



**Executive Committee Agenda
January 27, 2016, 4:00 p.m. Eastern
Florida Association of Counties
100 South Monroe Street
Tallahassee, Florida 32301
Dial-in Number: 1-888-670-3525
Participant Passcode: 998 449 5298#**

1. Call to Order
2. Public Comment
3. Approval of November 12, 2015 Minutes
4. Update on Planning Grant Application
Mike Langton
Lisa King
Langton Associates
5. Discussion on the Revised FSEP Development Process and Recommended Next Steps
Doug Robison
Environmental Science Associates
6. County Collaboration and Committee Process
7. 2016 Officer Elections
8. FY 2014-2015 Independent Financial Audit Update
9. Consortium Activity Preview
10. New Business
11. Public Comment



12. Upcoming 2016 Meetings

Full Board of Directors

Thursday, April 21, 2016, 2:00 pm, ET

*Tentative Location: Hillsborough County Administrative Center
Tampa, Hillsborough County*

Tuesday, June 28, 2016, 1:00 pm, ET

Hyatt Regency Orlando, Orange County

Tuesday, September 13, 2016, 3:00 pm, ET

Hutchinson Island, Martin County

Friday, December 2, 2016, 10:00 am, ET

Buena Vista Palace, Orange County

13. Adjourn

Notice of Meeting/Workshop Hearing

OTHER AGENCIES AND ORGANIZATIONS

Gulf Consortium

The Gulf Consortium Executive Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 27, 2016 at 4:00 pm (ET)

PLACE: Dial in Number: 888-670-3525

Participant Passcode: 998 449 5298#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Committee of the Gulf Consortium will conduct a briefing on the planning grant application; development of the state expenditure plan; officer elections; the FY 2014/2015 independent audit; and, conduct other business. In accordance with section 163.01, the location of the conference call is the Florida Association of Counties, 100 S. Monroe Street, Tallahassee, FL 32301.

A copy of the agenda may be obtained by contacting: Ginger Delegal at 850-922-4300 or gdelegal@fl-counties.com; or, see 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: Ginger Delegal at 850-922-4300 or gdelegal@fl-counties.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (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 Ginger Delegal at 850-922-4300 or gdelegal@fl-counties.com; or, see www.FACRestore.com.

Gulf Consortium Executive Committee Meeting
January 27, 2016, 4:00 p.m., Eastern
FAC Office - Conference Call



<u>County</u>	<u>Executive Committee Member</u>	<u>Present</u>
Escambia	Commissioner Grover Robinson	
Gulf	Warren Yeager	
Monroe	Commissioner George Neugent	
Pinellas	Susan Latvala	
Walton	Commissioner Sara Comander	

**Gulf Consortium Executive Committee
January 27, 2016**

**Agenda Item 3
Approval of November 12, 2016 Executive Committee Minutes**

Statement of Issue:

This agenda item proposes approval of the November 12, 2015 Executive Committee meeting minutes.

Options:

- (1) Approve the November 12, 2015 Executive Committee minutes, as presented; or
- (2) Amend and then approve the November 12, 2015 Executive Committee minutes.

Recommendation:

Motion to approve the November 12, 2015 Executive Committee meeting minutes, as presented.

Prepared by:

Ginger Delegal
Florida Association of Counties
Interim Manager
On: January 20, 2016

Attachment:

Draft 11/12/15 Minutes

Action Taken:

Motion to: _____, Made by: _____;

Seconded by: _____.

Approved____; Approved as amended____; Defeated_____.

**Gulf Consortium Executive Committee Meeting
November 12, 2015, 4:00 p.m. (Eastern)
Florida Association of Counties
Leon County, Tallahassee, Florida**

Officers in Attendance Telephonically: Commissioner Sara Comander (Walton), Susan Latvala (Pinellas), Commissioner George Neugent (Monroe), Commissioner Grover Robinson (Escambia) and Warren Yeager (Gulf).

Others in Attendance Telephonically: Commissioner Chris Constance (Charlotte), Commissioner Betsy Barfield (Jefferson).

Others in Attendance:
Doug Robison (Environmental Science Associates).

Agenda Item #1 – Call to Order
Commissioner Grover Robinson (Escambia) called the meeting to order at 4:02 pm (ET).

Agenda Item #2 – Public Comment
Commissioner Chris Constance (Charlotte)
Commissioner Betsy Barfield (Jefferson)
Jeff Helms, Santa Rosa County

Agenda Item #3 – Approval of Minutes from October 15, 2015 Executive Committee Meeting
Ms. Ginger Delegal, Interim Manager, presented the minutes from the June 11, 2015 Executive Committee meeting. A motion to approve the October 15, 2015 Executive Committee minutes was presented by Susan Latvala (Pinellas) and seconded by Warren Yeager (Gulf).

ACTION: APPROVED

Agenda Item #4 – Update on Planning Grant Application
Ms. Ginger Delegal, Interim Manager, briefed the Committee on recent activity with regard to the Planning Grant Application to include its submittal to the Restoration Council on September 24, 2015, pursuant to Executive Committee direction at its meeting of September 23, 2015. The Council has also requested some information on certain items and the consultant team is currently researching and providing a response thereto. There were no questions or comments by the Committee and no action was required.

Agenda Item #5 – 2016 Meeting Calendar Updates

Ms. Ginger Delegal, Interim Manager, gave an overview of this agenda item and went through each 2016 meeting date with the Committee. There were no questions or comments by the Committee and a motion was made to approve the 2016 Gulf Consortium calendar by Warren Yeager (Gulf) and seconded by Commissioner Sara Comander (Walton). The motion passed unanimously.

ACTION: APPROVED

Agenda Item #6 – Officer Elections in 2016

Ms. Sarah Bleakley, General Counsel, gave a brief overview of this agenda item and went through the process by which the Consortium elects its officers annually. There were no questions and no action was required of the Board.

Agenda Item #7 – Comments on Proposed BP Consent Decree

Ms. Sarah Bleakley, General Counsel, gave a brief overview of this agenda item which included an overview of the proposed settlement and summary of the proposed comments on the proposed BP consent decree on behalf of the Gulf Consortium. There were no questions by the Committee and a motion to recommend Board approval of the proposed comments to the proposed BP consent decree was made by Warren Yeager (Gulf) and seconded by Susan Latvala (Pinellas). The motion passed unanimously.

ACTION: APPROVED

Agenda Item #8 – Approval of Warren Averett Contract for Independent Financial Audit for Fiscal Year Ending September 20, 2015

Ms. Ginger Delegal, Interim Manager, presented the Committee with the proposed contract to engage the services of Warren Averett to prepare the independent audit for FY2014/2015, whose hiring was approved by the Executive Committee at its meeting of August 20, 2015. There being no questions or comments by the Executive Committee, a motion was made by Commissioner Sara Comander (Walton) and seconded by Susan Latvala (Pinellas) to approve proposed contract with Warren Averett to conduct the internal audit of the Gulf Consortium for FY 2014/2015.

ACTION: APPROVED

Agenda Item #9 – Discussion of Options for Recording Gulf Consortium November 18, 2015 Board Meeting

Ms. Ginger Delegal, Interim Manager, gave a detailed overview of this agenda item to the Committee which included detailed estimates of recording and conference call capabilities at Gulf Consortium meetings. There was a lengthy discussion among the Committee members and a motion was made to move forward with the recording and conference call capability at the Board meeting on November 18, 2015 by Commissioner Sara Comander (Walton) and seconded by Warren Yeager (Gulf). The motion passed unanimously.

ACTION: APPROVED

Agenda Item #10 – Board Meeting Presentations: Scientists/Economists

Ms. Ginger Delegal, Interim General Manager, presented this item to the Committee for consideration and gave a brief overview of Directors requesting that members of the scientific and economic communities give presentations at the Gulf Consortium Board meetings. A lengthy discussion ensued among the Committee, which directed staff to place the item on the agenda for full Board discussion and approval at its meeting of November 18, 2015. No further action was taken on this item.

Agenda Item #11 – Report from Committee of the 15 Counties

Susan Latvala (Pinellas) as Chair of the Committee of 15 gave a detailed report to the Executive Committee on the meeting that was held on November 9, 2015 of the Committee of 15 in Manatee County. There was a lengthy discussion among the Committee members on Ms. Latvala's report. No further action was taken on this item.

Agenda Item #12 – Action Items Resulting from August 26, 2015 Goal Setting Workshop

Ms. Ginger Delegal, Interim General Manager, gave an overview of the agenda item by going through the proposed three consensus items from the workshop. Chairman Grover Robinson also gave a brief overview of the chart prepared by the Department of Justice (distributed as a part of the meeting agenda packet) and expressed the need for the Gulf Consortium to continue moving forward. A lengthy discussion ensued among the Committee members and a motion was made by Commissioner Sara Comander (Walton) to bring 2 of the 3 consensus items before the full Board for approval, those 2 items being:

1. Adoption of State Expenditure Plan Goals and Objectives (Council's adopted goals and objectives, as amended with the edition of the eighth objective; and
2. Adoption of no predetermined funding allocations for environmental versus economic projects.

and seconded by Warren Yeager (Gulf). The motion passed.

ACTION: APPROVED

Agenda Item # 13 – New Business

Warren Yeager expressed the need for the Committees of 8 and 15 to have guidelines on what is to be discussed during their respective Committee meetings and that any discussion that involves all 23 counties needs to only be addressed by the full Board of the Gulf Consortium. A motion was made to direct staff to prepare a proposed policy regarding the same by Warren Yeager and seconded by Commissioner George Neugent (Monroe).

Agenda Item # 14 – Public Comment

Commissioner Chris Constance (Charlotte)

Agenda Item #15 – Upcoming Board Meetings

The next meeting of the Consortium Board of Directors will be held on November 18, 2015 at 9:00 am ET at Omni Amelia Island Plantation in Nassau County.

Agenda Item #8 – Adjournment

There being no further business, the Committee adjourned at 5:24 pm (ET).

Respectfully submitted,

Grover Robinson
Chairman

**Gulf Consortium Executive Committee
January 27, 2016**

**Agenda Item 4
Planning Grant Application Update**

Executive Summary:

Update on the status of the Planning Grant Application submitted to the Restoration Council on September 24, 2015.

Background:

Langton Associates, a part of the ESA Consultant Team, has prepared the planning grant application for the Consortium's review and approval. The total request for the grant is \$4,851,525.00, over a planning horizon that extends back from August 22, 2014 (period for pre-award costs), forward two (2) years, to September 30, 2017.

Additional work and telephone conference calls occurred between Consortium staff, Langton Associates, Leon County Clerk of Court staff, and the Restoration Council as to the grant funded eligibility of certain tasks performed by the Gulf Consortium to develop the State Expenditure Plan. After exercising its delegated authority, on September 23, the Executive Committee approved the final grant applicability and it was submitted on September 24, 2015, to the Restoration Council.

Langton Associates contacted Council staff for comments on the Planning Grant application and on November 6, 2015, Council staff responded with five questions, labeled as "initial review". Those questions related to procurement, cost basis and budget. Lisa King of Langton Associates submitted a response to those questions to Council staff via email on December 10, 2015.

On December 7, 2015 Mary Pleffner, CFO of the Council sent a letter to Chair Robinson with 14 additional questions related to the Planning Grant application. Those questions related to Task 16 (Conceptual Design and Feasibility Studies) and differences between the budget and the consultant's BAFO. Chair Robinson replied to those questions, in writing, on December 22, 2015. The consultant team has followed up as to when a response is to be expected. While Ms. Pleffner indicated it was to be expected the week of January 11, 2016, it is still pending.

Fiscal Impact:

Under Task Order 1, ESA agreed to develop the PSEP and the preparation of a grant application for planning funds. Task Order 1 provides that payment to ESA is contingent upon the receipt of federal planning grant monies. Upon receipt of those funds, ESA will be paid \$15,000 for its services for the planning grant application preparation, and \$35,980 when the Council approves the grant, for a total of \$50,980.

Attachments:

- (1) Mary Pleffner email to Gulf Consortium staff dated 11/6/15.
- (2) Lisa King email to Mary Pleffner dated 11/10/15.
- (3) Mary Pleffner letter to Chairman Robinson dated 12/6/15.
- (4) Chairman Robinson response letter to Mary Pleffner dated 12/22/15.

Recommendation:

The consultant team recommends that an in-person meeting be pursued between Council staff, Consultant team and a member of the Consortium board.

Prepared by:

Lisa King

Langton Associates

On: January 20, 2016

Emily Anderson

Subject: FW: Initial Review Questions on the Gulf Consortium Planning Grant Application
Attachments: Consortium Budget-BAFO Comp 11-5-15.xlsx; ATT00001.htm

From: Mary Pleffner <mary.pleffner@restorethegulf.gov>

Date: November 6, 2015 at 10:51:37 AM EST

To: Ginger Delegal <gdelegal@fl-counties.com>, Lisa King <lisaking@langtonconsulting.com>, "Michael Langton (mlangton@langtonconsulting.com)" <mlangton@langtonconsulting.com>

Cc: Kristin Smith - Federal <kristin.smith@restorethegulf.gov>, Joshua Easton <Joshua.easton@restorethegulf.gov>

Subject: Initial Review Questions on the Gulf Consortium Planning Grant Application

Good morning.

To proceed with the application review and to make the award, we need additional information regarding a number of the costs and/or procurement processes included in the application. Please coordinate with Kristin Smith to discuss the following items that require further clarification. A written addendum to the grant application may be necessary.

1. In the budget narrative, what procurement method and cost basis was used to obtain the services (Legal fees) of Bryant, Miller and Olive - \$4,740? If this was a sole source procurement, a justification is needed.
2. Task 16 in the Budget Object Costs is not included in Budget Narrative or the BAFO Cost Proposal referenced in the Agreement between the Consortium and ESA. What are the cost category, cost basis and procurement method for this activity?
3. What will be the cost basis and procurement method for the SEP Contracts Manager/Subject Area Technical Reviewer?
4. Please explain the discrepancies of total costs between the SF-424, the application Budget Narrative and the ESA BAFO. Refer to the attached spreadsheet for additional details.
5. Please explain how the costs for the grants management services provided by Langton and Associates (\$47,000 each year) will be determined? These activities are described in the BAFO, but are they included in the BAFO Cost Proposal upon which the agreement/contract relies for pricing? The agreement is also task based. Will these services be provided under an additional task?

Thank you very much. Mary

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Mary Pleffner

CFO/Director of Administration

work: 813-995-2025

cell: 813-394-2185 or 443-534-0399

mary.pleffner@restorethegulf.gov

Emily Anderson

Subject: FW: Initial Review Questions on the Gulf Consortium Planning Grant Application
Attachments: Response to Pleffner email 11-6-15.docx; ATT00001.htm

From: Lisa King [<mailto:lisaking@langtonconsulting.com>]

Sent: Tuesday, November 10, 2015 4:41 PM

To: Mary Pleffner

Cc: Ginger Delegal; Mike Langton; Kristin Smith - Federal; Joshua Easton; Douglas Robison

Subject: Re: Initial Review Questions on the Gulf Consortium Planning Grant Application

Mary -

Please find our response attached. We are happy to schedule a phone call to discuss if you need more information. Please advise of time frames moving forward. Thank you.

Lisa King, GPC*
Senior Vice President
Langton Associates
4830 Atlantic Blvd.
Jacksonville, FL 32207
(904)598-1368
lisaking@langtonconsulting.com

*Grant Professional Certified

Response to 11/6/15 email from Mary Pleffner

1. In the budget narrative, what procurement method and cost basis was used to obtain the services (Legal fees) of Bryant, Miller and Olive - \$4,740? If this was a sole source procurement, a justification is needed.

These fees were charged to the Leon County Clerk of the Courts to draft the agreement for the provision of financial management services that the Clerk's Office is providing to the Consortium. The Clerk's Office billed the Consortium for these costs based on this agreement dated July 1, 2015 to reimburse them for costs as stipulated on page 7, sub (I). The Clerk's office was responsible for procurement and determination of cost basis for these services – since Bryant, Miller and Olive is their existing contractual outside legal counsel.

2. Task 16 in the Budget Object Costs is not included in Budget Narrative or the BAFO Cost Proposal referenced in the Agreement between the Consortium and ESA. What are the cost category, cost basis and procurement method for this activity?

Task 16 is for Conceptual Design and Feasibility Studies as authorized under the RESTORE Act. This task is described on pages 16 and 17 of the Planning Grant application. The task is also reflected on page 10 of the Planning SEP approved by the Council. This task is in the "Contractual" cost category. The cost basis used was the reasonable rate for such services as determined in earlier bids provided to the Consortium and an estimate of hours. The detailed scope for these services will be determined as the SEP is developed, particularly through the determination of the Early Action Plan. The ESA scope was submitted to the Consortium before the Council rule was released including "Conceptual design and feasibility studies" as an allowable activity in SEP development. ESA was procured as a comprehensive SEP development consultant. The Consortium will amend the ESA contract to reflect this scope expansion at a later date.

3. What will be the cost basis and procurement method for the SEP Contracts Manager/Subject Area Technical Reviewer?

The costs for the SEP Contract Manager/ Subject Area Technical Reviewer were determined based on industry standards and on the prevailing weighted professional hourly rate of \$205 per hour used in this grant application. As with the other professional services in this grant application, these services will be provided on a fixed fee agreed upon cost. The Consortium will competitively procure these services.

4. Please explain the discrepancies of total costs between the SF-424, the application Budget Narrative and the ESA BAFO. Refer to the attached spreadsheet for additional details.

Additional costs in budget as detailed in Budget narrative to explain discrepancy

Application page #	Time Frame	Line Item	Cost
pg 23	Pre-award	A/V and Meeting Room Rental	11,197
pg 23	Pre-award	Legal Services - Clerk's Interlocal	4740
pg 23	Year 1	SEP Contract Manager/Subject Area Technical Reviewer	50,000
pg 23	Year 1	ESA - Sub - Langton, Grant Management Services	47,000
pg 24	Year 1	Contractual Legal - NGN	90,000
pg 24	Year 1	A/V and Meeting Room Rental	40,000
pg 24	Year 1	Audit Services	25,000
pg 25	Year 2	SEP Contract Manager/Subject Area Technical Reviewer	50,000
pg 25	Year 2	ESA - Sub - Langton, Grant Management Services	47,000
pg 26	Year 2	Contractual Legal - NGN	90,000
pg 26	Year 2	A/V and Meeting Room Rental	40,000
pg 26	Year 2	Audit Services	25,000
			\$519,937
		Council calculation of additional costs	\$454,937
		Difference	\$65,000

The BAFO was submitted on October 21, 2014. Since that time multiple discussions between the Consortium, Consortium management staff and consultants have led to the realization that the tasks detailed in the ESA response, the BAFO and the PSEP will take many more hours to accomplish than originally thought. Those estimates of hours are included in the Planning Grant Application, which was approved by the Consortium. ESA's contract will be revised at a later date.

5. Please explain how the costs for the grants management services provided by Langton and Associates (\$47,000 each year) will be determined? These activities are described in the BAFO, but are they included in the BAFO Cost Proposal upon which the agreement/contract relies for pricing? The agreement is also task based. Will these services be provided under an additional task?

The costs for Langton Associates were determined based on industry standards and on the prevailing weighted professional hourly rate of \$205 per hour used in this grant application. As with the other professional services in this grant application, these services will be provided on a fixed fee agreed upon cost. ESA's contract will be revised to reflect this additional service/task and cost.



Gulf Coast Ecosystem Restoration Council New Orleans, Louisiana

December 7, 2015

The Honorable Grover C. Robinson IV
Chair, Gulf Consortium
100 South Monroe Street
Tallahassee, Florida 32301

Dear Commissioner Robinson:

The Council staff has conducted a review of the Gulf Consortium application for financial assistance. Additional information is required in order for us to continue processing the application. Specifically, Council staff has need of further information related to Task 16 (Conceptual Design and Feasibility Studies), specific line items in the grant application that contain proposed increases compared to the Best and Final Offer (BAFO) from the selected contractor (ESA), and other miscellaneous items. The issues are discussed in more detail below. Please provide detailed responses and supporting documentation (e.g., emails, correspondence, etc.), if any, for each individual question below. Should one response or supporting document provide the requested information for more than one question, please indicate as such in your response.

I. Task 16 (Conceptual Design and Feasibility Studies)

1. Please explain the process the Consortium followed to add Task 16 to the grant application.
2. Please explain how the Consortium made the determination that Task 16 could be added non-competitively to the scope of work under the contract between the Consortium and ESA. When was this determination made?
3. Please explain how the Consortium determined the budget for Task 16? As presented in the grant application, the Consortium proposes to expend \$1,740,000 (8049 hours at \$205 per hour) on this task between April 1, 2017 and September 30, 2017; however, the scope of the task, and the justification for the number of hours, has not been clearly defined. How was the reasonableness of this cost estimate determined?
4. In Task 16, the application states that “[t]he terms “conceptual design and feasibility studies” for specific projects are interpreted to include as needed technical studies to better define specific projects for comparative evaluation and possible inclusion in the Florida State Expenditure Plan.” This task is not scheduled to begin until April 1, after Task 10 (conduct detailed project evaluation) is complete and Task 11 (develop priority project rankings and implement leverage criteria) is near completion. Please explain how feasibility studies under Task 16 can be used to inform project selection if it commences after the project list has been developed.

Attachment # 3

5. Task 16 also states that completion of conceptual designs and feasibility studies will accelerate the subsequent implementation of high priority projects. How do these activities conform to the requirement stated in the RFA that “all planning activities authorized under this announcement must relate solely to the development of a comprehensive SEP”?

II. Line Items in the Grant Application that Contain Proposed Increases Compared to the ESA BAFO.

6. Please describe the process the Consortium used to determine that certain line items should be increased after acceptance of the BAFO. Please see the following table and provide a justification and cost basis for each line item increase. Please also provide a timeline that clearly articulates when each determination was made and who made each determination.

Task	Description	BAFO	Application
Task 3	Compile Initial Project List	\$29,450	\$69,537
Task 4	Sort, Attribute & Screen Initial Project and Leveraging Lists	\$62,250	\$162,250
Task 5	Develop Initial Project Spatial Database	\$78,450	\$108,450
Task 7	Develop/Implement Improved Nomination Process	\$87,100	\$167,100
Task 8	Develop Final Project Spatial Database	\$87,900	\$117,900
Task 9	Develop Evaluation Criteria	\$78,040	\$108,040
Task 10	Conduct Detailed Project Evaluation	\$159,000	\$332,470
Task 11	Develop Priority Project Rankings and Implement Leverage Criteria	\$131,480	\$331,480
Task 13	SEP Review and Revisions	\$91,080	\$125,231
Task 15	Public Involvement and Stakeholder Communication (Pre Award, Yr 1, Yr 2)	\$598,600	\$698,600
	TOTAL	\$1,403,350	\$2,221,058
	Total Added Costs		\$817,708

III. Other Issues

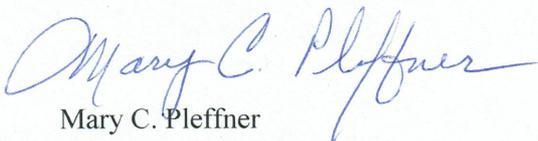
7. Both Task 2 and Task 3 include activities and deliverables associated with a Goal Setting Workshop scheduled for August 26, 2015. Task 2 is on a fixed cost basis. Task 3 is on a time and materials basis. Please clarify the distinct scope of each Task as each relates to the Workshop and the steps you are taking to ensure that Workshop activities and deliverables are not being double-billed.
8. The pre-award costs for Task 15 are \$50,000, yet Task Order 3, which is for the Public Involvement Program-Phase I Activities, is billed based on a time and materials basis. Is \$50,000 the exact amount of the pre-award costs? Please provide clarification and documentation of the activities included in the Task 15 pre-award costs. Please clarify if these activities are included under Task Order 3 and how costs are documented.

Attachment # 3

9. The budget narrative on page 22 regarding pre-award costs indicates that “each task will be paid at the fixed fee agreed upon regardless of the level of effort contributed by the ESA Consultation Team” and “[t]he ESA Consultant Team will not be responsible for keeping hourly records since all fees are determined on a fixed fee basis...” However, Task Order 3 indicates that compensation will be on a time and materials basis which requires detailed labor hour tracking to support costs claimed. Please reconcile.
10. Please describe the specific actions taken by the Consortium in the development of the PSEP and the grant application (as opposed to its contractors). In this description, please include instances where the Consortium specifically tasked a contractor or subcontractor with an action and/or provided specific guidance regarding activities, budget, or other elements of the PSEP or grant application. Please provide available documentation, including records of phone calls, minutes of meetings, and email correspondence.
11. When does the Consortium plan to sign the revised agreement with ESA to expand the scope and cost of the existing tasks and add Task 16?
12. In Year 2, under costs to Langton and Associates, what is meant by “SEP implementation”? Is this a reference to the Florida SEP implementation? There is an explicit contract limitation that no ESA team member may participate in the eventual implementation of the SEP, and this should be clarified.
13. Please ensure that the budget narrative and expenditure milestones are aligned. Please submit revised documentation as necessary.
14. Please ensure the SF-424 is both signed and dated. Please submit revised documentation as necessary.

If you wish to discuss these issues or need further clarification, please have your staff coordinate with Kristin Smith, Council Grant Manager, to arrange a mutually convenient time to do so.

Sincerely,



Mary C. Pleffner
Chief Financial Officer and Director of Administration

cc: Mr. Scott Shalley, Executive Director for the Florida Association of Counties
Ginger Delegal, General Counsel, Florida Association of Counties
Mike Langton and Lisa King, Langton & Associates
Douglas Robison, Principal Managing Associate, ESA



December 22, 2015

Ms. Mary C. Pleffner
Chief Financial Officer and Director of Administration
Gulf Coast Ecosystem Restoration Council
500 Poydras Street, Suite 1117
New Orleans, Louisiana 70130

Re: Response to December 7, 2015 Letter

Dear Ms. Pleffner:

Thank you for your review of the Gulf Consortium's application for financial assistance for the development of the State Expenditure Plan (SEP) for the State of Florida. As you know, I have led this effort for over three years, and it has been an arduous process for us to continue to meet and make progress without a dedicated source of funding. It has been over a year since we selected our consultant to lead the development of the SEP, and they have worked diligently to prepare our grant application and assist the Consortium in the early planning phases without compensation. Our board of 23 county commissioners and six gubernatorial appointees very much looks forward to beginning the actual drafting of the SEP, work that is dependent on receipt of planning grant funds. In this regard, our responses to the questions and requests for clarifications itemized in your December 7, 2015 letter are provided below.

I. Task 16 (Conceptual Design and Feasibility Studies)

1. ESA's best and final offer (RBAFO) was submitted to the Consortium on October 21, 2014 and the ESA consultant team was formally selected on November 19, 2014. The Announcement of Spill Impact Component Planning Grant Rule released by the Council on December 31, 2014 included the first mention of "conceptual design and feasibility studies" as an eligible activity. The Consortium approved the Planning SEP, including a \$1 million line item for conceptual design and feasibility studies, at our March 25, 2015 Board of Directors meeting and submitted it to the Council soon thereafter. The PSEP was recommended for approval by Council staff on April 23, 2015. The Administrative Grant Application was drafted to be consistent with the process included in the PSEP and so it included a line item for "conceptual design and feasibility studies." Please see the attached chart **Gulf Consortium Grant Application Development Timeline (Letter Attachment 1)** and the associated agenda items and meeting minutes for documentation.

2. The ESA consultant team was competitively selected to prepare the Florida SEP, including all activities necessary and allowable under the planning grant rule. In their RBAFO response ESA presented their qualifications for a range of services that may be required as part of SEP development including regulatory guidance and supporting conceptual design and feasibility studies necessary for NEPA compliance (see RBAFO – Tab J). Furthermore, as stated above, the Consortium formally approved the PSEP on March 25, 2015, including the line item for “conceptual design & feasibility studies” as allowed by the planning grant rule. In approving the PSEP with this line item, the Consortium recognized the need to further evaluate the technical and financial feasibility of the various projects concepts that may be considered for inclusion in the SEP prior to priority project ranking.
3. The budget for Task 16 was estimated based on the anticipated level of effort associated with assisting each of the 23 counties of the Gulf Consortium with the development and refinement of project concepts for potential inclusion in the SEP. This equates to 349 professional labor hours per county, including approximately three weeks each for a senior engineer, senior scientist, senior planner, and support staff. We consider this to be a reasonable estimate of the maximum level of effort needed to assist each county on average, while recognizing that some counties will need more assistance than others.
4. We concur that the majority of the work effort involved in Task 16 - Conceptual Design and Feasibility Studies - should be conducted prior to project evaluation and ranking to support an objective comparative analysis of the various projects considered for inclusion in the SEP. The project flow chart provided in the Project Narrative section of the Grant Application did not include this task, as it was taken from the RBAFO. Please see the attached **Revised Project Flow Diagram (Letter Attachment 2)**, which indicates the proper task sequencing.
5. It is our intent to develop conceptual designs for priority projects included in the SEP to a level of detail and specificity adequate to support a thorough and expeditious review of the Florida SEP by the Council. We believe this level of detail and specificity will be necessary for the Council to understand and evaluate the need, purpose, objectives, scope, boundaries, elements, and expected benefits of each of the projects included in the SEP. Furthermore, this information will be needed for the Council to determine if the proposed projects are both technically and financially feasible, and whether or not they meet the “best available science” standard. Planning grant funds will only be used to develop conceptual designs and conduct feasibility studies for projects considered for inclusion in the SEP. Planning grant funds will expressly not be used for final engineering design or environmental studies, as specified in the Planning Grant Rule.

II. Line items in the Grant Application that Contain Proposed Increases Compared to the ESA BAFO

6. The scopes of work and associated cost estimates for the various tasks originally proposed in the RBAFO were developed by the ESA consultant team prior to the issuance of the Planning Grant rule and other SEP guidance by the Council. Furthermore, since the submittal of the RBAFO, the ESA consultant team has met with the Consortium Board and individual Directors extensively and has developed a much better understanding of the Consortium's expectations for the Florida SEP and the associated work effort. Therefore, the ESA consultant team should not, and cannot be, bound strictly by the task budgets proposed in the RBAFO because the proposed approach to SEP development has changed since the consultant team was selected, and will likely continue to evolve as the process proceeds. Accordingly, we request the flexibility to modify task budgets under the total grant amount as needed to accommodate any future changes in the level effort associated with each task. The total grant amount requested is considered by the Consortium to be the maximum not-to-exceed amount necessary to complete the SEP pursuant to Council rules and guidelines. The consultant's work effort will be closely monitored and controlled by incremental issuance of task orders through the SEP development to ensure that the work effort is completed within the requested budget.

Finally, with regard to approval of the budget modifications, the Consortium's Executive Committee approved the revised budget with increases in these tasks in the grant application at our meeting of September 23, 2015. The Consortium delegated authority for the Executive Committee to approve changes to the grant application at our meeting of June 19, 2015. Please see the attached chart **Gulf Consortium Grant Application Development Timeline (Letter Attachment 1)** and the associated agenda items and meeting minutes for documentation.

III. Other Issues

7. Task Order 2 covered the costs of the ESA consultant team and their associated experts (labor + travel expenses) to attend and participate in the goal setting workshop only. Task Order 3 covered the costs of the ESA consultant team to conduct a wide range of workshop preparatory and follow up activities. The scopes of work and deliverables for these two Task Orders did not overlap in any way. Also, please note that Task Order 3 was approved as a time & materials with a defined not-to-exceed amount of \$82,388. This not-to-exceed cap was essentially equivalent to a fixed cost. All future Task Orders will utilize a fixed cost method to control costs and simplify invoicing review and payment processes.
8. As stated above, Task Order 3 was approved as a time & materials with a defined not to exceed amount of \$82,388. The requested pre-award cost of \$50,000 was the estimated amount of work to be conducted under Task 15

prior to the anticipated award date of October 1; however, the grant award has not yet occurred. Task Order 3 has now been completed at the fixed price cost of \$82,388. Therefore, the entire amount of \$82,388 has now been moved into the pre-award cost category. Please see the attached **Revised Budget Narrative (Letter Attachment 3)** with updated expenditure milestones. Please also note that given delays in grant approval we have extended the Pre-Award Period to 12/31/15.

9. As stated above, Task Order 3 was approved as a time & materials with a defined not-to-exceed amount of \$82,388. This not to exceed cap was essentially equivalent to a fixed cost. Task Order 3 has now been completed at the fixed price cost of \$82,388, and the ESA consultant team will be submitting all required detailed labor and expense information in the near future. All future Task Orders will utilize a fixed cost method to control costs and simplify invoicing review processes.
10. Please see the attached chart **Gulf Consortium Grant Application Development Timeline (Letter Attachment 1)** and associated agenda items and meeting minutes for documentation of all action taken by the Consortium and its agents in the development of the PSEP and grant application.
11. The Consortium will revise the agreement with ESA accordingly once the grant application is approved.
12. This was a scrivener's error, and should state..."planning grant implementation and planning grant management" rather than "SEP implementation and grant management."
13. Please see the attached **Revised Budget Narrative (Letter Attachment 3)** with updated expenditure milestones.
14. Please find attached a copy of the signed and dated **SF 424 (Letter Attachment 4)**.

I trust that the responses provided above will fully address your questions and requests for clarification. We very much want to begin the process of developing the Florida State Expenditure Plan and hope that a grant award is forthcoming in the near future. If you believe that a teleconference or meeting would further expedite your review of the above responses and approval of our grant application, we will make this a top priority. Thank you for your efforts, and please do not hesitate to contact me if you need any additional information.

December 22, 2016
Page 5

Sincerely,



Grover C. Robinson IV
Chair, Gulf Consortium

cc: Scott Shalley, Interim Manager, Gulf Consortium
Ginger Delegal, Interim Manager, Gulf Consortium
Sarah M. Bleakley, General Counsel, Gulf Consortium
Doug Robison, Consultant for the Gulf Consortium, ESA
Mike Langton, Consultant for the Gulf Consortium, Langton Associates
Lisa King, Consultant for the Gulf Consortium, Langton Associates

**Gulf Consortium Executive Committee
January 27, 2016**

**Agenda Item #5
Revised FSEP Development Process and Recommended Next Steps**

Background

At its November 17, 2015 meeting the Gulf Consortium formally voted on the three primary issues discussed at the August 26, 2015 goal setting workshop. With these votes, the Consortium formally approved the following:

- Adoption of the Restoration Council's Comprehensive Plan goals and objectives to serve as the framework for the Florida State Expenditure Plan (FSEP), with the addition of a new eighth objective for the FSEP specifically addressing economic recovery.
- Decision to not establish predetermined project type allocations of Spill Impact Component funds for environmental versus economic projects to be included in the FSEP.
- Decision to establish a predetermined geographic allocation of Spill Impact Component funds pursuant to an "even-stein" or equal distribution of funds among the 23 counties.

At this meeting the Consortium also discussed and adopted four guiding principles for the development of the FSEP:

- Put a plan together that the Governor will approve.
- Regionalization and/or bundling of projects that would otherwise meet the established criteria.
- Leverage of the money, when possible.
- Every county shall have the ability to propose its allocation be used for Gulf Restoration as established by the criteria and objectives established by the Consortium.

The decision regarding a predetermined geographic allocation of Spill Impact Component funds essentially changes the FSEP development approach from a "County-Independent" process to a "County-Driven" process. This change brings with it certain advantages, including:

- Ensuring that every Florida Gulf Coast county will actively participate in, and benefit from, the implementation of the FSEP by directing the use of its equal funding allocation towards county-proposed projects and/or county-supported projects proposed by other entities (e.g., National Estuary Programs; Water Management Districts, etc.).
- Providing more predictable programming and budgeting conditions for each county;
- Minimizing competition among counties and projects for funding, allowing counties to focus on plan development and to work more collaboratively; and
- Potentially streamlining the FSEP development process.

In addition, by working together to develop an integrated FSEP that is tied together thematically and, where appropriate, regionally, the Consortium and 23 counties will be able to:

- Gain more rapid and comprehensive support and approval of the FSEP and individual projects from the Governor's Office and the Restoration Council; and
- Maximize the ability to attract leveraged funds from other applicable funding sources including the Council Selected Component (Pot 2), Florida Natural Resource Damages (NRD) funds, the Gulf Environmental Benefit Fund (NFWF), and others.

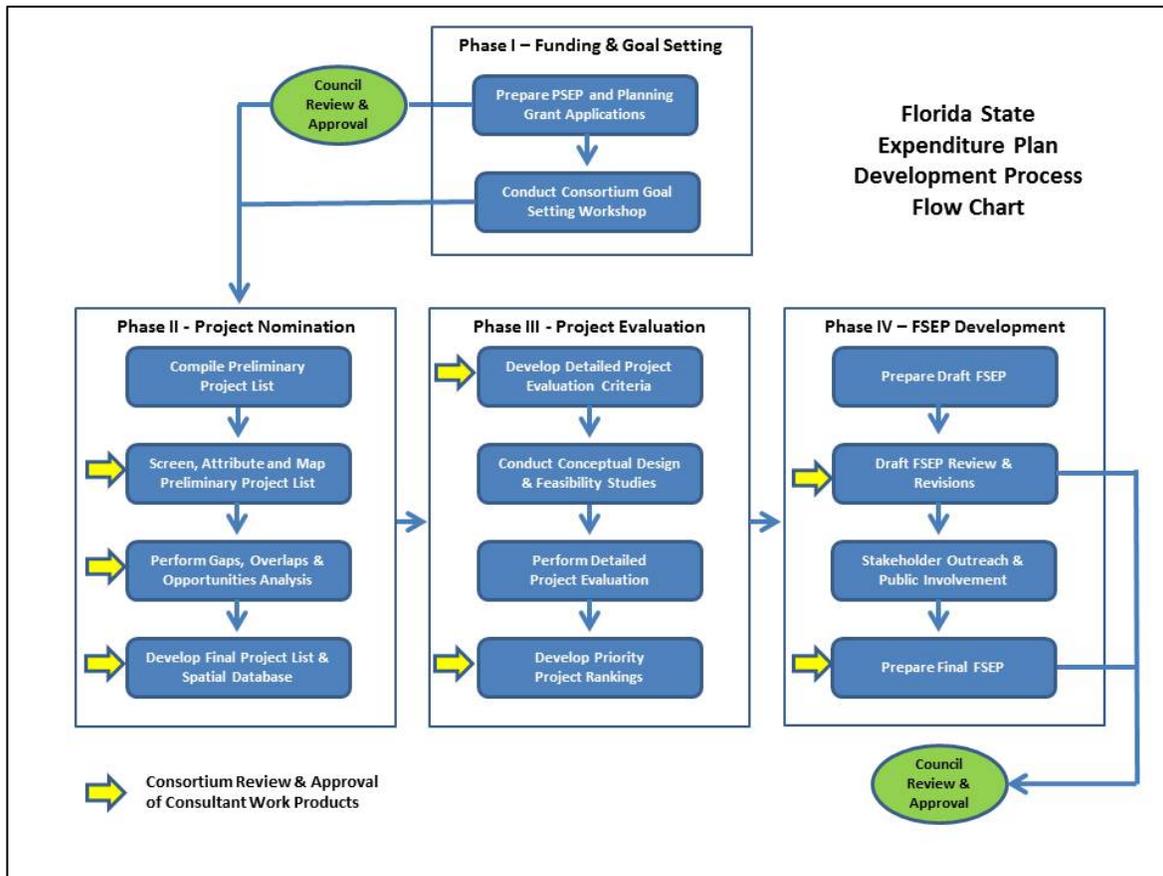
Revised FSEP Development Process

A County-driven FSEP development process necessitates the following changes to the approach originally proposed by the ESA consultant team:

- Changes the starting point for identifying potential projects from the Florida Department of Environmental Protection's online portal to the individual counties or to groups of counties working together and/or with other agencies (where it makes sense);
- Eliminates the need to develop a separate online portal to solicit new project concepts from stakeholders; and
- Modifies the project evaluation process from detailed benefit/cost analysis of multiple projects to conceptual design and feasibility reviews of proposed county projects.

- Alters the priority project ranking process from the inclusion/exclusion of projects to the temporal sequencing of projects, based on grant-readiness, leveragability, and other factors.
- Reduces the level of effort and shifts the focus of the public involvement program primarily to the review of the draft FSEP, to be conducted in Phase IV (FSEP development).

Accordingly, the process for the development of the FSEP has been revised to accommodate the new County-driven process. To provide a roadmap for the Consortium going forward, the revised process flow chart is shown below.



With the submittal of the Planning Grant Application, and the completion of the Consortium Goal Setting Workshop, Phase I (Funding & Goal Setting) has been completed. Upon approval of the planning grant by the Council the FSEP development process will move into Phase II (Project Nomination).

As stated above, the most significant change in the Project Nomination phase is the starting point for identifying potential projects for inclusion in the FSEP. In the previous County-independent process the starting point was the FDEP online project portal; whereas, in the new County-driven process the starting point is the individual counties. The revised FSEP development process also affects the

tasks in Phase III (Project Evaluation), and Phase IV (FSEP Development). Each task in the remaining three phases of the revised FSEP development process is briefly described below.

1. **Compile the Preliminary Project List.** The ESA consultant team will prepare and distribute project screening criteria, a standard format application form, and other guidance materials to each of the 23 counties to be utilized in development and submittal of their respective project concepts. Project concepts proposed by the individual counties could include:

- Projects identified in existing coastal resource and watershed management plans (e.g., National Estuary Program CCMPs; Water Management District SWIM Plans, etc.);
- Larger projects identified as part of county Direct Component activities and associated local RESTORE Act committees; and
- Applicable County projects identified in Capital Improvement Programs or other County initiatives.

If requested, the ESA consultant team will meet with individual counties to assist them in developing and prioritizing project concepts (see “Recommended Next Steps” below). Upon submittal of project concepts from each of the counties, the ESA consultant team will compile the preliminary project list which represents the first cut of project concepts for potential inclusion in the FSEP.

2. **Screen, Attribute and Map the Preliminary Project List.** The ESA consultant team will apply the screening criteria to the preliminary project list which may eliminate some projects that are not eligible for RESTORE Act funding or otherwise inconsistent with the goals, objectives and guiding principles adopted by the Consortium. The remaining projects will be attributed and converted into a spatial (GIS) database. Attribution will include such parameters as: project type; area affected by the project; project benefits; project costs; leveraging potential; project partners; etc. In addition, the screened preliminary project list will be digitized (e.g., project type; area affected; project cost; etc.) so that the full range and scope of the preliminary project list can be visually depicted in a map series. The screened preliminary project list will be summarized and presented to the Consortium for discussion.

3. **Perform Gaps, Overlaps, and Opportunities Analysis.** The ESA consultant team will conduct an analysis of the preliminary project list to

determine if there are substantial gaps in geographic coverage or project type focus. In addition, this analysis will explore opportunities to combine similar nearby projects into larger single projects to improve cost-effectiveness; as well as opportunities to modify or enhance projects in ways that will increase leveraging potential and streamline regulatory approvals. Recommended revisions to the preliminary project list will be presented to the Consortium for discussion and approval.

4. **Develop Final Project List and Spatial Database.** Based on input from the Consortium, the ESA consultant team will revise and update the initial project list and develop the final project list and associated spatial database. The final project list will be summarized and presented to the Consortium for discussion and approval. Upon Consortium approval, the final project list will represent the universe of projects that will be taken into Phase III – Project Evaluation.
5. **Develop Detailed Project Evaluation Criteria.** Based on the range of projects represented in the final project list, the ESA consultant team will develop detailed project evaluation criteria to comparatively assess each project. Detailed evaluation criteria will focus on two key project attributes: technical basis and justification; and feasibility. Evaluating the technical basis of proposed actions will be based on best professional judgment. This attribute will be assessed in terms of whether or not proposed projects are based on the best available science and/or engineering, as required by the Council, and whether they have a clearly defined technical rationale and justification. In addition, this attribute addresses the relative benefits and risks associated with proposed actions. Evaluating the feasibility of proposed projects will essentially constitute a “reality check” also based largely on best professional judgment. The feasibility attribute will be assessed in terms of numerous factors including but not limited to: technical efficacy (e.g., both science and engineering) workability, permitability, constructability, cost-effectiveness, leveragability, and public acceptance. The detailed project evaluation criteria will be presented to the Consortium for review and approval.
6. **Conduct Conceptual Design & Feasibility Studies.** It is anticipated that many project concepts submitted by the counties will have significant information gaps, while other project submittals will be well-developed as conceptual or even final designs with accompanying feasibility, engineering and environmental studies. To fairly and objectively evaluate the various project concepts submitted by the counties, those that are lacking in basic details with regard to such factors as technical justification, project boundaries, anticipated benefits, technical approach, construction

methods, cost estimates, etc. will need to be developed to a higher level of specificity. Therefore, this task will involve the ESA consultant team working with individual counties, as needed, to conduct conceptual design and feasibility studies to advance their projects to comparable levels of detail suitable for detailed project evaluation. If requested, project concepts will be advanced to a level of design (~30%) suitable for subsequent environmental permitting, making them more “grant ready” for implementation funding.

7. **Perform Detailed Project Evaluation.** Utilizing the information developed in the previous task, the ESA consultant team will apply the approved project evaluation criteria to the final project list. It is anticipated that Tasks 6 and 7 will be conducted iteratively as information relevant to project evaluation (e.g., permitability, engineering feasibility, detailed cost estimates) is developed concurrently. Project evaluation will be conducted utilizing a quantitative scoring matrix developed in spreadsheet format. The scoring methodology and all associated assumptions and qualifiers will be thoroughly described, and the respective spreadsheet formulas will be readily transparent to reviewers.
8. **Develop Priority Project Rankings.** The detailed project evaluation conducted in the previous task will be used to develop priority project rankings. Given that the approximate funding levels available to each county are known, and that the Spill Impact Component funds will be paid out over a 15-year period, priority rankings will be based on both the relative merits and “grant readiness” of the various projects. As such, it is anticipated that the priority project rankings will recommend the sequencing of projects over the 15-year funding cycle, rather than the inclusion or exclusion of particular projects. The results of the detailed project evaluation and priority project rankings will be presented to the Consortium for review and approval. If requested by the Consortium, modifications will be made to the priority project rankings to accommodate new information or other factors. The final priority project rankings will serve as the basis for Phase IV - FSEP Development.
9. **Prepare Draft FSEP.** Using the results of the previous tasks and the priority project rankings, the ESA consultant team will prepare the draft FSEP document to comply with all informational requirements specified by the Council in applicable rules and guidance documents. Prior to release of the Draft FSEP for formal review and public comment, the consultant team will conduct a legal review of the document to ensure compliance and consistency with all applicable federal, state, and local laws, rules, and

agreements. Revisions to the Draft FSEP will be made to address any legal noncompliance or inconsistencies.

10. **Draft FSEP Review and Revisions.** The Draft FSEP will be submitted to the Consortium for review and approval prior to distribution to other reviewing entities. Upon approval by the Consortium, the Draft FSEP will be submitted to the FDEP, the Governor, the Council and other appropriate reviewing entities. The ESA consultant team will deliver summary presentations of the draft FSEP to the Consortium and other reviewing entities as requested, and will work closely with each of the reviewers to revise and amend the Draft FSEP document as appropriate to address any informational gaps, technical deficiencies, or other concerns. The review and revision process for the Draft FSEP will be an iterative process.

11. **Stakeholder Outreach and Public Involvement.** The ESA consultant team will develop and implement a Stakeholder Outreach and Public Involvement program to facilitate stakeholder review and solicit public comments on the Draft FSEP. This program will be tailored to meet the requirements of the Consortium, the Governor, and the Council, and may include the following:

- Facilitation of advertised public meetings with the various affected stakeholder and citizen groups;
- Development of an online website and portal for the submittal and documentation of public comments; and
- Appointment and coordination of a Technical Advisory Committee and an Economic Advisory Committee to provide independent expert reviews of the Draft FSEP.

12. **Prepare Final FSEP.** The ESA consultant team will produce a Final FSEP document that incorporates all accepted revisions and amendments proposed by the Consortium, other reviewing entities, and the public. The ESA consultant team will deliver a presentation of the Final FSEP document to the Consortium summarizing the comments received, and the revisions and amendments made to the Draft FSEP. Upon approval by the Consortium, the Final FSEP document will be prepared for formal submittal to the Governor and the Council.

Pursuant to the Memorandum of Understanding between the State of Florida and the Gulf Consortium, the project submittal and consideration process for the development of the FSEP must include the following elements at a minimum:

- A review for consistency with the applicable laws and rules;
- Prioritization based on criteria established by the Consortium;
- Consideration of public comments; and
- Approval by an affirmative vote of at least a majority of the Directors present at a duly noticed public meeting of the Consortium.

The revised FSEP development process described above is clearly consistent with these minimum requirements. In addition, this comprehensive scope of work should better facilitate the expeditious approval of the FSEP by the FDEP, the Governor, and the Council; as well as increase the overall leveragability of the FSEP to increase the potential benefits of the Spill Impact Component.

It should also be noted that in its planning grant rule the Council explicitly allows grant funds to be used for conceptual design and feasibility studies. Therefore, as part of the FSEP development process there is the opportunity for the ESA consultant team to assist interested counties in advancing their respective project concepts to a level of design (~30%) suitable for subsequent environmental permitting, making them more “grant ready” for implementation funding. In addition, the ESA consultant team is prepared to assist interested counties in identifying the most appropriate leveraging opportunities to potentially maximize the funding available for individual county projects.

Recommended Next Steps

As described above, the next task in the FSEP development process is to compile the preliminary project list; and in the new County-driven process the starting point for identifying project concepts is the individual counties. There are two steps to moving forward with this task, as described below.

- 1. Prepare and Distribute a Standard Format Project Application Package.** The first step in compiling the preliminary project list is the development of a project application package for the counties to use in the preparation and submittal of their project concepts to the ESA consultant team. As specified in the Memorandum of Agreement (MOU) between the Consortium and the Governor, the Consortium must consult with the FDEP in the development and approval a “standard format” for submitting projects, programs and activities; and that said standard format must be consistent with the Florida Gulf of Mexico Project Submittal Form utilized by the FDEP.
- 2. Assist Counties in the Development and Submittal of Project Concepts.** Once the standard format project application package is

distributed to the counties, two alternative approaches are proposed for coordinating the development and submittal of project concepts by the counties.

- **Option 1** - Counties may complete the application package and submit it to the ESA consultant team within 90-days for compilation. However, counties that need assistance in identifying and describing appropriate project concepts for consideration may request a consultation with the ESA consultant team. Consultations would involve a one-day meeting with applicable county elected officials and staff (e.g., directors of public works, environmental, engineering, and planning departments, county consultants, etc.) to discuss and rank various project concepts for submittal, and to assist in the preparation of the application package.
- **Option 2** - To ensure a higher level of consistency in the project concept submittals from the counties the ESA consultant team will conduct one-day consultations with each of the 23 counties as described above. It is anticipated that the consultations and resulting project concept submittals would be completed within 90-days.

Recommendation:

Discuss and provide direction to Consortium staff and the ESA Consultant Team to distribute this draft, revised FSEP development plan with a group of County RESTORE Act Coordinators for review and feedback.

Attachment:

None.

Prepared by:

Doug Robison
Environmental Science Associates
On: January 20, 2016

**Gulf Consortium Executive Committee
January 27, 2016**

**Agenda Item 6
County Collaboration and Committee Process**

Executive Summary:

This memorandum describes the options available for two or more Consortium member counties to jointly identify projects for possible inclusion in the State Expenditure Plan (SEP): a Consortium created committee or an informal collaboration among the staff or consultants initiated by two or more counties.

Background:

Some Consortium members have expressed interest in working with adjacent counties to identify projects that they may jointly submit to the Board of Directors for inclusion into the State Expenditure Plan. There are two options for reaching that goal: The first option is a Consortium created committee that the Consortium can establish pursuant to the Committee Resolution adopted in November 2015. The other option is for the counties to collaborate jointly through staff or consultants, but not members of the Board of Directors, outside the formal Consortium's committee requirements.

Analysis:

CONSORTIUM CREATED COMMITTEE. The Board of Directors may create regional committees pursuant to the process established in the Resolution adopted at the November Board meeting. The resolution provides that committees can be created by the adoption of a further resolution by the Board of Directors. The committee resolution must set forth the membership, which may include members of the Board or other individuals as determined by the Board. The resolution subjects the committees to the same meeting requirements as the Consortium. That includes holding a public meeting, preceded by seven days of published notice in the Florida Administrative Register, and the keeping and publishing of minutes.

A Consortium created committee is subject to the Sunshine Law. As a full blown Consortium created committee is subject to the Sunshine law, each committee will need to be staffed to assure the Sunshine law requirements are met. Further, the members appointed to the Committee will be prohibited from discussing any issue that may come before the committee outside of an open, public meeting. Because of the staffing and the Sunshine law prohibition on informal discussions among the committee members, the Consortium created committees may be expensive and confining.

COUNTY COLLABORATION. County collaboration is an alternative to Consortium created committees for counties to identify joint projects. The Sunshine law prohibits members of the Board outside a noticed public meeting from discussing among them any issue that may foreseeably come before the Board for action, which includes discussions about projects for inclusion in the SEP. But, the Sunshine law does not extend to every conversation among staff or its consultants. Properly structured and limited in function, collaborative groups of staff or consultants from two or more counties may meet informally to develop a list of joint projects that each county may thereafter consider recommending to the Board for inclusion in the SEP.

The collaborative group may consist of RESTORE Act coordinators, county managers or other staff or consultants knowledgeable about the RESTORE Act and the types of projects that meet the requirements for inclusion in the SEP. No two members of the Board could simultaneously serve the counties in such an informal collaborative role because the issue may come before the Board of Directors for consideration, which triggers the Sunshine law requirements.

It is not only the composition of the group that determines whether it is subject to the Sunshine law; it is also how the group functions. The Sunshine law limits the functions of such collaborative groups operating informally. An informal county group may serve in a fact finding role, but cannot act as a policy maker or deliberate with policy makers outside a public meeting. Applying the judicial tests to distinguish between groups subject to or not subject to the Sunshine law, the collaborative groups may perform the following tasks:

1. Identify projects that affect more than one county,
2. Determine whether the projects meet the Consortium criteria for the SEP,
3. Compile and verify data and information needed for the counties to evaluate each of the projects.

The collaborative groups cannot informally perform a deliberative function or develop policy for determining which projects to include in a list for the counties to consider nominating. Policy making and deliberation are functions reserved to the counties in deciding which project to nominate. The collaborative group **cannot:**

- Recommend projects for the county to consider nominating or reject those not to consider,
- Rank projects in order of the group's preference,
- Eliminate qualified projects that meet the criteria established by the counties from the list,
- Act as intermediaries among the counties' decision makers to reach a recommendation by them outside the Sunshine law process.

Whether a collaborative group can lawfully meet and act outside of the Sunshine law is determined by the nature of the acts performed and not the bare fact that the group consists of staff and expert consultants. The legal distinctions are based on how the group actually functions. If they are fact finders, list makers, and limit their evaluations to criteria expressed by the Consortium's SEP criteria or the counties further project qualifications, the group is not subject to the Sunshine law. If they cross the line and make recommendations among qualified projects, eliminate qualified projects from the list or act as go-betweens to facilitate a behind the scene decision among the decision-makers, the group will be subject to the Sunshine law.

Fiscal Impact:

Pursuing the Consortium's creation of regional committees, would involve an expenditure of funds for Consortium staff to assure that the Sunshine law requirements are met. The amount of funds required to staff the committee meetings directly depend on the number of committee meetings that will be held and that cannot be determined at this time. Regardless of the number, however, no funds have been budgeted by the Board for this purpose.

The recommended collaboration among counties, as authorized in this agenda item should not require the expenditure of Consortium funds, as this option assumes the collaborative groups will not be subject to the Sunshine law.

Recommendation:

Discuss and direct Consortium staff to initiate collaboration among the Gulf Coast counties through county staff, as outlined in this agenda item.

Prepared by:

Sarah M. Bleakley
Nabors, Giblin & Nickerson, P.A.
General Counsel
On: January 20, 2016

**Gulf Consortium Executive Committee
January 27, 2016**

**Agenda Item 7
Discussion of Officer Elections for 2016**

Executive Summary:

The Executive Committee should discuss the slate of nominees for the officer and Executive Committee positions for 2016.

Background:

The elections of 2016 officers will be held at the Consortium's Board meeting on April 21, 2016. The three elected offices include a Chairman, Vice-Chairman and Secretary-Treasurer. The following is a summary of the election process as adopted by the Board:

- Self-nomination for one or more of the offices sought;
- Notification to the Interim Manager by December 15, 2015;
- Written approval by the respective Board of County Commissioners of the Director's candidacy provided to the Manager prior to the election;
- Re-election of an incumbent officer allowed;
- Election by written ballot, with a majority vote required of the Directors present and voting; and,
- Newly elected officers take office immediately and serve until the election of new officers in 2017.

After the election of the officers, the three elected officers are required to select two additional Directors to serve as "at large," voting members of the Executive Committee.

Analysis:

The Interlocal Agreement establishes the following elected officers: Chairman, Vice-Chairman and Secretary-Treasurer. These officers must be Directors and shall each serve a one year term, unless reelected. The duties of the Chairman include signing documents, calling meetings of the Board and taking such other actions and having such other powers as provided by the Board. See, Sec. 3.04, 3.05, 3.07. The Vice-Chairman is authorized to act in the absence or otherwise inability of the Chairman to act. Sec. 3.05. The Secretary-Treasurer is responsible for the minutes of the meetings and shall have other powers approved by the Board. Sec. 3.05. The Interlocal Agreement also provides that the Chairman, Vice-Chairman and Secretary-Treasurer shall select two other Directors who, together with the elected officers, shall constitute an Executive Committee.

Pursuant to the procedure adopted by the Board in November 2012 (copy attached), the Board is required to annually elect three officers from among the Directors at the first meeting of the year.

The nomination period election to the Executive Committee closed on December 15, 2015. The following individuals have self-nominated for elected office in 2016:

Sara Comander (Walton)
Chris Constance (Charlotte)
George Neugent (Monroe)
Grover Robinson (Escambia)
Warren Yeager (Gulf)
Jack Mariano (Pasco)

Options:

This agenda item is for informational only. No action by the Executive Committee is required.

Fiscal Impact:

None.

Recommendation:

No action is required.

Attachment:

- (1) November 2012 adopted election process
- (2) Spreadsheet of nominations

Prepared by:

Sarah M. Bleakley
Nabors, Giblin & Nickerson
General Counsel
On: January 20, 2016

Gulf Consortium Process for Election of the Chairman, Vice Chairman and Secretary-Treasurer

Adopted by the Board of Directors in November 2012.

Commencing with the elections in 2013 and applicable annually thereafter, the following election process is approved:

- **Date of Election.** Election of officers shall be held annually at the Board's first meeting of the calendar year (the "Election Meeting").
- **Term of Office.** An officer shall take office immediately upon election. The term of office shall end upon the election of the officer at the following year's Election Meeting of the Board
- **Self Nomination and Notification; Timelines.--** Any Director wishing to run for an elected office shall formally declare his/her candidacy by the Qualifying Date which is either December 15 of the year before the term begins, or such other date, as set by the Manager, that is not less than 20 days prior to the Election Meeting. The Manager shall provide notice to each Director of the Qualifying Date at least 45 days before the Election Meeting. The Director's declaration of candidacy must be in writing, stating the office or offices sought, and be received by the Manager on or before the Qualifying Date. The Director shall send the declaration of candidacy to the Manager by either (a) express delivery, return receipt requested, or (b) via electronic mail (email). The Manager shall acknowledge receipt of emails declaring candidacy within 24 hours of receipt. However, it shall be the responsibility of the Director declaring his or her candidacy to assure that the email has been received by the Manager on or before the qualifying date.
- **Board of County Commissioners Approval.--** On or before the Election Meeting, a Director who is a candidate for office shall cause to be delivered a letter or resolution to the Manager from that Director's board of county commissioners stating its support for that Director's candidacy for an officer of the Gulf Consortium.
- **Order of Election and Written Ballot.--** At the Election Meeting of the Board of Directors, the Manager shall conduct the election of the offices for the Chairman, Vice-Chairman and Secretary-Treasurer in that order. Qualified candidates shall be given an opportunity to address the Directors for three minutes each. After the candidates' presentation for the respective office, the Interim Manager shall issue a written ballot for each Director to vote his or her preference for that office.

- **Majority Vote Requirements.**-- A majority vote of the Directors present shall be required for the election of the officer. Voting shall continue until a majority vote of the Directors present is achieved for a candidate for the office. In case of a tie, the Interim Manager shall call for another vote for those tied until the office is filled by a majority vote of the Directors present.

**2016 OFFICER ELECTIONS
GULF CONSORTIUM**

Nominee	County	Board Support	Self Nominated For	Nominated By
Warren Yeager	Gulf	Yes - Minutes (12/8/15)	Chairman, Vice-Chairman, Secretary/Treasurer or Officer	Email 12/1/15
Grover Robinson	Escambia	Yes - Minutes (11/17/15)	Chairman	Email 11/23/15
Chris Constance	Charlotte	Yes - Letter (11/24/15)	Chairman, Vice-Chairman, Secretary/Treasurer or Officer	Email 12/10/15
Jack Mariano	Pasco	Yes - Letter (12/8/15)	Chairman, Vice-Chairman, Secretary/Treasurer or Officer	Letter 12/9/15 and Email 12/4/15
Sara Comander	Walton	Yes - Minutes (11/24/15)	Executive Committee - Appointed position only	Email 12/7/15
George Neugent	Monroe		Vice-Chair/Secretary Treasurer	Email (Tennyson and follow- ups 12/14/15)

**Gulf Consortium Executive Committee
January 27, 2016**

**Agenda Item 8
FY 2014-2015 Independent Financial Update**

Executive Summary:

FY 2014/2015 Independent Financial Audit update.

Background:

Florida law, under §218.39, Florida Statutes, requires that an annual independent financial audit be conducted on the Gulf Consortium. The Consortium renewed its contract with Warren Averett, pursuant to Resolution 2014-02, to conduct the Consortium's FY 2014/2015 independent financial audit.

The audit is in the process of being completed and the report finalized for distribution to the Board at its meeting on April 21, 2016. Warren Averett representative will present required communication to the governing body and make required inquiries as it relates to fraud pursuant to generally accepted auditing standards.

Fiscal Impact:

The Consortium will pay Warren Averett \$3,000.00 within 45 days of receipt of the invoice.

Options:

This agenda item is for information only. No action by the Executive Committee is required.

Attachment:

Required communication to governance at start of audit process.

Prepared by:

Ginger Delegal
Florida Association of Counties
Interim Manager
On: January 20, 2016

January 27, 2016

To the Members of the Gulf Consortium

We are engaged to audit the financial statements of the business-type activities of the Gulf Consortium (the Consortium) for the year ended September 30, 2015. Professional standards require that we provide you with the following information related to our audit. We would also appreciate the opportunity to meet with you to discuss this information further since a two-way dialogue can provide valuable information for the audit process.

Our Responsibility under U.S. Generally Accepted Auditing Standards

As stated in our engagement letter dated September 30, 2015, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

Generally accepted accounting principles provide for certain required supplementary information (RSI) to supplement the basic financial statements. Our responsibility with respect to the Management's Discussion and Analysis, which supplements the basic financial statements, is to apply certain limited procedures in accordance with generally accepted auditing standards. However, the RSI will not be audited and, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance, we will not express an opinion or provide any assurance on the RSI.

Planned Scope, Timing of the Audit, and Other

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

We expect to begin our audit on approximately February 1, 2016, and issue our report no later than March 31, 2016. Angela D. Balent, CPA is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

To the Members of the Gulf Consortium
January 27, 2016
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This information is intended solely for the use of the Members and management of the Gulf Consortium and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

Warren Averett, LLC
Warren Averett, LLC
CPAs and Consultants

**Gulf Consortium Executive Committee
January 27, 2016**

**Agenda Item 9
Consortium Activity Preview**

Executive Summary:

Presentation of other near future Gulf Consortium activity.

Report:

- Continue weekly internal Consortium staff meetings.
- Continue weekly ESA Consultant Team/Consultant staff meetings.
- Attend and participate in meeting among Consortium staff, ESA Consultant Team, and DEP staff (including Mimi Drew, Phil Coram, and Gareth Leonard) on Friday, January 29th to discuss the development of the FSEP.
- Facilitate, attend and participate in meetings among Consortium staff, Governor's Office staff on January 26th to discuss the development of the FSEP
- Attend and participate in meeting being sought among Consortium staff, ESA Consultant Team members, and Restoration Council staff to discuss the Consortium's Planning Grant Application.
- Board communications plan developed and being implemented by Consortium staff between now and the April 21 Board meeting.
- Implementation of the county collaboration initiative (discussed in Agenda Item 6).
- Continued Consortium staff guidance to the ESA Consultant Team on the development of the FSEP.
- Continued targeted county visits by Consortium staff.
- Schedule and publicize at least two Executive Committee meetings between now and April 21.
- Continued communications with U.S. Treasury (most recent conference call on 1/22/16).

- Engagement of financial industry experts to continue active discussions and pursuit of answer to issue of being able to pledge the annualized payments under Pot 3 for debt.

Recommendation:

Provide direction to Consortium staff on these items.

Attachment:

None.

Prepared by:

Ginger Delegal

Florida Association of Counties

Interim General Manager

On: January 20, 2016