Mr. Doug Darling, Interim Manager, reviewed the meeting schedule for the remainder of 2014.

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**Agenda Item #12 – Adjournment**

There being no further business, the Committee adjourned at 12:38 pm (ET).

**Gulf Consortium Executive Committee Meeting**  
**June 2, 2014 3:00 p.m. (ET)**  
**Florida Association of Counties**  
**Leon County (Tallahassee, FL)**

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**Officers in Attendance Telephonically:** Commissioner Sara Comander (Walton), Commissioner George Neugent (Monroe), Commissioner Warren Yeager (Gulf)

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**Agenda Item #1 – Call to Order**

Commissioner Warren Yeager called the meeting to order at 3:02 pm (ET).

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**Agenda Item #2 – Public Comment**

1. Jessica Koelch – National Wildlife Federation
  2. Peter Bos – Gulf Consortium Gubernatorial Appointee
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**Agenda Item #3 – Minutes Approval**

Mr. Doug Darling, Interim Manager, presented the minutes from the March 10, 2014 meeting of the Executive Committee. A motion to approve the minutes from the March 10, 2014 meeting of the Gulf Consortium Executive Committee was presented by Commissioner George Neugent (Monroe) and seconded by Commissioner Sara Comander (Walton).

**ACTION: APPROVED**

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**Agenda Item #4 – Financial Report**

Mr. Doug Darling, Interim Manager, presented the Financial Report. He informed the Committee that there would be an updated report presented to the full Board at the meeting on June 20, 2014 in Orange County. He also reported that at this time, all counties had paid their dues for this year in full.

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**Agenda Item #5 – Notice of Meeting as published in Florida Administrative Register**

Mr. Doug Darling, Interim Manager, informed the Committee a copy of the published meeting notice was included in their agenda packet as item #5.

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**Agenda Item #6 and #6A– Review of June 20, 2014 Gulf Consortium Meeting Agenda**

Mr. Doug Darling, Interim Manager, reviewed the agenda for the June 20, 2014, meeting of the Gulf Consortium in Orange County.

Mr. Chris Holley, FAC Executive Director, updated the Committee on the status of forming the procurement evaluation committee. Commitments to participate have been received from Mr. Karl Havens, University of Florida /IFAS Extension; Mr. Phil Coram, Florida Department of Environmental

Protection; Mr. Roman Gastesi, Monroe County; and Mr. Ed Gardner, PowerSouth Energy Cooperative.

Next Mr. Doug Darling, Interim Manager, reviewed the seven funding options identified by staff for the state expenditure plan and briefly presented the benefits and drawback of each option. Discussion ensued. The Committee requested that staff reorder the options, in priority order, and focus on gathering more information on the following options:

- Option 1 - Using Bucket 3 to fund plan development;
- New Option 2 - Requesting the State of Florida provide the funding;
- New Option 3 - Applying for a grant from the National Fish and Wildlife Foundation; and
- New Option 4 - Hybrid of various options.

A more in depth discussion will occur at the June 20, 2014 Gulf Consortium Meeting.

Finally, Mr. Darling reviewed the implementation options identified by staff for the state expenditure plan.

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#### **Agenda Item #7 – New Business**

There was no new business.

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#### **Agenda Item #8 – Meeting Schedule for 2014**

Mr. Doug Darling, Interim Manager, reviewed the schedule for the remainder of 2014.

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#### **Agenda Item #9 – Public Comment**

There was no public comment.

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#### **Agenda Item #12 – Adjournment**

There being no further business, a motion to adjourn was presented at 3:50 pm (ET) by Commissioner Sara Comander (Walton) and seconded Commissioner George Neugent (Monroe).

**Gulf Consortium Board Meeting Agenda Item  
June 20, 2014  
Consent Agenda Item # 4.d**

**Statement of Issue or Executive Summary:** At previous Gulf Consortium meetings, a request was made, and approved by Directors, that financial status reports are provided at each Gulf Consortium meeting.

**Background:** Gulf Consortium member counties have contributed to the operation of the Consortium during this transition phase of establishment.

**Analysis:** The sheets below provide a recap of revenue and expenses to date compared to budget.

**Options:**

- 1) Approve a motion to accept the financial reports as presented.
- 2) Provide other direction.

**Fiscal Impact:** None.

**Recommendation:** Approve a motion that approves financial reports.

**Division and Staff Person's Name:** Doug Darling, Florida Association of Counties.

Moved \_\_\_\_\_; Seconded\_\_\_\_\_.

Action: Approved\_\_\_\_; Approved as amended\_\_\_\_; Defeated\_\_\_\_\_.

**Gulf Consortium**  
**Adopted Budget to Actual**  
**October 1, 2013 - June 3, 2014**

	<u>FY14 Budget</u>	<u>FY14 Year To Date Actual</u>
<b>Revenues</b>		
Interim County Funding	140,053.00	140,050.00
Interest Income	-	18.33
<b>Total Revenues</b>	<b>140,053.00</b>	<b>140,068.33</b>
<b>Disbursements</b>		
Consulting-Administration	60,000.00	35,000.00
Consulting-Legal & Expenses	60,000.00	-
Meeting and Travel Expense	8,000.00	3,993.20
Miscellaneous	1,000.00	175.00
Audit Expense	3,000.00	3,000.00
Grant Writer Expense	7,500.00	-
<b>Total Disbursements</b>	<b>139,500.00</b>	<b>42,168.20</b>
<b>Revenues Over (under) Disbursements</b>	<b>553.00</b>	<b>97,900.13</b>

*\*Cash Basis of Accounting for Interim Reporting*

**Gulf Consortium**  
**Cash Flows Statement**  
**October 1, 2013 -June 3, 2014**

<b>Beginning Cash Balance</b>	<b>9/30/2013</b>	<b>32,080.87</b>
Deposits- FY13 FAC Contribution	2,634.50	
Deposits- FY14 County Funding	140,050.00	
Deposits- Interest	18.33	
<b>Net Cash Provided</b>		<b>142,702.83</b>
Expenses- FY 13 Expenses	(18,494.24)	
Expenses- FY 14 Expenses	(42,168.20)	
<b>Net Cash Used</b>		<b>(60,662.44)</b>
<b>Ending Cash Balance</b>	<b>6/3/2014</b>	<b>114,121.26</b>



**Gulf Consortium Directors, Alternates and Governor's Appointees  
June 20, 2014**

<b>County</b>	<b>Director and Alternate</b>
Bay	Comm Mike Thomas, Director; Comm George Gainer, Alternate
Charlotte	Comm Christopher Constance, Director; Comm Tricia Duffy, Alternate
Citrus	Comm Rebecca Bays, Director; Ken Cheek, Water Resources Director
Collier	Comm Tom Henning, Director; Comm Donna Fiala, Alternate; Director Bill Lorenz, 2nd Alternate
Dixie	Tim Alexander, Director of Emergency Management; Administrator Mike Cassidy, Alternate
Escambia	Comm Grover Robinson, Director; Comm Gene Valentino, Alternate
Franklin	Comm Cheryl Sanders, Director; County Administrator Alan Pierce, Alternate
Gulf	Comm Warren Yeager, Director; Tan Smiley, Alternate; County Administrator Donald Butler 2nd Alternate
Hernando	Comm Wayne Dukes, Director; Comm David Russell, Alternate; Administrator Len Sossamon, 2nd Alternate
Hillsborough	Comm Les Miller, Director; Comm Ken Hagan, Alternate
Jefferson	Comm Betsy Barfield, Director; County Coordinator Parrish Barwick, Alternate
Lee	Comm John Manning, Director; Comm Larry Kiker, Alternate; Dave Harner, 2nd Alternate
Levy	Comm Ryan Bell, Director; County Coordinator Fred Moody, Alternate
Manatee	Comm Carol Whitmore, Director; Charlie Hunsicker, Natural Resources Dept., Alternate
Monroe	Commissioner George Neugent, Director; Comm David Rice, Alternate
Okaloosa	Comm Dave Parisot, Director; Comm Kelly Windes, Alternate
Pasco	Comm Jack Mariano, Director; Comm Henry Wilson, Alternate
Pinellas	Comm Susan Latvala, Director; Coastal Manager Andy Squires
Santa Rosa	Comm Lane Lynchard, Director; Comm Jim Melvin, Alternate
Sarasota	Comm Nora Patterson, Director; Laird Wreford, Natural Resources Manager, Alternate; Comm Christine Robinson 2nd Alternate
Taylor	Comm Jim Moody, Director; Jack Brown, County Administrator, Alternate
Wakulla	David Edwards, County Administrator, Director; Comm Ralph Thomas, Alternate
Walton	Comm Sara Comander, Director; Comm Cindy Meadows, Alternate
Governor's Appointees	Pam Anderson, Panama City; Peter Bos, Destin; Lino Maldonado, Niceville; Collier Merrill, Pensacola; Mike Sole, Tallahassee; Neal Wade, Panama City

## Notice of Meeting/Workshop Hearing

### **OTHER AGENCIES AND ORGANIZATIONS**

#### **Gulf Consortium**

The Gulf Consortium announces a public meeting to which all persons are invited.

DATE AND TIME: June 20, 2014, 10:00 a.m. Eastern Time

PLACE: Room Floridian J, Hilton Orlando Bonnet Creek, 14100 Bonnet Creek Resort Lane, Orlando, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to hear presentations by VISIT Florida, Fish and Wildlife Research Institute on Gulf Fisheries, and the U.S. Treasury Inspector General; to consider staff updates on legal and legislative matters; the status of the Invitation to Negotiate for a state expenditure plan consultant; funding and implementation options, and other matters.

A copy of the agenda may be obtained by contacting: Doug Darling at (850)922-4300 or [ddarling@fl-counties.com](mailto:ddarling@fl-counties.com); or, see [www.FACRestore.com](http://www.FACRestore.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Doug Darling at (850)922-4300 or [ddarling@fl-counties.com](mailto:ddarling@fl-counties.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Doug Darling at (850)922-4300 or [ddarling@fl-counties.com](mailto:ddarling@fl-counties.com); or, see [www.FACRestore.com](http://www.FACRestore.com).

# Gulf Consortium Board Meeting Agenda Item

June 20, 2014

## Agenda Item #8 Chair Request for Resolution(s)

**Executive Summary:** The Chair of the Gulf Consortium, Commissioner Grover Robinson was forwarded a resolution signed by Jefferson County, Texas. He has asked to have the resolution considered for adoption by the Gulf Consortium and each county, individually, of the Gulf Consortium.

### **Background:**

The Commissioners' Court of Jefferson County, Texas signed a resolution on March 24, 2014 which was the 25th anniversary of the Exxon Valdez. The resolution points out what BP and/or responsible parties would pay if they paid at the same dollar per barrel rate as Exxon did.

The rationale used by Jefferson County, Texas was to go on record stating that if BP paid a fine at the same dollar per barrel rate as Exxon, then the penalty in constant dollars (1989 - 2010) would be \$15.8 billion if the court finds for BP on the size of the spill, or \$28.1 billion if the court finds the volume of oil question on the federal and state side of the argument (all facts and figures provided by Jefferson County, Texas).

### **Analysis:**

This analysis was also provided by Jefferson County Texas:

“Once you get a known volume of oil volume determination, e.g. 1 to 9 times larger according to BP, or 1 to 16 times larger according to DOJ and the state AGs, then you can get apples to apples comparison on the fine if you use an inflation calculator from 1989 to 2010. In short, Exxon paid \$1 billion in 1989, BP should pay 9 times more barrel per barrel, and then inflation adjust 9 in 1989 to 2010 and you get 15.8. So if you think BP should pay no less than Exxon per barrel then the resolution simply describing the \$15.8 to \$28.1 range is a fact statement motivated by a moral equivalency sentiment that the person on the street would likely have.”

### **Options:**

- 1.) Gulf Consortium Approve a Motion to direct General Counsel to draft a similar motion as Jefferson County, Texas and;
- 2.) Individual Gulf Consortium County Commission's to consider signing a similar resolution or;

3.) Provide other direction

**Fiscal Impact:** None

**Recommendation:**

- 1.) Adopt a motion to direct General Counsel to draft a similar motion as Jefferson County, Texas and;
- 2.) Individual Gulf Consortium County Commission's consider signing a similar resolution

**Prepared by:** Doug Darling, FAC Consultant

Moved \_\_\_\_\_; Seconded\_\_\_\_\_.

Action: Approved\_\_\_\_; Approved as amended\_\_\_\_; Defeated\_\_\_\_\_.

**Draft Resolution on *Exxon Valdez* Environmental Fine Parity for *Deepwater Horizon***

WHEREAS the Exxon Corporation (note: the spill preceded Exxon's merger with Mobil) agreed in an October 1991 consent decree (30 months after the spill) to pay \$1 billion over ten years for the 11 million gallon 1989 *Exxon Valdez* oil spill, and;

WHEREAS many knowledgeable observers and the general public agreed at that time of the consent decree settlement between Exxon and the United States and the State of Alaska that the \$1 billion fine over ten years for the 11 million gallon spill was fair and equitable for the damages caused to the environment, and;

WHEREAS widely supported legal outcomes such as the *Exxon Valdez* consent decree can be useful precedents for similar events, and the *Exxon Valdez* oil spill is similar to the *Deepwater Horizon* oil spill, and;

WHEREAS the difference in the volume of oil spilled in *Deepwater Horizon* is 9 times greater than the *Exxon Valdez* oil spill according to attorneys for BP or 16 times greater according to the U.S. Department of Justice, pending a finding by federal judge Carl Barbier in the ongoing New Orleans Clean Water Act trial, and;

WHEREAS an inflation adjusted consent decree fine covering all environmental fines for BP (and/or responsible parties) if the *Deepwater Horizon* spill is determined to be nine times larger than the *Exxon Valdez* would be \$15.8 billion, and;

WHEREAS an inflation adjusted consent decree fine covering all environmental fines for BP (and/or responsible parties) if the *Deepwater Horizon* spill is determined to be sixteen times larger than the *Exxon Valdez* would be \$28.1 billion;

THEREFORE BE IT RESOLVED that the Gulf Consortium/\_\_\_\_\_ County Commission hereby expresses by this formal vote that a consent decree between BP (and/or responsible parties) and the United States and the five Gulf States for all environmental fines from the *Deepwater Horizon* spill would be between \$15.8 billion on the low end to \$28.1 billion on the high end if such a settlement within those parameters were to match, and be in parity with the widely supported dollar per barrel fine precedent set by the *Exxon Valdez* settlement between the United States and the State of Alaska.



**Gulf Consortium – Agenda Item 9**  
**Staff Update**  
**June 20, 2014**

**A. Legal.** The Gulf Consortium has been designated as a special district by the Department of Economic Opportunity. This designation allowed the annual audit to be filed with the State of Florida. The designation provides more checks and balances and therefore legitimacy to the Consortium.

**B. 2014 Legislative Session**

1. No legislation threatened the Gulf Consortium.
2. Legislation passed that made Triumph Gulf Coast, Inc., subject to an additional review, this one by the Office of Economic and Demographic Research. See, HB 7023 (2014 Enrolled).

**Gulf Consortium – Agenda Item 10**  
**Status of Invitation to Negotiate (ITN)**  
**June 20, 2014**

- A. Six Firms Responded to the ITN:**
1. Arcadis USA
  2. Ecology & Environment
  3. Environmental Science Associates
  4. Langton Associates
  5. Matrix Design Group
  6. MWH Americas
- B. Evaluation Team Members:**
1. Mr. Phil Coram, P.E., Administrator, Florida Coastal Office, Florida Department of Environmental Protection
  2. Mr. Ed Gardner, PowerSouth Energy Cooperative
  3. Mr. Roman Gastesi, County Administrator, Monroe County
  4. Dr. Karl Havens, Director, Florida Sea Grant College Program & Professor, UF/IFAS Fisheries & Aquatic Sciences, University of Florida
  5. Ms. Sheree Keeler, Director of Intergovernmental Affairs, Procurement and Grants & RESTORE Act Coordinator, Wakulla County
- C. Remaining Steps in the Procurement of Services for the Development of the State Expenditure Plan:**
1. Evaluation Team Recommendation of a Short List
  2. Executive Committee Consideration of Short List
  3. Evaluation Team Meetings with Short Listed Firms to Develop a Scope of Services and Request for Best and Final Offer (BAFO)
  4. Consortium Board of Directors Consideration of Scope of Services and BAFO
  5. Issuance of BAFO to Short Listed Firms
  6. Firms Respond to BAFO
  7. Evaluation Team Ranking
  8. Consortium Board of Directors Consideration of Ranked List of Firms (December 2014 Meeting)
  9. Consortium Staff Negotiates Contract with Selected Firm and Presents it to Consortium Board of Directors
- D. Cone of Silence.** The Consortium policy and ITN prohibit firms from discussing the ITN with Members of the Evaluation Team, Board of Directors and Staff.
- E. Unfair Competition.** State law prohibits the State from hiring the developer of a plan to also implement the plan. The Consortium's policy does not contain such a prohibition.

**Gulf Consortium Executive Committee Conference Call**  
**June 20, 2014**  
**Agenda Item # 11**

**Statement of Issue or Executive Summary:** Previous Gulf Consortium agenda items have been dedicated to the Consortium's Vision and Roles. As a continuing item of discussion, two white papers have been developed to facilitate refinement of options.

**Background:** Consortium Staff have incorporated past discussions and current knowledge into both of the included white papers. Summaries of each:

- Funding Options for State Expenditure Plan Development. The RESTORE Act requires a State Expenditure Plan (SEP) be developed to be eligible for funding under the Oil Spill Restoration Impact Allocation, commonly referred to as "Pot 3" or "Bucket 3". In Florida, the RESTORE Act further directs..."a consortia of local political subdivisions that includes at a minimum 1 representative of each affected county" will be responsible for the SEP. It is the intent of this paper to lay out options for the Gulf Consortium to fund the SEP development.
- Implementation Options for the State Expenditure Plan. The RESTORE Act is silent on whom or how the State Expenditure Plan will be implemented. It is the intent of this paper to lay out options for implementation of the SEP.

**Analysis:** The included white paper options are current as of this date and are provided for discussion. As additional information becomes available, the Consortium should refine the options or analyze new opportunities.

**Options:** n/a

**Fiscal Impact:** None.

**Recommendation:** Provided for discussion.

**Division and Staff Person's Name:** Doug Darling, Florida Association of Counties

**Funding Options**  
**Gulf Consortium State Expenditure Plan**  
**June 20, 2014**

**Background:** The Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast State Act of 2012 (RESTORE Act) requires a State Expenditure Plan (SEP) be developed to be eligible for funding under the Oil Spill Restoration Impact Allocation, commonly referred to as “*Pot 3*” or “*Bucket 3*”. In Florida, the RESTORE Act further directs...“a consortia of local political subdivisions that includes at a minimum 1 representative of each affected county” will be responsible for the SEP. It is the intent of this paper to lay out options for the Gulf Consortium to fund the SEP development.

**Overview:** Several different and diverse funding options for SEP development have been discussed. They are:

1. Use Bucket 3 to fund plan development
2. Request the State of Florida to provided funding
3. Apply for a grant from the National Fish and Wildlife Foundation (NFWF)
4. Hybrid – combination of any of the above
5. Use Bucket 1 (State Allocation and Expenditures or in Florida, Local/County Allocations) with the understanding counties would be reimbursed when Bucket 3 funds are available
6. Request a grant from a non-governmental organization (NGO)
7. Borrow funds from various entities, with the understanding that it would be repaid once Gulf Consortium Bucket 3 funds were available

Each of these options is detailed below.

**Option 1 - Use Bucket 3 to fund plan development**

On the surface, this option seems to be the most straight forward. Planning assistance is a specifically authorized eligible use of funds under the Oil Spill Restoration Impact Allocation. However, upon further analysis, while this may be the most straight forward funding option, it also appears to be the longest funding delay option. This is primarily due to the delay in US Treasury Regulations and the subsequent resulting delay in Gulf Coast Ecosystem Restoration Council (Council) Rules and Regulations. We have been informed by both the Council Executive Director and Council Chief Financial Officer (CFO); no Bucket 3 funding will be available until both the US Treasury Regulations and Council Rules and Regulations are finalized. And further, it appears *no reimbursement* will be allowed of expenses prior to the completion of US Treasury Rules and subsequent funding request process. In summary, Bucket 3 Pros/Cons:

Pros:

- Most direct, straight forward funding
- Funding would come directly from the council, not requiring reimbursement of expenses.
- Specifically authorized by RESTORE Act
- Depending on Council Rules and Regulations, highest probability that administrative funding limitation (3%) can be met

Cons:

- Longest lead time for funding, estimated Spring of 2015
- Inability to pay for SEP Consultant (ITN currently released)

Option 2 – Request the State of Florida to provided funding

This option was explored early after the RESTORE Act became law. Both Florida legislative leaders and executive branch leaders were consulted with no success. With the Governors Appointees to the Gulf Consortium occurring in March 2014, there is renewed interest in this option. Actions are underway to reengage with state leadership to discuss the feasibility of at least partial funding for the SEP development. With no funding appropriated during the 2014 Legislative Session, the earliest that state funding could be available is summer 2015, unless current year funding was made available. State Funding Pros/Cons:

Pros:

- Would cement partnership with the state and Gulf Consortium
- Provides more funding for programs and projects
- Negates all reimbursement uncertainties

Cons:

- May require additional oversight of state
- Apparently, not much faster funding than Option 1 (Bucket 3) unless current year funding is available.
- Would require grant award from state to Gulf Consortium and subject to appropriations review

### Option 3 - Apply for a grant from the National Fish and Wildlife Foundation (NFWF)

Until recently, this was not considered an option. However, Mississippi just received a \$3.6M National Fish and Wildlife Foundation grant to develop “an integrated, coastal wide, restoration plan.” While it appeared this would serve as Mississippi’s SEP, it will only be used to prioritize projects that are eligible for funding under the NFWF Gulf Environmental Fund. The major difference between the two (SEP & NFWF Plan) is that no specific economic development projects, tourism, workforce development and seafood promotion projects are eligible under NFWF. When contacted, Mississippi stated their SEP development was underway using state resources and the NFWF Grant would be used exclusively for NFWF projects. Summary:

#### Pros:

- Provides more funding for programs and projects
- Potentially faster funding
- Little or no oversight by state/federal agencies
- Administrative fees would not be split

#### Cons:

- NFWF has its own review and oversight procedures, including Board of Directors approval
- Plan developed using NFWF Grant would not include all authorized uses under RESTORE Act
- NFWF Grant would, more than likely, go to State of Florida not Gulf Consortium
- If Gulf Consortium received NFWF Planning funds, Florida’s SEP would still need to be developed and incorporated with the NFWF Plan
- Would invalidate ITN just released

### Option 4 – Hybrid

Various pieces of the options could possibly be combined to create additional opportunities.

### Option 5 – Use Bucket 1 (State Allocation and Expenditures or in Florida, Local/County Allocations) with the understanding Counties would be reimbursed when Bucket 3 funds are available

This option has been repeatedly discussed with US Treasury, Council Executive Director and among the Gulf Consortium. It has always been assumed that when Bucket 3 funding was available, Bucket 1 would be repaid for “loans”. The Gulf

Consortium has even proposed this in its response to the Draft US Treasury Regulations. While Bucket 1 funding will likely be available much sooner than Bucket 3, based on conversations with the US Department of Treasury and Council Staff, it is unlikely that Bucket 1 dollars could be reimbursed. The Gulf Consortium has publically discussed this option, with the repayment stipulation always included. Smaller, fiscally constrained counties have been consulted and larger counties have stated they would be given deference. This option cannot be explored further until US Treasury Regulations are finalized, anticipated summer 2014. In summary, Option 5 Pros/Cons:

Pros:

- Faster funding than waiting on Bucket 3 funding
- Keeps funding in the Gulf Consortium
- No federal grant application process
- Gulf Consortium is autonomous

Cons:

- Real uncertainty whether Counties who loaned Bucket 1 funds for SEP could be repaid
- Borrowing and repaying mechanism must be developed between Counties and Gulf Consortium

Option 6 –Request a grant from a non- governmental organization (NGO)

This option has also been discussed at Gulf Consortium Meetings and between staff. This option is attractive in that funding could be faster and governmental grant rules and regulations would not apply. A major drawback could be the perceived influence by the grantor. However, careful consideration would need to be given to ensure that the funding NGO(s) would have no added influence, perceived or otherwise, in the SEP process. Summary:

Pros:

- Provides more funding for programs and projects
- Potentially faster funding
- Little or no oversight by state/federal agencies
- Administrative fees would not be split

Cons:

- Perception of undue influence by granting NGO
- Each NGO has its own review and oversight procedures

Option 7 – Borrow funds from various entities, with the understanding that it would be repaid once Gulf Consortium Bucket 3 funds were available

This option is a derivative of Option 5 except that RESTORE Act funds would not be borrowed. Several counties have opined that they could loan the Gulf Consortium funds for SEP development. In addition, there are several quasi-governmental entities that could loan the funds. This option has the same pitfalls as Option 5...*reimbursement from Bucket 3 is not likely for pre-award expenses incurred to date*. Without a guarantee provided in US Treasury Rules or Council Rules and Regulations, this option may not be viable. Summary:

Pros:

- Faster funding than waiting on Bucket 3 funding
- No federal grant application process
- Gulf Consortium is autonomous
- Potentially faster funding
- Little or no oversight by state/federal agencies
- Administrative fees would not be split

Cons:

- Real uncertainty whether entity who loaned funds for SEP could be repaid
- Borrowing and repaying mechanism must be developed between entity loaning funds and Gulf Consortium

**Implementation Options**  
**Gulf Consortium State Expenditure Plan**  
**June 20, 2014**

**Background:** The Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast State Act of 2012 (RESTORE Act) requires a State Expenditure Plan (SEP) be developed in order to be eligible for funding under the Oil Spill Restoration Impact Allocation, commonly referred to as “*Pot 3*” or “*Bucket 3*”. In Florida, the RESTORE Act further directs...”a consortia of local political subdivisions that includes at a minimum 1 representative of each affected county” will be responsible for the SEP. The RESTORE Act is silent on whom or how the State Expenditure Plan will be implemented. It is the intent of this paper to lay out options for implementation of the SEP.

**Overview:** Several different and diverse implementation options for the SEP are available. Inherent with implementation is a significant infrastructure to administer the grants over a period of perhaps 5-10 years or more. This along with the ability to be accountable and transparent is not an insignificant undertaking. While preliminary discussions have taken place with state officials, there are still many unknowns. This is the first draft of implementation options and will be updated as additional information becomes known. These are the options as of the date below:

1. Gulf Coast Ecosystem Restoration Council (Council) – Council would take the approved Gulf Consortium/State of Florida SEP and administer the projects and grants outlined in the SEP.
2. State of Florida – A state agency would administer the grant programs and projects of the SEP.
3. Gulf Consortium – The Consortium would handle its own grants and projects from the SEP.

Each of these options is detailed below.

**Option 1 - Council**

Until recently, this option appeared to be the most desirable. It was understood that the Council would build an infrastructure that included grant awards, management, accounting and reporting and close-out. This option recently became moot when Consortium staff were informed that the Council would not establish a robust enough grant staff to administer hundreds of programs and projects. It is the Council’s intent to issue single grants to RESTORE Act States/Entities to administer the Oil Spill Impact Allocation (Bucket 3). This has effectively eliminated the possibility of the Council implementing Florida’s State Expenditure Plan.

**Option 2 – State of Florida**

This option has been discussed with both Mimi Drew, Florida’s Appointee to the Council, Noah Valenstein, with the Governor’s Office of Policy and Budget, and Jennifer Fitzwater, with the Florida Fish and Wildlife Conservation

Commission. Although these discussions have been preliminary, it now appears this is the option being advocated by Council Staff. With Option 1 no longer feasible, the State of Florida has the infrastructure needed to implement the SEP. Summary of Pros/Cons:

Pros:

- State has infrastructure positioned for implementation
- Eliminates need for Gulf Consortium to build infrastructure thereby directing more funds to programs and projects
- Truly cements partnership with Gulf Consortium

Cons:

- Requires grant administration augmentation for whichever state agency was selected
- Subjects SEP implementation to legislative appropriations process
- Would traverse, potentially, several administrations

Option 3 – Gulf Consortium

This option requires a significant expenditure of funds to establish the robust infrastructure required to implement the SEP: everything from staff to accounting systems to reporting and monitoring to inspections to grant close-out. There are several options for building this infrastructure. They are:

- a) Gulf Consortium becomes an employer and hires full-time staff. A conservative estimate would be 20 full time staff for potentially 5-10 years in order for the Gulf Consortium to implement the SEP.
- b) Gulf Consortium contracts for staff. This option is desirable in that the employer/employee relationship does not exist and offers much more flexibility. A possibility is that Leon County could act as our sourcing for staff and the Leon County Clerk could act as our fiscal agent. These services would be provided through an Inter-Local Agreement or Contract.
- c) Gulf Consortium contracts out the implementation. There are several private/non-profit/NGO entities that provide these services. The Gulf Consortium could essentially contract out the implementation while maintaining policy oversight and ensuring accountability.

Pros/Cons:

Pros:

- Ensures SEP is implemented as approved by Gulf Consortium
- Provides easier coordination with member counties preventing overlap of Bucket 1 initiatives
- Establishes the Gulf Consortium as Congress intended

Cons:

- Significant long term expenditures for Gulf Consortium
- Less funding for programs and projects
- Will transcend multiple County Commissions

Summary – Next Steps

Consortium staff has met with representatives from the Governor's Office and is following up with DEP. Topics of discussion will be potential steps for getting a state appropriation to fund the SEP and the process for determining how the state's role during implementation would be developed.

Along a parallel path of determining the state's involvement, Consortium Staff will continue to refine requirements if the Consortium were to implement the SEP. During plan development with the selected consultant, discussions of implementation options will be reviewed and additional options may surface. Additionally, as US Treasury Rules and Council Rules and Regulations are promulgated, a clearer picture of all options should emerge.