



Gulf Consortium Agenda
April 5, 2013 9:00 a.m.-12:00 noon (EDT)

Tallahassee City Commission Chambers
300 South Adams Street
Tallahassee, FL 32301

1. Call to Order
2. Pledge of Allegiance
3. Minutes Approval
4. Updated List of Directors/Alternates
5. Financial Report
6. Memorandum of Understanding (MOU) with Executive Office of the Governor
7. Presentation by Honorable Bob Inzer, Clerk of Court, Leon County on Financial Controls for Restore Funding
8. Cities Participation Proposal
9. Update by Ms. Mimi Drew, Florida's Representative to Gulf Coast Ecosystem Restoration Council
10. Presentation by Mr. Kevin Claridge, Director, Coastal & Aquatic Managed Areas, FDEP
11. Update by selected Counties on Local Planning
12. Presentation by Florida Fish and Wildlife Conservation Commission
13. Federal Rules Update
14. Next Meeting:
 - May 17, 2013
 - 9:00 – 12:00 noon EDT
 - Murray Nelson Government Center
 - 102050 Overseas Highway
 - Key Largo, Fl 33037
15. New Business
16. Public Comment
17. Motion to Adjourn



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Gulf Consortium Board Meeting Agenda Item Cover Sheet

April 5, 2013

Agenda Item # 3

Statement of Issue or Executive Summary: The Gulf Consortium is a public entity under Chapter 119, Florida Statutes (F.S.) and as such, meetings are required to have minutes.

Background: The attached minutes summarize actions taken at the last Gulf Consortium Meeting held February 28, 2013, 1:00-4:00 p.m. CST at Gulf Coast State College, Student Union East Conference Center, Second Floor, 5230 W. U.S. 98, Panama City, FL

Analysis: The attached accurately reflects Consortium actions.

Options:

- 1) Approve a motion to accept minutes as presented.
- 2) Amend minutes.

Fiscal Impact: None.

Recommendation:

Approve a motion that approves minutes.

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

Moved _____; Seconded_____.

Action: Approved____; Approved as amended____; Defeated_____.

Gulf Consortium Meeting
February 28, 2013, 1:00-4:00 p.m. CST at
Gulf Coast State College, Panama City, FL
Bay County

Directors / Alternates in Attendance:

M. Thomas, C. Constance, R. Bays, T. Henning, T. Alexander, G. Robinson, A. Pierce, W. Yeager, W. Dukes, L. Miller, P. Barwick, T. Hall, F. Moody, C. Hunsicker, G. Neugent, D. Parisot, J. Mariano, S. Latvala, N. Patterson, J. Moody, R. Thomas, S. Comander

Agenda Item #1 – Approval of Minutes from January 18, 2013 Gulf Consortium Meeting

A motion to approve the minutes from the November 28, 2012 Gulf Consortium Board of Directors' (Board) Meeting in Pinellas County was presented by Commissioner George Neugent (Monroe) and seconded by Commissioner Tammy Hall (Lee) with a correction of attendance from Lee County.

ACTION: PASSED

Agenda Item # 2 – Updated List of Gulf Consortium Directors and Alternates

Mr. Doug Darling, FAC Consultant, distributed a list of Gulf Consortium Directors and Alternates, and called the roll. Changes made to Dixie County Alternate, County Administrator Mike Cassidy and Hernando County Alternate, Commissioner David Russell.

Agenda Item #3 – Results of Appointed Executive Committee Members

Mr. Doug Darling, FAC Consultant reported on actions taken by the Executive Committee to appoint two additional members at a February 15, 2013 Executive Committee call. By majority vote, the Executive Committee appointed Mayor George Neugent (Monroe) and Commissioner Sara Comander (Walton) to the Executive Committee.

Agenda Item #4 – Executive Committee Recommended Budget Allocation

Chair Robinson briefed the Consortium on the proposed budget allocation discussed during the Executive Committee call on February 15, 2013. The unanimous recommendation from the Executive Committee is to use the same methodology used for the first allocation, or Option #1 on the spreadsheet. Moved by Commissioner Henning (Collier) and seconded by Commissioner Bays (Citrus).

ACTION: PASSED

Agenda Item #5 – RESTORE Act Common Nomenclature Discussion

Mr. Doug Darling presented a discussion item to establish a common nomenclature for the different funding allocations contained in the RESTORE Act. Commissioner Constance (Charlotte) made a motion to refer to Pot #1 as “Local”, Pot #2 as “Council” and Pot #3 as “Consortium”. The motion was seconded by Commissioner Comander (Walton).

ACTION: PASSED

Agenda Item #6 – Update by Ms. Mimi Drew, Florida’s Representative to the Gulf Coast Ecosystem Restoration Council – Postponed until later in agenda.

Agenda Item #7a – Governor's Office Coordination – Postponed until later in agenda.

Agenda Item #7b – Treasury Rules

Mr. Doug Darling, FAC Consultant, reported that draft Treasury Rules have still not been released. He continues contact with the U.S. Treasury who reports the rules are in Federal Inter-Agency discussions. There appears to be no consensus at the Federal level which agency will administer the rules. Commissioner Parisot (Okaloosa) asked if there was any feedback from discussions regarding the 8 Disproportionately Affected Counties allocation agreement on Pot #1. Mr. Darling reported Treasury is asking we hold the resolutions for now. Mr. Darling did inform Treasury that the agreement was unanimous with one abstention.

Agenda Item #7c – Financial Report

Mr. Doug Darling, FAC Consultant, reported the financial information requested by the Consortium. Consortium members reviewed financials with Commissioner Hall (Lee) moving to accept the financial information as presented with Mayor George Neugent seconding.

ACTION: PASSED

Agenda Item #8 – Planning Calendar

Mr. Doug Darling, FAC Consultant, presented a planning calendar approved by the Executive Committee for the Consortium’s review. In most cases, the Consortium Calendar was planned to coincide with already established Florida Association of Counties (FAC) events to minimize travel. The Consortium Calendar was modified by Commissioner Constance (Charlotte) and seconded by Commissioner Latvala (Pinellas) for a July meeting, only if needed and the May meeting to be May 17 in Monroe County.

ACTION: PASSED

Agenda Item #6 – Update by Mimi Drew, Florida’s Representative to the Gulf Coast Ecosystem Restoration Council and Agenda Item #7a Governor’s Office Coordination

Ms. Drew briefed the Consortium on Council actions and on-going negotiations with the Governor’s Office. Much discussion ensued with most Consortium members asking questions which Ms. Drew answered to the best of her ability based on current information. Ms. Drew did highlight the State’s actions to develop a plan for Pot #2 and several Florida Department of Environmental Protection (FDEP) staff provided additional information. Vice-Chair Latvala (Pinellas) asked that the Consortium receive briefings at upcoming meetings on what environmental challenges Florida faces in the future.

Agenda Item #9 – Next Meeting

The next meeting is planned for Friday, April 5, 2013 in Tallahassee 9:00 – 12:00 noon, EDT

Prior to Chair Robinson (Escambia) opening the floor for public comment, Commissioner Constance (Charlotte) asked that future agendas be distributed in a timelier fashion and include an item for New Business. Mr. Darling, FAC Consultant, apologized for the lateness in distributing the agenda for this meeting but stated the desire was to include the Draft MOU with the Governor’s Office. When it appeared the MOU was not forthcoming, the agenda items were posted. Mr. Darling assured the Consortium this was a special occurrence.

Agenda Item # 10 – Public Comment

The Board heard public testimony:

Eric Draper representing Audubon Florida

Darryl Boudreau representing The Nature Conservancy

TJ Marshall representing Ocean Conservancy

Allen White representing Audio Lighting Alert

Christy Scally representing E.O. Wilson Biophilia Center & Nokuse Plantation

Andrew Shepard representing Gulf of Mexico Universities Research Collaborative

Jack Rudloe representing Gulf Specimen Marine Lab

Jonathan Ullman representing Sierra Club

Mike Cassidy representing Dixie County

Jessica Koelsch representing National Wildlife Federation

Agenda Item # 11 – Motion to Adjourn

There being no additional items for discussion, Chair Robinson (Escambia) adjourned.

Gulf Consortium Board Meeting Agenda Item Cover Sheet

April 5, 2013

Agenda Item # 3 - Amended

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Analysis: The attached accurately reflects Consortium actions.

Options:

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Fiscal Impact: None.

Recommendation:

Approve a motion that approves minutes.

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

Moved _____; Seconded _____.

Action: Approved _____; Approved as amended _____; Defeated _____.

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Gulf Coast State College, Panama City, FL
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ACTION: PASSED

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ACTION: PASSED

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ACTION: PASSED

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Jack Rudloe representing Gulf Specimen Marine Lab

Jonathan Ullman representing Sierra Club

Mike Cassidy representing Dixie County

Jessica Koelsch representing National Wildlife Federation

Agenda Item # 11 – Motion to Adjourn

There being no additional items for discussion, Chair Robinson (Escambia) adjourned.

Gulf Consortium Directors Alternates

March 27, 2013

County	Director and Alternate
Bay	Comm Mike Thomas Director; Comm George Gainer, Alternate
Charlotte	Comm Christopher Constance, Director; Comm Tricia Duffy, Alternate
Citrus	Comm Rebecca Bays, Director; Richard Wesch, County Attorney, Alternate
Collier	Comm Tom Henning, Director; Comm Donna Fiala, Alternate
Dixie	Tim Alexander, Director of Emergency Management
Escambia	Comm Grover Robinson, Director; Comm Gene Valentino, Alternate
Franklin	Comm Cheryl Sanders, Director; County Administrator Alan Pierce
Gulf	Comm Warren Yeager, Director; Tan Smiley, Alternate
Hernando	Comm Wayne Dukes, Director; Comm David Russell, Alternate
Hillsborough	Comm Les Miller, Director; Comm Ken Hagan, Alternate
Jefferson	Comm Betsy Barfield, Director; County Coordinator Parrish Barwick, Alternate
Lee	Comm Tammy Hall, Director; Comm John Manning, Alternate
Levy	Comm Ryan Bell, Director; County Coordinator Fred Moody, Alternate
Manatee	Comm Carol Whitmore, Director; Charlie Hunsicker, Natural Resources Dept., Alternate
Monroe	Comm George Neugent, Director; Mayor 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
Santa Rosa	Comm Lane Lynchard, Director; Comm Jim Melvin, Alternate
Sarasota	Comm Nora Patterson, Director; Laird Wreford, Natural Resources Manager, 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

Gulf Consortium

April 5, 2013

Agenda Item # 6 March 8, 2013 Draft Memorandum of Understanding (MOU) between the Gulf Consortium and the Executive Office of the Governor

Statement of Issue or Executive Summary: The purpose of this Draft MOU dated March 8, 2013 is to memorialize a partnership between the two parties in developing the State Expenditure Plan toward the full economic and environmental recovery of Florida following the Deep Water Horizon Oil Spill.

Background: The RESTORE Act establishes several allocations to various levels of government. In Florida, the Gulf Consortium, formed under Chapter 163, Florida Statutes, is responsible for developing the State Expenditure Plan. By forming a partnership with the Governor, the Gulf Consortium can maximize the resources available under the RESTORE Act to ensure full economic and environmental recovery. Through this partnership, the Consortium's commitment to accountability, transparency, quality control and public participation is solidified.

Analysis:

Summary of MOU:

1. Provides the Governor with six ex-officio, non-voting appointees representing diverse interests on the Gulf Consortium to provide input to the Consortium on policy, programs and projects under consideration for the state plan.
2. Provides for a technical working group comprised of appropriate state agencies to review and provide input on projects considered for the state expenditure plan during its development.
3. The Consortium, in conjunction with the Technical Working Group will develop criteria for the submittal and selection of projects. At a minimum the selection of projects will include:
 - a. A review for consistency with the applicable laws and rules;
 - b. Prioritization based on criteria established by the Consortium;
 - c. Consideration of public comments; and
 - d. Approval by an affirmative vote of at least a majority of the Directors present at a duly noticed public meeting of the Consortium.
 - e. State agency involvement, input and review in the development of a comprehensive restoration plan by the Gulf Consortium will expedite plan implementation, best benefitting the state of Florida.
4. Under the MOU, the Consortium and the Governor's appointees and agencies commit to work together to maximize efficiencies and revenue opportunities under the RESTORE Act. Other benefits include:

- a. Provides for the Governor, through Consortium appointees and state agencies, to ensure plans, projects and programs are transparent, accountable and adhere to state law.
- b. Provides for public participation and involvement in plan development.
- c. Accelerates development and implementation of a Gulf Consortium Comprehensive Restoration Plan.
- d. Ensures cooperation of governments at all levels through close coordination between the Federal Council, State, Consortium and Gulf of Mexico counties

Options:

- 1. Consideration of the Draft MOU and staff guidance.

Fiscal Impact: N/A

Recommendation: Provide Staff guidance.

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

Moved _____; Seconded_____.

Action: Approved____; Approved as amended____; Defeated_____.

Memorandum of Understanding Between the State of Florida & Gulf Consortium

This Memorandum of Understanding ("MOU") is entered into between the Governor of the State of Florida ("Governor") and the Gulf Consortium ("Consortium"), which is established pursuant to the Interlocal Agreement Relating to Establishment of the Gulf Consortium ("Interlocal Agreement"). The purpose of this MOU is to reach agreement on the process of coordinating with the Governor's office on projects in the Oil Spill Restoration Impact Allocation plan ("State Expenditure Plan") for Florida, which will then be certified, if appropriate, by the Governor to the Gulf Coast Ecosystem Restoration Council ("Council") for its approval. Collectively, the Governor and the Consortium will be referred to as the "Parties."

Recitals

WHEREAS, in response to the explosion of, and resulting oil spill from, the Deepwater Horizon offshore drilling rig in the Gulf of Mexico, on April 20, 2010 ("Deepwater Horizon Oil Spill"), Congress, on June 29, 2012, passed and, on July 6, 2012, the President signed into law the United States Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 ("RESTORE Act") (title I, subtitle F of Public Law 112-141) as part of the Moving Ahead for Progress in the 21st Century Act.

WHEREAS, the RESTORE Act, establishes a mechanism for providing funding to the Gulf Coast region to restore ecosystems and rebuild local economies damaged by the Deepwater Horizon Oil Spill.

WHEREAS, the RESTORE Act establishes the Council, an independent entity consisting of certain federal officials, the Governor of Florida, and the governors of the other Gulf Coast States of Alabama, Mississippi, Louisiana, and Texas.

WHEREAS, the RESTORE Act charges the Council with developing a comprehensive plan for ecosystem restoration in the Gulf Coast region ("Council Comprehensive Plan") that identifies projects and programs aimed at restoring and protecting the natural resources and ecosystems of the Gulf Coast region, to be funded from a portion of the Trust Fund.

WHEREAS, for Florida, the RESTORE Act, under 33 U.S.C. §1321(t)(3) (2012), requires a consortia of local political subdivisions to develop the State Expenditure Plan, for which the RESTORE Act provides for Trust Fund expenditures that would fund projects, programs, and activities that will improve the ecosystems or economy of the Gulf Coast region that meet criteria specified in the RESTORE Act.

WHEREAS, the Consortium is a public entity created on October 19, 2012, pursuant to section 163.01, Florida Statutes, by the Interlocal Agreement among the 23 Florida Gulf Coast affected counties, as defined in the RESTORE Act, and as specifically named in the Interlocal Agreement.

WHEREAS, the State Expenditure Plan must take into consideration the Council Comprehensive Plan and be consistent with the goals and objectives of the Council Comprehensive Plan.

WHEREAS, the RESTORE Act directs the State Expenditure Plan to be submitted to the Council by the Florida Governor, who will certify, if appropriate, that the State Expenditure Plan satisfies all applicable requirements of the RESTORE Act, and that, when joined by the affirmative vote of the Federal Chairperson of the Council ("Council Chair"), shall be considered to satisfy the requirements for the Council's affirmative vote for approval.

NOW, THEREFORE, in consideration of the foregoing facts and circumstances and desires of the Parties as expressed herein, the Parties hereby mutually agree as follows:

Section 1. General.

- A. The Recitals set forth above are hereby incorporated by reference into this MOU and made a part hereof.
- B. Capitalized words and terms used in this MOU shall have the meaning provided herein.
- C. Words used in the singular shall include the plural forms as well.

Section 2. Governor Appointees to the Consortium. The Governor shall appoint six individuals (the "Appointees") to provide input and guidance to the Consortium on policies and criteria used to determine projects, activities, and programs for consideration for inclusion in the State Expenditure Plan. The Appointees shall not be Directors, as defined in the Interlocal Agreement, but shall be accorded full participation in Consortium affairs, although the Appointees may not vote or otherwise take actions which are authorized to a Director.

Section 3. Accountability and Transparency. The Consortium, at the direction of its Directors and with guidance from the Appointees, shall implement its activities with full transparency and adhere to all legal requirements including, but not limited to, those relating to open meetings, public records, contracting, audits, and accountability.

Section 4. Consortium Project Submittal and Consideration Process.

- A. The Consortium, in consultation with the Florida Department of Environmental Protection ("FDEP"), shall develop a standardized format for submittal of

projects, activities, and programs to the Consortium for consideration for inclusion in the State Expenditure Plan. With exceptions for the different types of projects, activities, and programs that may be eligible for funding under the State Expenditure Plan, the Consortium's standardized format shall be consistent with the project submittal format designated as the Florida Gulf of Mexico Project Submittal Form, published by the FDEP and available on its website.

- B. The Consortium shall utilize the following process for selecting projects, activities, and programs for inclusion in any tentative plan to be submitted to FDEP, as described in Section 5 of this MOU, for evaluation and comment. The Consortium's selection process shall include, at a minimum:
 - 1. A review for consistency with the applicable laws and rules;
 - 2. Prioritization based on criteria established by the Consortium;
 - 3. Consideration of public comments; and
 - 4. Approval by an affirmative vote of at least a majority of the Directors present at a duly noticed public meeting of the Consortium.

Once approved for inclusion in a tentative plan, the Consortium shall forward the project, activity, or program to FDEP to coordinate review and comment, as provided herein.

Section 5. FDEP Coordinated Review. FDEP and other appropriate state agencies will review and provide input during the development of the State Expenditure Plan. FDEP will coordinate the review and comment of the State Expenditure Plan with the other agencies, who may include, but are not limited to, the Florida Fish and Wildlife Conservation Commission, the Department of Economic Opportunity, the Department of Transportation, the Department of Agriculture and Consumer Services, and a Water Management District with regulatory jurisdiction over a project, activity, or program. Prior to final adoption by the Consortium, FDEP and other appropriate state agencies shall review and comment on drafts of the State Expenditure Plan.

Section 6. Consortium Plan Adoption. After review and comment by FDEP and other appropriate state agencies, the Consortium shall adopt the State Expenditure Plan for submittal to the Council. The adoption process shall include:

- A. Opportunity for public comment; and
- B. Adoption of the State Expenditure Plan by a majority of the Directors at a duly noticed public meeting of the Consortium Directors called for that purpose.

Section 7. Consultation and Cooperation. The Parties shall coordinate with one another to advance their common goals, eliminate duplication, and maximize consistency among their efforts regarding implementation of the RESTORE Act. The Parties agree to focus on maximizing Florida's attainment of expenditures from the Trust Fund from all sections of the RESTORE Act in order to restore the Gulf Coast resources and energize the economic recovery in the region for the best interest of Florida citizens and communities.

Section 8. Revision of Memorandum of Understanding. This MOU is conditioned upon the implementing rules currently being developed by the United States Department of the Treasury, pursuant to the RESTORE Act. Accordingly, the Parties acknowledge that this MOU may need to be revised to address any inconsistencies herein with such rules. Any revision of this MOU shall be in writing and shall be executed by each of the Parties.

Section 9. Termination. The Governor or the Consortium shall have the right to terminate this MOU, after consultation with each other and with 30 days written notice.

Section 10. Authority. The Governor and the Consortium represent that they have the authority to execute this MOU.

Section 11. Effective Date. This MOU shall take effect on the later date it is executed by the Governor or the Consortium.

Section 12. Term of MOU. This MOU will expire once all the money allocated to the State of Florida under 33 U.S.C. §1321(t)(3) (2012) has been certified in State Expenditure Plan(s) by the Governor to the Council, the State Expenditure Plan(s) have received an affirmative vote from the Council's Chair, and all money has been distributed to implement the State Expenditure Plan(s).

Section 13. Execution in Counterparts. This MOU may be executed in multiple counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

**Signature Page to Memorandum of Understanding Between the State of Florida
& Gulf Consortium**

STATE OF FLORIDA

Dated: _____

Rick Scott,
Governor

Attest:

Secretary of State

**Signature Page to Memorandum of Understanding Between the State of Florida
& Gulf Consortium**

GULF CONSORTIUM

Dated: _____

Grover C. Robinson, IV
Chairman

Attest:

Warren Yeager,
Secretary-Treasurer

Gulf Consortium

April 5, 2013

Agenda Item # 8 Relating to Cities Participation in the Consortium

Statement of Issue or Executive Summary: City officials have expressed an interest in participating in the affairs of the Consortium. This agenda item suggests that the Board may want to address city participation either by directing the Executive Committee or a new committee to present options at a future meeting or through another way that the Gulf Consortium approves.

Background: Several cities have expressed interest participating in the affairs of the Gulf Consortium. There are 104 cities within the 23 counties that are members of the Consortium. Recently, the City of Carrabelle and the City of Apalachicola sent correspondence to the Gulf Consortium indicating that they have adopted the Gulf Consortium's Enabling Interlocal Agreement and have declared themselves members. The Consortium's Interim General Counsel has responded to cities, thanking them for their interest, and pointing out that the interlocal agreement does not allow cities to join as a matter of right. See attached. Rather, the Interlocal Agreement allows the Directors to admit other public agencies as members upon majority vote and subject to conditions approved by the Gulf Consortium.

This agenda item presents the issue of city participation to the Gulf Consortium. The Consortium may delegate this issue to the Executive Committee or create another committee to consider the options for cities participation and make a recommendation to the Director's at a future meeting. Or the Gulf Consortium could decide how to proceed on this issue, such as asking the Florida League of Cities to appoint a city representative as a non-voting member to participate in Consortium meetings.

Analysis: Allowing some city participation in Consortium matters will further demonstrate openness and transparency. It will provide more information from which the Consortium can base a decision. Additionally, city officials may offer a different perspective than the county members. However, allowing all 104 cities to participate directly in all the meetings will be overly burdensome and will stifle collegiality.

Options:

- 1) Direct the Executive Committee to study the various mechanisms for cities participation and to make a recommendation to the Director's.
- 2) Create a "City Participation Committee" from among the Consortium Director's and direct it to study the various mechanisms for cities participation and to make a recommendation to the Consortium.
- 3) Ask the Florida League of Cities to appoint a city representative to serve as a non-voting member of the Gulf Consortium.
- 4) Provide other direction.

Fiscal Impact: There should be minimal additional costs associated with any option for considering whether and how to secure participation by the cities in the affairs of the Consortium. The minimal costs would consist of additional public meetings.

Recommendation: Discussion among the Consortium staff did not produce a consensus recommendation, except that staff unanimously agreed that accepting all of the cities as members would be impractical. Whichever path chosen by the Consortium will require the approval of a motion by the Board.

Staff Person's Name: Sarah M. Bleakley, General Counsel

Moved _____; Seconded _____; Option # _____

Action: Approved____; Approved as amended____; Defeated_____.

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1500 Mahan Drive
Tallahassee, Florida 32308
(850) 224-4070 Tel
(850) 224-4073 Fax

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12731 World Plaza Lane
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Suite 1060
2502 Rocky Point Drive
Tampa, Florida 33607
(813) 281-2222 Tel
(813) 281-0129 Fax

March 26, 2013

**Via Electronic Mail
and U.S. Mail**

The Honorable Van Johnson
Mayor, City of Apalachicola
1 Bay Avenue
Apalachicola, Florida 32320-1936

Re: Membership in the Gulf Consortium

Dear Mayor Johnson:

Thank you for the City of Apalachicola's interest in becoming a member of the Gulf Consortium. As you are aware, the Consortium is an unprecedented collaboration of 23 separate counties that are committed to investing the dollars from the RESTORE Act in a manner that is fully transparent, encourages public participation and acts in accordance with the strictest standards of accountability.

As I understand it, the City has adopted a resolution expressing its desire to join and has purported to adopt the Interlocal Agreement creating the Gulf Consortium. Section 3.01 of the Interlocal Agreement prohibits a city from joining the Gulf Consortium as a matter of right. A public entity other than an affected county may be admitted to membership in the Gulf Consortium, but only by affirmative vote of a majority of the current members and only upon the public entity agreeing to terms and conditions of membership imposed by the Gulf Consortium. Consequently, the City's unilateral actions purporting to join the Gulf Consortium are ineffective as a matter of law.

However, at the next meeting of the Gulf Consortium on April 5th, the Consortium members will discuss ways to address requests of cities to join the Consortium so that each application may be carefully evaluated in a consistent and transparent manner.

The Honorable Van Johnson
March 26, 2013
Page 2

Thank you for all that you do to serve the citizens of Apalachicola. For more information, on the Consortium or for Consortium materials please visit our website at www.FACRestore.com.

Best regards,



Sarah M. Bleakley
General Counsel, Gulf Consortium

SMB:sb

cc: Grover C. Robinson IV, Chairman, Gulf Consortium
Christopher L. Holley, Interim Manager, Gulf Consortium
Douglas A. Darling, Interim Manager, Gulf Consortium
The Honorable Pinki Jackel, Franklin County BoCC
The Honorable Cheryl K. Sanders, Franklin County BoCC
The Honorable Noah Lockley, Jr., Franklin County BoCC
The Honorable Joseph A. Parrish, Franklin County BoCC
The Honorable William Massey, Franklin County BoCC
Alan C. Pierce, Director, Franklin County Administrative Services
Michael Shuler, Franklin County Attorney

TALLAHASSEE
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1500 Mahan Drive
Tallahassee, Florida 32308
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Suite 1060
2502 Rocky Point Drive
Tampa, Florida 33607
(813) 281-2222 Tel
(813) 281-0129 Fax

March 26, 2013

**Via Electronic Mail
and U.S. Mail**

Daniel W. Hartman
Hartman Law Firm
207 West Park Avenue, Suite A
Tallahassee, Florida 32301

Re: Membership of the City of Carrabelle in the Gulf Consortium

Dear Mr. Hartman:

Thank you for the City of Carrabelle's interest in becoming a member of the Gulf Consortium. As you are aware, the Consortium is an unprecedented collaboration of 23 separate counties that are committed to investing the dollars from the RESTORE Act in a manner that is fully transparent, encourages public participation and acts in accordance with the strictest standards of accountability.

As I understand it, the City has adopted a resolution expressing its desire to join and has purported to adopt the Interlocal Agreement creating the Gulf Consortium. Section 3.01 of the Interlocal Agreement prohibits a city from joining the Gulf Consortium as a matter of right. A public entity other than an affected county may be admitted to membership in the Gulf Consortium, but only by affirmative vote of a majority of the current members and only upon the public entity agreeing to terms and conditions of membership imposed by the Gulf Consortium. Consequently, the City's unilateral actions purporting to join the Gulf Consortium are ineffective as a matter of law.

However, at the next meeting of the Gulf Consortium on April 5th, the Consortium members will discuss ways to address requests of cities to join the Consortium so that each application may be carefully evaluated in a consistent and transparent manner.

Daniel W. Hartman
March 26, 2013
Page 2

Thank you for all that you do to serve the citizens of Carrabelle. For more information, on the Consortium or for Consortium materials please visit our website at www.FACRestore.com.

Best regards,



Sarah M. Bleakley
General Counsel, Gulf Consortium

SMB:sb

cc: Grover C. Robinson IV, Chairman, Gulf Consortium
Christopher L. Holley, Interim Manager, Gulf Consortium
Douglas A. Darling, Interim Manager, Gulf Consortium
The Honorable Pinki Jackel, Franklin County BoCC
The Honorable Cheryl K. Sanders, Franklin County BoCC
The Honorable Noah Lockley, Jr., Franklin County BoCC
The Honorable Joseph A. Parrish, Franklin County BoCC
The Honorable William Massey, Franklin County BoCC
Alan C. Pierce, Director, Franklin County Administrative Services
Michael Shuler, Franklin County Attorney



CITY OF APALACHICOLA

1 Bay Avenue • Apalachicola Florida 32320 • 850-653-9319 • Fax 850-653-2205
www.cityofapalachicola.com

Mayor
Van W. Johnson, Sr.

Commissioners
Brenda Ash
John M. Bartley, Sr.
Frank Cook
James L. Elliott

City Administrator
Betty Taylor-Webb

City Clerk
Lee H. Mathes, CMC

City Attorney
J. Patrick Floyd

VIA ELECTRONIC MAIL
ddarling@fl-counties.com

March 27, 2013

Gulf Consortium
Attention: Doug Darling
Executive Director
100 South Monroe Street
Tallahassee, FL 32320

Re: Membership in the Gulf Consortium

Dear Mr. Darling:

Please accept this as my initial response to the letter from the Gulf Consortium apparently written on your behalf by lawyers Nabors Giblin & Nickerson dated and received yesterday. Thank you for the response and I am writing you as quickly as I can in light of the referenced Gulf Consortium meeting on April 5th.

It speaks volumes, I think, that your first paragraph describing the consortium and its plan never mentions or includes the many small and large coastal cities located within the described impacted areas by the Restore Act. It would certainly appear that the cities have been left out of this plan initiated by the FAC from the forming of the language of the Restore Act all the way through the planning and organizing of the committees in both the impacted areas (i.e. committee of the eight counties constituting the area of disproportionate impact) as well as in the Gulf Consortium – and that this perhaps has been intentional.

Our action taken to become a member of the Consortium was motivated by the fact that our many request to meet with Franklin County by both of the Cities located within its boundary to discuss a plan for allocation of the fine funds to be received locally (and for projects within our City limits) and to obtain assurance of receiving a fair share of the funds for approved projects within the Cities, has largely been ignored. Apalachicola's request to join an interlocal agreement with Franklin County was completely ignored and obviously rejected by the Franklin County Board of County Commissioners. Attached for your review is a letter I have written in pursuit of ensuring a fair share for the Cities from these funds and being equally involved with the Counties in the forming of the process and rules for administration and approval.

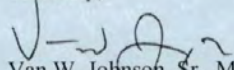
Incorporated 1831 ~ One of Florida's Oldest Historic Seaports

Frankly, given the significant component to the total population and economy of each county that the municipalities represent, like that of Apalachicola and Carrabelle to that of Franklin County, it is surprising to me that we, in particular, and many other Cities in general were not first solicited and invited and included by your County group to participate in this “fully transparent” process. I continue to be curious as to why other Cities are not likewise asking to be assured of their fair share and are apparently leaving it solely to the Counties to decide that for them without any mathematical formula such as the ones utilized by the Counties to allocated percentages of the funds among themselves that include population and sales tax ratio factors.

Our resolution joins the Consortium as members under the terms of the Interlocal Agreement (Section 3.01) and the resolution. We trust that the Consortium will use this opportunity to eliminate prior apparent oversights regarding the Cities and will admit the City of Apalachicola as a full member with the same expressed rights and the apportioned responsibility as referenced in the Interlocal Agreement. All we ask for is what the counties have garnered for and among themselves – a consistent and transparent (and a fixed and established) method of ensuring that it is allocated its fair share of the fine funds for approved projects within its boundaries and to meaningfully participate in the Consortium process.

I want to thank you in advance for everything you can do for us here in the City of Apalachicola. We certainly need the help and cannot afford to be omitted from this “once in a century” opportunity. Somehow the Cities got left behind in this process – by our representatives, by our elected officials and by the counties, but you can help correct this and we ask in the interest of fairness that you do so.

Sincerely,



Van W. Johnson, Sr., Mayor
The Historic City of Apalachicola

cc: J. Patrick Floyd, Apalachicola City Attorney
Betty Taylor-Webb, Apalachicola City Administrator

Memorandum of Understanding Between the State of Florida & Gulf Consortium

This Memorandum of Understanding (“MOU”) is entered into between the Governor of the State of Florida (“Governor”) and the Gulf Consortium (“Consortium”), which is established pursuant to the Interlocal Agreement Relating to Establishment of the Gulf Consortium (“Interlocal Agreement”). The purpose of this MOU is to **work together in the spirit of cooperation for the benefit of the Gulf of Mexico and the State of Florida.** This MOU establishes the process of coordinating with the Governor’s office on projects in a Oil Spill Restoration Impact Allocation plan (“State Expenditure Plan”) for Florida, which will then be certified, if appropriate, by the Governor to the Gulf Coast Ecosystem Restoration Council (“Council”) for its approval. Collectively, the Governor and the Consortium will be referred to as the “Parties.”

Recitals

WHEREAS, in response to the explosion of, and resulting oil spill from, the Deepwater Horizon offshore drilling rig in the Gulf of Mexico, on April 20, 2010 (“Deepwater Horizon Oil Spill”), Congress, on June 29, 2012, passed and, on July 6, 2012, the President signed into law the United States Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (“RESTORE Act”) (title I, subtitle F of Public Law 112-141) as part of the Moving Ahead for Progress in the 21st Century Act.

WHEREAS, the RESTORE Act, establishes a mechanism for providing funding to the Gulf Coast region to restore ecosystems and rebuild local economies damaged by the Deepwater Horizon Oil Spill.

WHEREAS, the RESTORE Act establishes the Council, an independent entity consisting of certain federal officials, the Governor of Florida, and the governors of the other Gulf Coast States of Alabama, Mississippi, Louisiana, and Texas.

WHEREAS, the RESTORE Act charges the Council with developing a comprehensive plan for ecosystem restoration in the Gulf Coast region (“Council Comprehensive Plan”) that identifies projects and programs aimed at restoring and protecting the natural resources and ecosystems of the Gulf Coast region, to be funded from a portion of the Gulf Coast Restoration Trust Fund (“Trust Fund”).

WHEREAS, for Florida, the RESTORE Act, under 33 U.S.C. §1321(t)(3) (2012), requires a consortia of local political subdivisions to develop a State Expenditure Plan, for which the RESTORE Act provides for Trust Fund expenditures that would fund projects, programs, and activities that will improve the ecosystems or economy of the Gulf Coast region that meet criteria specified in the RESTORE Act.

WHEREAS, the Consortium is a public entity created on October 19, 2012, pursuant to section 163.01, Florida Statutes, by the Interlocal Agreement among the 23 Florida Gulf Coast affected counties, as defined in the RESTORE Act, and as specifically named in the Interlocal Agreement.

WHEREAS, a State Expenditure Plan must take into consideration the Council Comprehensive Plan and be consistent with the goals and objectives of the Council Comprehensive Plan.

WHEREAS, the RESTORE Act directs that, in the State of Florida, a consortia of local political subdivisions, in this instance the Consortium, develop the State Expenditure Plan.

WHEREAS, the RESTORE ACT requires that the State of Florida submit a State Expenditure Plan to the Council to approve.

WHEREAS, the Florida Governor will certify, if appropriate, that a State Expenditure Plan satisfies all applicable requirements of the RESTORE Act, and that, when joined by the affirmative vote of the Federal Chairperson of the Council ("Council Chair"), shall be considered to satisfy the requirements for the Council's affirmative vote for approval.

NOW, THEREFORE, in consideration of the foregoing facts and circumstances and desires of the Parties as expressed herein, the Parties hereby mutually agree as follows:

Section 1. General.

- A. The Recitals set forth above are hereby incorporated by reference into this MOU and made a part hereof.
- B. Capitalized words and terms used in this MOU shall have the meaning provided herein.
- C. Words used in the singular shall include the plural forms as well.

Section 2. Governor Appointees to the Consortium. The Governor shall appoint six individuals (the "Appointees") to provide input and guidance to the Consortium on policies and criteria used to determine projects, activities, and programs for consideration for inclusion in a State Expenditure Plan. The Appointees shall not be Directors, as defined in the Interlocal Agreement, but shall be accorded full participation in Consortium affairs, although the Appointees may not vote or otherwise take actions which are authorized to a Director.

Section 3. Accountability and Transparency. The Consortium, at the direction of its Directors and with guidance from the Appointees, shall implement its activities with full

transparency and adhere to all legal requirements including, but not limited to, those relating to open meetings, public records, contracting, audits, and accountability.

Section 4. Consortium Project Submittal and Consideration Process.

- A. The Consortium, in consultation with the Florida Department of Environmental Protection (“FDEP”), shall develop a standardized format for submittal of projects, activities, and programs to the Consortium for consideration for inclusion in a State Expenditure Plan. With exceptions for the different types of projects, activities, and programs that may be eligible for funding under a State Expenditure Plan, the Consortium’s standardized format shall be consistent with the project submittal format designated as the Florida Gulf of Mexico Project Submittal Form, published by the FDEP and available on its website.

- B. The Consortium shall utilize the following process for selecting projects, activities, and programs for inclusion in any tentative plan to be submitted to FDEP, as described in Section 5 of this MOU, for evaluation and comment. The Consortium's selection process shall include, at a minimum:
 - 1. A review for consistency with the applicable laws and rules;
 - 2. Prioritization based on criteria established by the Consortium;
 - 3. Consideration of public comments; and
 - 4. Approval by an affirmative vote of at least a majority of the Directors present at a duly noticed public meeting of the Consortium.

Once approved for inclusion in a tentative plan, the Consortium shall forward the project, activity, or program to FDEP to coordinate review and comment, as provided herein.

Section 5. FDEP Coordinated Review. FDEP and other appropriate state agencies will review and provide input during the development of a State Expenditure Plan. FDEP will coordinate the review and comment of a State Expenditure Plan with the other agencies, who may include, but are not limited to, the Florida Fish and Wildlife Conservation Commission, the Department of Economic Opportunity, the Department of Transportation, the Department of Agriculture and Consumer Services, and a Water Management District with regulatory jurisdiction over a project, activity, or program. Prior to final adoption by the Consortium, FDEP and other appropriate state agencies shall review and comment on drafts of a State Expenditure Plan.

Section 6. Consortium Plan Adoption. After review and comment by FDEP and other appropriate state agencies, the Consortium shall adopt a State Expenditure Plan for submittal by the Governor to the Council. The adoption process shall include:

- A. Opportunity for public comment; and
- B. Adoption of a State Expenditure Plan by a majority of the Directors at a duly noticed public meeting of the Consortium Directors called for that purpose.

Section 7. Submittal of Consortium Plan to the Council. After the Consortium has adopted an appropriate State Expenditure Plan and 90 days prior to the State Expenditure Plan being submitted to the Council, the Consortium shall send the State Expenditure Plan to the Governor for review. Within 30 days, the Governor shall submit comments, if any, back to the Consortium. The Consortium shall have 30 days from the date of receipt of the Governor's comments to revise the State Expenditure Plan in accordance with the Governor's comments. The Consortium shall then transmit the State Expenditure Plan back to the Governor for submittal to the Council for approval.

Section 8. Consultation and Cooperation. The Parties shall coordinate with one another to advance their common goals, eliminate duplication, and maximize consistency among their efforts regarding implementation of the RESTORE Act. The Parties agree to focus on maximizing Florida's attainment of expenditures from the Trust Fund from all sections of the RESTORE Act in order to restore the Gulf Coast resources and energize the economic recovery in the region for the best interest of Florida citizens and communities.

Section 9. Revision of Memorandum of Understanding. This MOU is conditioned upon the implementing rules currently being developed by the United States Department of the Treasury, pursuant to the RESTORE Act. Accordingly, the Parties acknowledge that this MOU may need to be revised to address any inconsistencies herein with such rules. Any revision of this MOU shall be in writing and shall be executed by each of the Parties.

Section 10. Termination. The Governor or the Consortium shall have the right to terminate this MOU, after consultation with each other and with 30 days written notice.

Section 11. Authority. The Governor and the Consortium represent that they have the authority to execute this MOU.

Section 12. Effective Date. This MOU shall take effect on the later date it is executed by the Governor or the Consortium.

Section 13. Term of MOU. This MOU will expire once all the money allocated to the State of Florida under 33 U.S.C. §1321(t)(3) (2012) has been accounted for in a Council approved State Expenditure Plan and all the money has been distributed to implement a Council approved State Expenditure Plan.

Section 14. Execution in Counterparts. This MOU may be executed in multiple counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

**Signature Page to Memorandum of Understanding Between the State of Florida
& Gulf Consortium**

STATE OF FLORIDA

Dated: _____

Rick Scott,
Governor

Attest:

Secretary of State

**Signature Page to Memorandum of Understanding Between the State of Florida
& Gulf Consortium**

GULF CONSORTIUM

Dated: _____

Grover C. Robinson, IV
Chairman

Attest:

Warren Yeager,
Secretary-Treasurer