



MONROE COUNTY
RESTORE ACT LOCAL ADVISORY COMMITTEE
MINUTES

November 8, 2013; 9AM

Marathon Government Center

(Approved at September 26, 2014 meeting)

Present: Vice Chair David Makepeace, Ed Swift, Mark Finigan, Bill Kelly, Ted Blackburn, Patrick Rice, William Murchie, John DeNeale

Absences: Todd German, Mike Cinque, John Halas

Staff: Lisa Tennyson, County Attorney Bob Shillinger; County's consulting attorney, Erin Deady

Commissioners Present: Commissioner Sylvia Murphy

Vice Chair Makepeace called the meeting to order at 9:05 AM, followed by the Pledge of Allegiance and introductions of committee members.

Discussion opened with a request to add an item to the agenda, namely that of an additional applicant, Schooner Western Union Preservation Society, to be considered, along with the Village of Islamorada, among the eligible submissions despite missing the solicitation deadline.

After much discussion, the Committee agreed to open the agenda and add the request.

Minutes from the last meeting were approved.

Public comment was invited.

Committee moved to item 5 on agenda – consideration of request from Village and Western Union Preservation Society to be included among projects to be considered for funding.

After much discussion, the Committee agreed to re-open the application cycle to everyone, this would include Western Union, the Village, any new applicants, and any current submissions that wished to modify their current applications and re-submit.

The Committee motioned to make a recommendation to the BOCC to open the application cycle and set a new application deadline of December 20, 2013. The motion passed 5-3.

Lisa Tennyson introduced the next item, a presentation on the draft Treasury regulations, explaining that the Treasury regulations are important because they will govern how the program and funding are administered.

Monroe County's consulting attorney on the technical aspects of RESTORE, including the Treasury regulations, then gave a presentation on the draft Treasury rule, and touched on the following issues:

- Multi-year implementation plan is required, but need more information about what needs to be included
- 3% administrative costs cap –very low for federal grants, a lot of administrative work, with little money to cover those costs.
- Seeking clarity in what is included in the 3%
- “Planning costs” can be paid for with Restore funds.
- No change in the 11 eligible activities
- Need for more clarity and specificity – exactly how to apply for the funds – relationship between the MYIP and the application process.
- Need for definitions: like “pre-award” costs
- Procurement requirements for Grantee and sub-grantees
- How will NEPA, CWA, and other environmental regulatory compliance requirements be applied
- State environmental regulatory compliance
- Reporting requirements
- Anticipated Administrative costs under the cap
- What is admin costs vs. planning costs?
- Application of 3% cap for County admin? Also applicable to sub-grantees? This is unclear
- County is going to need that 3% bc it is responsible for all the management tasks.
- Discussion of the 3% and how it applies, and may apply to all sub-grantees.
- Reminder to applicants that this cap may apply to not only the County but also each applicant. The draft rule doesn't speak to this in any specificity.
- Committee asked staff to emphasize this limit on administrative and/or indirect costs on the application for the re-opened cycle.
- Other federal provisions, like Davis Bacon, will apply
- County will bear the responsibility for all federal regulations and requirements, and these will all be transferred to each sub-applicant.

Lisa Tennyson reminded the Committee and applicants that the application of federal grant requirements is an important consideration, as these are onerous, complicated, and expensive to comply with. Potential applicants should have the demonstrate capacity to manage these.

Several committee members agreed that these considerations may impact the committee's selection process.

Ms. Deady spoke about the County's response to the draft rule; the County developed a set of comments reflecting our concerns and recommendations in these areas.

Dr. Rice asked about direct/indirect costs and admin costs. Erin Deady informed committee that we asked for definitions for direct, indirect and admin costs.

Ed Swift asked about the 3% cap and why, considering that environmental projects are complicated and require lots of management?

Deady explained that we all agree, but the cap is in the actual RESTORE Act legislation, likely considered an issue of ensuring against wasteful use of the monies.

Committee moved onto Item number 7, consideration of additional criteria for project evaluation for the committee to consider:

- Should the committee consider the overall geographic distribution of funds? Committee member comments: environmental impacts don't have geog distributions, geog location shouldn't be considered, shouldn't be an initial filter, keys-wide impacts of projects will likely be evaluated highly, the outcome of the project list will likely be balanced, BOCC will make that ultimate decision. Committee agreed that we may consider this as a secondary criteria, if necessary.
- Should the committee consider again giving preference to projects with Keys-wide impacts vs. limited impacts? This was something the committee addressed in application but did not assign specific points. Committee member comments: there are questions in the application that relate to scope of project and benefits that will reflect this issue. The committee is satisfied with that this issue is addressed adequately.
- Should the committee consider the ability of projects to be able to leverage their local pot dollars at the consortium level? Committee comments: Too early to know yet...Keep it simple, review projects on their merits and when we have the ranked list, we can then look at them, and consider which of those have leverage ability.

Committee agreed that these issues can be applied secondarily, if necessary.

Lisa Tennyson also reminded Committee of the admin costs for County and that the following issues will add to the administrative burden and costs, and should be considered in their evaluations:

- The more projects awarded the more complex the management,
- Projects with long completion times
- Awards to entities without federal grant management experience

Ed Swift suggested that the 3% of the administrative money should be applied entirely to county. Bill Murchie agreed.

Dr. Rice, considering the issue of project management capacity, referred to the current point system and suggested adding points for management capacity. Ed Swift suggested not changing the points. No further discussion.

Committee moved to next item: Lisa Tennyson discussed a proposed evaluation score sheet for the committee's consideration and discussion. The score sheet contemplated the possibility that the Committee would also address funding amounts for applicants.

Ed Swift asked about the ability to discuss funding amounts with the applicant? Committee discussed scalability of projects.

Bill Murchie suggested that the committee simply evaluate the projects, and then send to BOCC to make decision about funding amounts for projects.

Committee agreed that it would just score the projects, and leave funding amounts to Commission.

Lisa Tennyson discussed scoring process and suggested committee members send their preliminary scores to her in advance of meeting for ease of compiling and preparing for meeting. She reminded committee members that they would be preliminary scores, and could be modified based on hearing from applicants and fellow committee members during the evaluation/ranking meeting. No direction was given.

Committee re-visited the point system and Dr. Rice's suggestion to re-allocating points. Committee member comments: management feasibility is important to the ultimate success of the project. Keep points in place, but be mindful of how important management capacity is in evaluation.

There was a motion to recommend to BOCC to change scoring criteria to move 5 points from completion timetable to project management. Second: Blackburn. Motion failed.

There was a motion to recommend to Commission to formalize that the full 3% allowed for administrative costs accrue to County, and to communicate that clearly to applicants. Motion approved.

Committee discussed date for next meeting postponed due to extension of application, and the anticipation that we could get additional proposals to review. No date was determined.

Public comments: one that suggested emphasizing the federal regulatory requirements for applicants.

The meeting adjourned at 11:39 AM.

(The meeting was video-recorded and is available on the County's Restore Act webpage.)