

BOARD MANAGEMENT AND PLANNING AGENDA
MONDAY – OCTOBER 1, 2012
1:30 – 4:00 PM
COMMISSION CHAMBERS

- 1. PROPOSED GULF CONSORTIUM TO SERVE AFFECTED COUNTIES IN IMPLEMENTATION OF THE RESTORE ACT**
PRESENTER: Florida Association of Counties
TIME REQUIRED: 20 Minutes

- 2. JUSTICE CENTER COMPLEX – PROJECT OVERVIEW AND SUMMARY OF FINAL PHASES TO BE COMPLETED**
PRESENTER: Damon Grant
TIME REQUIRED: 20 Minutes

BOARD COMMENTS/DISCUSSION

ADJOURN

**THIS AGENDA AND BACKUP MAY BE OBTAINED FROM WWW.LEE-COUNTY.COM OR FROM LEE COUNTY PUBLIC RESOURCES (239) 533-2737.
The Management and Planning Meeting is Televised Live on Comcast Cable Channel 97.**

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT #**

PRESENTED BY: Florida Association of Counties **REQUESTED BY:** County Administration

TITLE OF ITEM FOR AGENDA:

Proposed Gulf Consortium to Serve Affected Counties in Implementation of the RESTORE Act

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

The RESTORE Act will set aside 80% of fines levied in connection with the Deepwater Horizon oil spill for projects and activities promoting the long-term economic and ecological health of the Gulf Coast region.

Counties	35%	Non-competitive, allocated directly to counties by formula
Federal	30%	Gulfcoast Ecosystem Restoration Council's Comprehensive Plan
Consortium	30%	Proposes programs and projects conforming to Council's Comprehensive Plan
Research	5%	Divided equally among states

Florida Association of Counties is trying to form a joint public entity that can serve as the consortium required by the RESTORE Act (Gulf Consortium). This entity would address the "Consortium" funds listed above and in no way impact the money designated directly to counties.

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

Become a charter member of the Gulf Consortium.

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

a. Join

Advantages: Attend organizing meeting on October 22, 2012; ability to withdraw at any time

Disadvantages: May not be the entity ultimately recognized under the RESTORE Act; financial commitment beyond Transition Budget unknown at this time

b. Decline

Advantages: Possible to wait and join later

Disadvantages: Operating decisions may be made without Lee County's input

4. FINANCIAL IMPACTS/FUNDING SOURCE

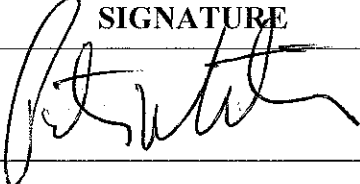
Lee County's share of the Transition Budget for organizing the consortium is \$1,440. If and when a consortium

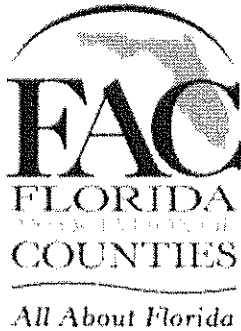
is formed, it will develop an independent operating budget and a mechanism for assessing or apportioning expenses to members.

5. STAFF RECOMMENDATION AND JUSTIFICATION FOR RECOMMENDATION

Consider the Resolution adopting the proposed Interlocal Agreement on October 9, 2012. FAC advises that an executed agreement must be filed in Leon County by October 19th in order to participate in the tentatively scheduled meeting on October 22nd.

6. MANDATED? Y N BY WHAT AUTHORITY?

DEPARTMENT DIRECTOR SIGNATURE	COUNTY MANAGER SIGNATURE	MEETING DATE	TIME REQUIRED
		10/1/2012	20 minutes



How a Joint Public Entity Can Serve Affected Counties in the Implementation of the RESTORE Act

The joint public entity is tentatively titled the "Gulf Consortium." The Gulf Consortium can be authorized to serve the 23 "affected counties," including the 8 disproportionately affected counties and the 15 non-disproportionately affected counties in implementing any or all of the following aspects of the RESTORE Act.

WHY a joint entity? – Gulf Consortium

REQUIRED

- In the state of Florida, the RESTORE Act provides that "a consortia of local political subdivisions" will develop the state economic and environmental restoration plan. The consortia shall include at a minimum "a representative of each affected county".
- The consortium is responsible for the development and implementation of Florida's plan that will be funded based on a state "impact allocation" formula. It is estimated that Florida will receive 19-20 % of these funds.

COORDINATION

- The RESTORE Act provides for multiple pot: three separate funding pots for economic and environmental restoration and an additional pot emphasizing monitoring and research.
- The projects and programs developed will very likely require the planning and cooperation of multiple jurisdictions.
- The Gulf Consortium can propose and implement large-scale projects and programs to be funded by the Gulf Coast Ecosystem Restoration Council, which is responsible for developing a Master Gulf Coast Regional plan.
- The Gulf Consortium can also help identify projects for the Natural Resource Damage Assessment (NRDA).

TECHNICAL ASSISTANCE

- The Consortium may be authorized to assist any of the 23 affected counties (if they so desire) in the plan development, implementation and administration of the 35 percent of RESTORE Act funds that constitute Florida's share as a Gulf Coast State and are allocated directly to the 23 counties. These funds are not subject to further appropriation.

FLEXIBILITY

- The Consortium can establish itself in almost any format, including
 - Multiple (Joint Interest or geographic) county groups,
 - Include state entities
 - Include other stakeholders

OVERSIGHT & COMPLIANCE

- Consortium can coordinate the 23 affected counties in the development of the Federal rules to implement the RESTORE Act.
- Consortium can provide a process that will be open and transparent to the public.

HOW do I get one? – Gulf Consortium

Joint Public Entity

- Chapter 163, Florida Statutes, authorizes counties and other public agencies to agree to use their powers jointly through the formation of another governmental entity so that they can efficiently address their mutual needs.
- The idea of a separate legal entity created by two or more counties is much like the concept of a corporation or LLC that any person can create. A corporation has a charter and bylaws, which contain the powers of the corporation. The corporation is subject to laws and regulation that do not necessarily apply to human beings, and vice versa. Separate legal entities are common mechanisms through which counties and cities accomplish mutual goals.
- A list of some of the separate government entities formed by counties and municipalities in Florida is provided in a separate document.

Formation By Resolution

- Counties desiring to join together can form a separate legal entity through the adoption of an identical resolution by each of the participating boards of county commissioners. At a minimum, section 163.01 requires the participation by two counties to create a separate government entity.

Powers

- The powers of the separate government entity are established in the resolutions creating the entity.
- Generally, a separate government entity may be granted "any power, privilege, or authority which . . . [the counties] share in common and which each might exercise separately." Sec. 163.01(4), Fla. Stat. Sections 163.01(5) and (7) authorizes the separate government entity to exercise broad governmental powers, which can be further specified and limited in the resolution creating the entity. Thereafter, the powers of the separate government entity can be more fully developed and refined in the bylaws adopted by the participating counties.

Organization & Governance Structures

- The bylaws and resolution provide for the governance structure of the separate governmental entity.
- The structure can be created in any manner that will serve the interests of the participating counties, including having more than one governing body, each of which can be given separate responsibilities for different purposes.

Costs

- The start-up and on-going operations can be funded from county contributions or any other source that may be available.
- Under certain circumstances, these up-front and other costs may be recoverable from RESTORE Act funds allocated for administration.

From: Florida Association of Counties

To: Potential Counties of Gulf Consortium

Subj: Transition Budget

FAC is committed to serving Florida's 67 counties through our mission of preserving and protecting home rule through education, advocacy and collaboration. However, there are events that occur, such as the Deepwater Horizon Oil Spill, that call on the Association to work on the primary behalf of a specific region. When that occurs, FAC historically has asked those affected counties to provide financial support to the Association so these regional efforts can be implemented.

When the RESTORE Act was being lobbied in Washington, the eight disproportionately impacted counties contributed funds to support FAC's lobbying efforts. Now that the RESTORE Act has passed and FAC is working to create a consortium to maximize the opportunities for Florida's counties and advance the principle of home rule – securing that these decisions should be made on a local level – FAC is turning to those impacted counties to directly support our efforts.

Therefore, FAC is asking those 23 Gulf Coast counties to reimburse FAC for the investments being made to create the consortium. If and when a consortium is formed, it will develop an independent operating budget and funding structure. Should any funds remain from the transition period, they will be transferred to the consortium.

The Transition Budget is intended to accomplish the following:

- Reimburse FAC for expenses associated with consultants, travel and other administrative costs.
- Continue the lobbying effort with Federal Agencies to ensure Florida counties interests' are considered.
- Continue to provide continuity to members until the Gulf Consortium is formed.

The Transition Budget is **not** a bill for developing the interlocal agreement (ILA) and is **not** a fee for joining the Gulf Consortium.

If approved by a majority of the affected counties, the Transition Budget will be presented to the FAC Executive Committee for approval and invoicing.

Transition Planning Assumptions

- Goal is to have RESTORE Consortium setup and running by October 1, 2012
- Once established, the Consortium will be responsible for implementation of the RESTORE Act
- Until October 1, 2012, or whenever the Consortium is established, FAC will facilitate and coordinate the transition (detail below)

Transition Period (now - October 1, 2012*)

- FAC has hired Doug Darling to assist during this period. John Wayne Smith and Bill Peebles are also available and involved
- Goals of Transition Period
 - Establish framework for Consortium Membership
 - Counties
 - State involvement
 - Other stakeholders
 - Facilitate the planning for establishment of Consortium
 - Budget
 - Proposed expenses
 - Proposed cost sharing
 - Initial policy guidelines
 - Advocacy & lobbyist (State & Federal)
 - Counties
 - State Agencies (DACS/DEP/FWCC/DEO/NRDA/WMD)
 - Visit Florida
 - Enterprise Florida
 - State Stakeholders (Hotels/Restaurants/TDC's/Environmental Groups)
 - Governor's Office
 - Legislative Leadership
 - Commission on Oil Spill Response
 - Federal Agencies
 - U.S. Treasury
 - Other States
 - Preliminary legal analysis
 - Proposed legal establishment
 - Initial incorporation documents
 - Initial By-Laws
 - Communications

- Communications Plan
- FAC Website
- Establish Public Records protocol
- In-coming calls
- Public Meetings
- Proposed Timeline
 - Proposed Consortium Structure, Membership, Legal formation, presented to Executive Committee August 16
 - September
 - Build consensus with Consortium members
 - Resolutions passed in counties
 - Other participants appointed
 - Fully brief Governor's Council Appointee
 - Develop FAC phase-out plan
- Proposed Transition Budget (July 1-Dec 1)
 - \$3,000/month – consultant
 - \$20,000 – legal
 - \$5,000 – FAC Travel
 - \$8,000 – Meeting Expenses
 - Estimate 8 meetings with Counties
 - NRDA Coordination - \$2,000
 - Total Proposed Transition Budget = \$53,000
- Proposed Funding Structure
 - 8 Counties – 75%
 - Original proposed formula
 - 15 Counties – 25%
 - Estimated formula from RESTORE Act

<u>COUNTY</u>	<u>POPULATION</u>	<u>ESTIMATED ALLOCATION</u>	<u>AMOUNT</u>
ESCAMBIA	297,619	27%	\$12,960
SANTA ROSA	151,372	10%	\$4,800
OKALOOSA	180,822	16%	\$7,680

<u>COUNTY</u>	<u>POPULATION</u>	<u>ESTIMATED ALLOCATION</u>	<u>AMOUNT</u>
WALTON	55,043	14%	\$6,720
BAY	168,852	15%	\$7,200
GULF	15,863	6%	\$2,880
FRANKLIN	11,549	8%	\$3,840
WAKULLA	30,776	4%	\$1,920
JEFFERSON	14,761	4%	\$640
TAYLOR	22,570	4%	\$640
DIXIE	16,422	3%	\$480
LEVY	40,801	4%	\$640
CITRUS	141,236	5%	\$800
HERNANDO	172,778	5%	\$800
PASCO	464,697	7%	\$1,120
PINELLAS	916,542	11%	\$1,760
HILLSBOROUGH	1,229,226	13%	\$2,080
MANATEE	322,833	7%	\$1,120
SARASOTA	379,448	7%	\$1,120
CHARLOTTE	159,978	5%	\$800
LEE	618,754	9%	\$1,440
COLLIER	321,520	7%	\$1,120
MONROE	73,090	8%	\$1,280

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT #**

PRESENTED BY:

**Damon Grant
Department of Construction & Design**

REQUESTED BY:

BOCC

TITLE OF ITEM FOR THE AGENDA:

Justice Center Complex—Project overview and summary of final phases to be completed.

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

The objective of this presentation will be to provide the BOCC with an overview of the Justice Center Master Concept Plan and associated timelines, completed work to date, and phases of work necessary to complete the project.

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

Briefing Only—Seeking Board direction.

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

Briefing Only—Seeking Board direction.

4. FINANCIAL IMPACTS/FUNDING SOURCE

Cost estimates to complete remaining phases—\$9.6 million.
Funding Source: General Fund/Major Maintenance.

5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS

**6. Mandated: Y N
NO**

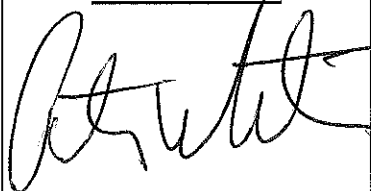
**BY WHAT AUTHORITY?
N/A**

**DEPARTMENT DIRECTOR
SIGNATURE**

**COUNTY MANAGER
SIGNATURE**

MEETING DATE

TIME REQUIRED



October 1, 2012

20 minutes