MONROE COUNTY

RESTORE ACT LOCAL ADVISORY COMMITTEE

MINUTES

September 26, 2014; 10AM

Marathon Government Center

(Approved at Dec 11-12 meeting)

Present: Vice Chair David Makepeace, John Halas, Dick Ramsay, Sarah Spurlock, Ted Blackburn, Patrick Rice, William Murchie, Ryan Schraffenberger, Todd German

Absences: Ed Swift, Bill Kelly

Staff: Lisa Tennyson, County Attorney Bob Shillinger

Commissioners Present: Commissioner Sylvia Murphy

Vice Chair Makepeace called the meeting to order at 10:10 AM, followed by the Pledge of Allegiance and introductions of committee members. Vice Chair explained that the former Chair, Mike Cinque was no longer on the Marathon Commission (and replaced by Mayor Dick Ramsay, Marathon's new representative.) Therefore he was chairing and that an election was needed to determine a new Chair and Vice Chair.

Public comment was invited.

Minutes from the last meeting were approved.

Elections of new Chair and Vice-Chair took place. Dr. Rice was elected as Chair and David Makepeace elected as Vice-Chair.

For the benefit of the new members to the Committee and because the Committee has not met since last November, the Committee was given a presentation that provided an Update of RESTORE Act which included a recap on where things stand on all things RESTORE; the Treasury Rules and what they mean for the local RESTORE Act program and project funding; and a review of the steps the Local Committee has taken to date to develop a project evaluation process for local RESTORE Act funding.

Monroe County's consulting attorney presented on the Final Treasury Rule, and what it means for the Local Program. Salient points covered:

- It was reiterated that as expected the Rule confirmed that the Program will operate as a federal grant program.
- The Treasury has developed a Guidance Document that provides information on the process for accessing the funds in the local pot.
- The County will have to produce a Multi-year Implementation Plan for the 1.16M and each awarded project will be required to complete its own individual project grant application.
- All projects must meet federal requirements such as NEPA, CWA, and state environmental regulations
- Projects must certify that they conform to one of the eligible uses
- Projects must certify that they are based on best available science…which we still don't have clear definition of.
- Projects will have to conform to all applicable procurement requirements: Davis Bacon, Buy American, etc.
- Financial Risk Assessment on all project sponsors – before Treasury writes a check it wants assurances that the funding will be managed properly.
- Projects will have to adhere to all contractual requirements that the County will have to adhere to.

Lisa Tennyson emphasized again to 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.

Committee discussed that staff will do an additional vetting of potential awardees after the Committee before we actually make any final awards.

- Staff agreed and recommended to the Committee to ask the applicants to do a self-assessment on their federal grant management capacity.

- Staff also agreed with committee suggestions it will conduct a risk assessment of applicants after the Committee's evaluation process and that applicants will be subject to this secondary review prior to any potential award.

Staff reminded committee members that this will be a reimbursement based program. Applicants will have to expend their own funds first, then complete reports and funding requests for reimbursement; their reimbursement will be based on adherence to all rules and regulations. If there is any type of non-compliance, the reimbursement is delayed or jeopardized. This can create a financially precarious situation for an organization.

To a question about "best available science" E. Deady responded that there is a section in the MYIP that asks "prove to us how you use best available science." Ms. Deady explained that we should be able to use

previous analysis and studies, but this has not been officially clarified in the rule. We don't know whether they will be another rule or guidance.

E. Deady also stated that Treasury is developing a rule on NEPA, so we are not 100% sure when and how NEPA will apply.

E. Deady gave an update on on-going litigation.

Lisa Tennyson then discussed next steps for the Committee.

There was a discussion about conflicts of interest on Committee. Todd German asked about potential conflicts of Committee members related to projects under consideration. L. Tennyson stated that the BOCC passed two resolutions addressing potential conflicts of interest of the Committee members

T. German asked specifically about conflicts of Monroe County's appointments.

Bob Shillinger responded that conflicts apply to officers, directors or employees of an agency/entity. If a committee member is an officer, director or employee of an applicant agency or entity they must recuse themselves from voting on that application. County appointees to the Committee do not have conflicts related to Monroe County's project applications because none are officers, directors or employees of the County.

B. Shillinger also clarified that a conflict precludes committee members from scoring and voting on the conflicted project but not from discussion.

D. Makepeace states that there has been sufficient transparency in this process and that in a small community with lots of active people, conflicts are to be expected.

David Makepeace said we need to reach out to applicants, in light of the program's regulations and requirements, to ask whether they are capable of managing the requirements, do they understand the reimbursement process, do they wish to remain in consideration, and, for applicants asking more than is available, whether or not they can phase their projects.

John Halas agrees that the information in the presentation presents some strong considerations for applicants moving forward.

Dick Ramsay recommends reaching out to applicants to see if they are still in. Chair Rice agrees to ask applicants to vet themselves.

Staff asked to reach out to contact applicants to make sure they are still in the process and fully aware of the rules and email them the rules and regulations that will apply.

Staff agreed and reminded committee that much of that information on the rules and regulations that will apply to awarded projects has already been distributed such as the OMB guidance for example. Staff

suggested also sending an example of County agreement with State and sub-awardees on federal stimulus grant to see extent of agreement requirements.

Motion: Send out all the regulations guidance, do they understand the requirements and whether or not they feel they can comply with those regulations or wish to withdraw from consideration.

Prompted discussion of estimated timeline was discussed…certification by Treasury by Spring; and then grant applications after that.

Committee asked that a date for applicants to respond by and settled on two weeks; this was added to the motion. Motion was unanimous.

Committee moved to next agenda item. L. Tennyson reviewed the proposed project scoring tools for the Committee, how they should record their scores, and how all scores will be tallied.

L. Tennyson then a proposed model for the evaluation meeting, based on HSAB and Sheriff's Fine and Forfeiture meeting, in which funding applicants give a brief presentations and committee members have an opportunity ask questions.

L. Tennyson discussed that with 46 applications, this would require that two days might be required to hear from all applicants

There was discussion of possible dates for the two day evaluation/ranking meeting. The Committee ultimately agreed on two days during the week of Dec 8th -12th, either Dec 8 and 9th or December 11th and 12th first -- pending availability of the meeting room. All committee members were asked to pencil in those dates.

Public comments followed.

Audience member asked about timeline, the relative cost benefit of process and funding, what happens if more money comes.

L. Tennyson stated that we don't know the answer to the question of what happens to list of applicants beyond the initial 1.16M award. But that likely it will depend upon when future funds become available.

L. Tennyson stated that the BOCC will determine funding amounts and ultimate awards.

L. Tennyson asked Committee what their preference is in terms of timeline and its sense of urgency to make its funding recommendations. Committee asked when funds are or will be available. Staff informed the Committee that $900K of our funds are available currently , and that the full $1.16 will be available by the Spring. Staff also indicated that it could have the County's MYIP completed by the Spring also. Staff clarified that the grant application process for the awards only starts after the MYIP is approved by the Treasury.

Audience member asked formula for funding distribution and best available science requirement not part of initial process.

L. Tennyson responded that the Committee is charged with scoring and ranking the projects, and that the funding distribution will be decided by the BOCC. Staff clarified that the best available science requirement was always required because it's in the original statute, but that it wasn't defined until the Treasury rule came out.

Rich Jones asked question about the all-day, two-day meeting and whether applicants would be expected to attend the all-day, two-day meeting.

L. Tennyson asked the Committee if the model for the evaluation meeting was acceptable to them. They indicated that it was. L. Tennyson then stated that she would develop a schedule for presentations so that applicants will know when they will need to present, so they will not be expected to sit for the duration of the two day meeting.

Meeting adjourned at 12:08PM

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