

RESTORE Act Advisory Board

Administration Conference Room
18500 Murdock Circle, 5th Floor
Port Charlotte, FL 33984

May 20, 2015

Attendees:

Dr. Lisa Beever	+
Peter Guptil	Absent
Michael Haymans	Absent
Thomas Hecker	+
Ed Hill	+
Howard Kunik, Vice Chair	+ (late arriving)
Julie Mathis	+
Annette Nielsen	+
W. Kevin Russell	Absent
Elizabeth Staugler	+
Caitlin Weber, Chair	+
Mindy Collier – RESTORE Coordinator	+
Gayle Moore, Charlotte County, Recording Secretary	+
Kelly Shoemaker	Excused
Hector Flores	+
Cody Vaughn-Burch, Assistant County Attorney	+

Ms. Weber called the meeting to order at 1:04 p.m. and the members completed the roll call; the minutes of the prior meeting were approved unanimously.

Public Comment

None offered

Old Business

Response from CCU on their requested detailed budget in support of their grant request:

Dr. Beever asked for information as she had not had the opportunity to review the material; Ms. Collier commented on the substance of the response, as it pertains to using the funds that would be allocated for the fees for hardship connections. Dr.

Beever commented that this is a kind of environmental justice request; Mr. Hill said he felt CCU had found something that matched the amount and put that forward, rather than creating a new or improved category of project. Dr. Beever asked how the hardship issue would be handled otherwise; Ms. Collier responded regarding the process of waiving the annual assessment, each year, based on an application they submit and eligibility criteria they must meet. Dr. Beever further asked how CCU normally covers that cost; Ms. Collier indicated they use their reserve funds, per a Commission decision on the matter. Mr. Flores commented concerning how the process had operated in a prior year.

Ms. Weber asked the group if there were any concerns about how this would be applied; none were offered. She then discussed whether a new Motion would be required on this; Ms. Mathis replied that she thought not, since the group had simply wanted to see how the money was to be applied if granted. Dr. Beever commented that, given their original total request was for something like seven million dollars, was there any indication about their response to the offer of this smaller amount; Mr. Flores indicated there had been no feedback on that, while Ms. Nielsen, noting they had answered the request for additional information really quickly, said it looked like they were satisfied with even that small amount.

Ms. Weber asked if what they submitted was sufficient for the MYIP; Ms. Collier responded that it was. Ms. Mathis confirmed that the names of the hardship customers can be redacted before submitting the material.

Mr. Vaughn-Burch joined the meeting.

Review of the Multi-Year Implementation Plan (MYIP)

Ms. Weber asked Ms. Collier to present on the subject. Ms. Collier commented on this part of the process in relation to the applications chosen by this Board. She mentioned the recent Department of Treasury training that she attended and what they were told regarding expenditures that might be made prior to receiving the actual grant. According to this training, you would have to put them on the MYIP, submit them to your Commission, then submit to Treasury for approval, then you come back and write an application; at that point, they will decide whether or not they will approve the prior expenditures. This was new information.

Ms. Collier then spoke with Debrah Forester, the County's CRA manager, regarding the Harbor Walk proposal, and suggested that she consider submitting for phase 1b instead of 1a since 1b represents future costs, not monies already spent (which would be at risk of not being approved to be covered.) Some figures were available, but they are not final; final figures are anticipated to be available by the time the MYIP goes before the Commission. Ms. Collier indicated she is now seeking the advice of the members on this point.

Ms. Mathis sought to clarify that the grant of \$218,487 would be only a part of the cost of that phase of the Harbor Walk, which was confirmed by Ms. Collier. Dr. Beever had a question about the conditions or timing of the FDOT funding on this part, asking if they were formerly going to fund the whole thing and if so, would this

amount then be backed-out of their funding; Mr. Flores said that would need to be researched.

Dr. Beever asked about the water taxi operations, whether it would be for operational costs; Ms. Collier said that was for the actual pier, a feature which might be eliminated depending on cost. Ms. Collier restated her question, asking whether the group thought it appropriate to move the approval to phase 1b, or stick with 1a and hope that the prior expenses actually end up receiving funding. Ms. Weber asked if there was any cost estimate for the pier? Ms. Collier responded that the overall cost of the project was about \$4.2 million for phase 1b but that figure is very preliminary. Ms. Staugler asked whether anyone had any knowledge of their other funding for this project; comment ensued, indicating that it was a sales tax project, and had received other funding, including from MAC. Ms. Weber expressed some concern over the fact that while the group had received a very informative breakdown of costs associated with phase 1a, it didn't look like they would have the same information regarding phase 1b; Ms. Collier suggested that while they wouldn't have it right now, and while it is not required for inclusion in the MYIP, it should be available in time for the application phase in October or November.

Mr. Kunik joined the meeting.

Dr. Beever made a Motion: To approve use of the funding (\$218,487) for Harbor Walk Project Phase 1b; second by Ms. Mathis. Discussion ensued; Mr. Flores provided further information, specifically that the sales tax extension is funding Phase 2 at \$4.2 million. Ms. Weber indicated she had continued environmental concerns.

Mr. Kunik indicated he would be putting a wrench in everything, inasmuch as he would vote "no" on the Harbor Walk project and on the CCU proposal, as having nothing whatever to do with the BP oil spill. He elaborated on his point, noting that things such as the fisheries, marine life, bringing back the ecosystem, promoting tourism (and he noted that it was too bad the County didn't submit an application for a Tourism Center.) His opinion was that while the Harbor Walk will be a nice project, it was going to be done anyway; the CCU sewer project likewise was going to be done anyway, and neither has anything to do with the BP oil spill. He suggested that if the group funded these sorts of projects, then they could expect to receive many future projects that also won't be about BP. Mr. Hill said while he could appreciate the point of view, however, he felt that of the projects that were submitted, the group funded every project that fit the criteria of ecosystem restoration. Ms. Mathis said she felt the Harbor Walk project was tourism-related. Mr. Kunik made further comments in support of his viewpoint, noting that there was about to be a vote; Ms. Collier described the voting process that had occurred at the last meeting.

Ms. Collier described the voting process, the ranking and the use of the averages in sorting out the vote, with reference to the spreadsheet that showed the rankings projected on screen. Mr. Kunik emphasized that this is just a comment on the unanticipated consequences of funding such projects: This Board will see projects come in from across the river that have nothing to do with oil spill. Mr. Hill responded that we will evaluate each one independently, and Mr. Flores commented that it will up to the group to form an opinion about their connection. Ms. Staugler

also voice the opinion that the Harbor Walk project seems clearly tourism-related, while Dr. Beever noted that it would also help with erosion, and Ms. Nielsen pointed out that stormwater run-off is horrendous in that area now. Ms. Weber repeated her concern about having the pier without also having responsible fishing issues on signage; Ms. Staugler said she would put on her Sea Grant hat and note that her group always works with those issues anyway.

Returning to the Motion on the floor, Ms. Weber called the question; on funding the Harbor Walk Phase 1b, the vote carried with two opposed (Weber, Kunik).

Ms. Mathis suggested that a motion on CCU was not required because the group had already approved it, and had merely asked for clarification, which they had received; a vote now would be just for the record. Dr. Beever recollected that the last motion on CCU was voted pending them coming back with the requested information; therefore, she Motioned: To approve the CCU funding in the amount of \$114,044.61; Ms. Mathis seconded, and the vote carried with one nay from Mr. Kunik.

New Business

Review of the Multi-year Implementation Plan (MYIP)

Ms. Weber asked if there was any further information on MYIP; Ms. Collier indicated she had brought an example of one that had been completed, in particular because she wanted Board members to see how simple it is. Her example was just four pages, while Charlotte County's submittal will be somewhat longer since it involves four projects. She indicated she wanted member opinion on how much they wanted to be involved in this part of the process, noting that she can go forward and do the whole thing, or Board members can participate to whatever level they like. Dr. Beever responded that she thought Ms. Collier handling it is a good plan.

Ms. Weber asked if it would be possible to review the MYPI before it is submitted; Ms. Collier agreed that would work fine, and asked if the group wanted to do that review at another meeting. Otherwise, she observed, the next meeting would be way off in the future after the public comment period. Dr. Beever asked when the package recommendations was expected to go to BCC; Mr. Collier responded that it has been tentatively set for September 8th (she reminded the group that the Commissioners are gone in August.)

Ms. Mathis asked if it would be possible to put a plan together between now and June 1st; Ms. Collier confirmed that she could, and Ms. Mathis further inquired whether she could email it to the Board members. They turned to Mr. Vaughn-Burch for procedural support on that, and he responded that if the group would be taking action, it would have to be done at a noticed meeting. Further discussion ensued on the topic, with Ms. Collier confirming that most of the preparation would be plugging in information from the applications and, if clarification was needed, getting that from the applicants. Ms. Staugler suggested that, inasmuch as the MYIP information is coming from applications which have already been reviewed and voted on, it doesn't seem like another meeting to review the MYIP would be required.

In response to a question from Mr. Kunik, Ms. Collier explained that this MYIP was to have only information from the current allocation. Ms. Collier indicated she could have a draft to members by Friday, since she's already written a lot of it.

MYIP Comment Period

Mr. Vaughn-Burch asked the next meeting of this Board was intended, in relation to the period of public comment; it was determined that with a June 1st date for the plan to be available for public review, then July 22nd would be the first meeting to review and discuss public comment. Mr. Hill asked what the forum for public comment is; Ms. Mathis suggested that it be managed the same as what was done for people to apply: the website plus the Chamber newsletters, plus newspaper articles and the like. Ms. Staugler asked how people would make their comments, a web form, an email, or something else; Ms. Mathis suggested the comments in whatever form should go to Ms. Collier to be compiled.

Ms. Weber polled the group on the idea of having a meeting next week to review the draft plan; Dr. Beever noted she would be unavailable next Wednesday, but suggested that each member can submit suggestions, and Ms. Collier can use her judgment to proceed. Mr. Hill asked if the public comments would be part of the paperwork going forward; Ms. Collier responded that they would go to the Commission and to Treasury. She also suggested the Board members plan for how to respond to possible comments. Mr. Kunik indicated that since the projects were already voted on, he would be in favor of just letting Ms. Collier handle this part; Mr. Hill voiced agreement.

Ms. Weber summarized that the MYIP will go on the website for public comment, and the group's next meeting will be July 22nd. She asked if members will have access to the comments before the meeting; Ms. Collier indicated that she would send them out beforehand, if we get any, indicating that some jurisdictions say they have received very few. She noted that Treasury really wants to be sure we get public comment. Further discussion ensued on this topic.

Mr. Hill indicated he thought there would be comments from the applicants, but there were only seven applicants, not 50-60; Mr. Kunik repeated his assessment that the group didn't get other projects because they weren't felt to be related to oil spill. Discussion ensued on what constitutes impact on Charlotte County.

Mr. Flores commented on levels of readiness of projects, not all of which are at the same state of readiness. Dr. Beever offered clarification on what the RESTORE Act money was for; it was not meant simply to repair damage caused by the spill, but was meant to be directed to Gulf-wide environment and economic resiliency. Mr. Hill commented regarding some coastal groups who have said they "would have if they had known." The next round of funding, these groups will likely submit.

Ms. Staugler asked whether, when the County gets another allocation, is this group still the RESTORE Board? Mr. Flores asked Mr. Vaughn-Burch to research that.

Mr. Kunik and Ms. Nielsen also had an exchange about what constitutes an oil-spill related, restorative function; Ms. Nielsen said most projects had something to do

with water quality, which impacts fisheries, even tourism. She indicated that from her perspective, CCU was a poster child for RESTORE money because their systems impact the long-term sustainability of the Harbor and the near-shore waters, despite the state of the CCU systems having nothing to do with the actual oil spill, but because it RESTORES the natural waters. Some discussion followed on the fisheries application which wasn't located in Charlotte County.

Mr. Vaughn-Burch provided information on the future of this Board, noting that there is a sunset provision under which the Commission will be able to CONSIDER sunsetting the RESTORE Board; additional comment was provided by Mr. Flores and Mr. Vaughn-Burch, the general conclusion being that it is believed that the Commission would let it lie.

Ms. Weber confirmed that this Board's next meeting will be held on July 22nd.
Will receive comments prior

No further comments being forthcoming, the meeting was adjourned at 1:48 p.m.