

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MONROE COUNTY, FLORIDA CREATING THE MONROE COUNTY RESTORE ACT ADVISORY COMMITTEE; ESTABLISHING THE PURPOSE OF THE MONROE COUNTY RESTORE ACT ADVISORY COMMITTEE; SETTING FORTH THE DUTIES AND RESPONSIBILITIES OF THE MONROE COUNTY RESTORE ACT ADVISORY COMMITTEE; PROVIDING FOR THE MEMBERSHIP OF THE MONROE COUNTY RESTORE ACT ADVISORY COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the United States Congress passed the "Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012," known as the RESTORE Act, to establish a trust fund for deposits of 80% of administrative and civil penalties exacted from parties responsible for the Deepwater Horizon oil spill for distribution of the funds among the affected states, and

WHEREAS, the RESTORE Act requires the U.S. Treasury, in consultation with other federal agencies, establish procedures for passing the fines levied (or the "funds") to the recipients as so designated by the RESTORE Act;

WHEREAS, the RESTORE Act specifically allocated 35% of the 80% of the fines collected to be made exclusively to the five Gulf Coast states of Texas, Mississippi, Louisiana, Alabama and Florida, in equal shares; and

WHEREAS, Florida's share of the 35% allocation is to be split between the Gulf Coast counties with 75% going to those 8 counties identified as being disproportionate impacted (ie, Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla) divided based upon an agreed formula, and 25% of the fines to be allocated to those 15 counties that front on the Gulf Coast, but were non-disproportionately impacted) by the Deepwater Horizon event divided by an established formula; and

WHEREAS, Monroe County is identified as one of the 15 non-disproportionately impacted counties and will be the recipient of RESTORE Act funds, should they be distributed;

WHEREAS, the RESTORE Act, section 1603 (3) further defines the use and eligible activities for which these funds may be used by the Gulf Coast states for ecological and economic restoration within the Gulf Coast regions, as follows:

- 1) Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.
- 2) Mitigation of damage to fish, wildlife, and natural resources.
- 3) Implementation of a federally approved marine, coastal or comprehensive conservation management plan, including fisheries monitoring.
- 4) Workforce development and job creation.

- 5) Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill.
- 6) Infrastructure projects benefitting the economy of ecological resources, including port infrastructure.
- 7) Coastal flood protections and related infrastructure.
- 8) Planning assistance.
- 9) Administrative costs of complying with this section, which cannot exceed 3%.

WHEREAS, the RESTORE Act, section 1603 (3) additionally defines the use and eligible activities for which these funds may be used by the Gulf Coast states for promotion of tourism and seafood in the Gulf Coast region, as follows:

- 1) Promotion of tourism in the Gulf Coast Region, including recreational fishing.
- 2) Promotion of the consumption of seafood harvested from the Gulf Coast Region.

WHEREAS, the RESTORE Act empowers the Monroe County Board of County Commissioners with the authority to distribute certain amounts of funds for various purposes and projects as designated by and consistent with the Act; and

WHEREAS, the Board of County Commissioners recognizes that it must be prepared to receive, review, and award projects in the best interest of the County, and account for the funds coming to Monroe County; and

WHEREAS, the Board of County Commissioners finds that an advisory committee would assist the Board in determining which projects qualify for funding under the Act, and therefore would serve the public interest.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that:

Section 1. Creation of the Monroe County RESTORE ACT Advisory Committee. The Board of County Commissioners ("BOCC") hereby creates an eleven-member council to be called the Monroe County RESTORE Act Advisory Committee.

Section 2. Duties and Responsibilities. The Monroe County RESTORE Act Advisory Committee shall perform the following functions:

- 1) Establish an application and application procedure for potential projects according to the RESTORE Act eligible activities list, for consideration of funding.
- 2) Solicit and accept all applications that comply with RESTORE Act eligible activities list.
- 3) Hold advertised public meetings to encourage and solicit broad based input on the potential projects submitted.
- 4) Review and rank each proposed projects based upon the guidelines provided in the RESTORE Act, federal rules, community needs, and other relevant factors for the purpose of developing recommendations for consideration of funding to the BOCC.
- 5) Provide monthly status reports.
- 6) Prepare and present a ranked project list to the BOCC for review and approval.
- 7) Utilize any ranking criteria adopted by the BOCC.

- 8) Follow timelines established by the BOCC for the ranking and recommending projects for approval and any other deadlines set by the BOCC.
- 9) Work or consult with any technical advisors, firm, coalition, or consultants as directed by the BOCC to carry out the purposed of the Committee.
- 10) Such other duties as determined by the BOCC.

Section 3. Membership

- 1) The Committee shall consist of eleven (11) members who are residents of Monroe County with the following composition:
 - a. One representative appointed by each of the five County Commissioners.
 - b. One representative appointed by the Monroe County Gulf Consortium Director.
 - c. One representative appointed by The City of Key West.
 - d. One representative appointed by The City of Marathon.
 - e. One representative appointed by The Village of Islamorada.
 - f. One representative appointed by The City of LAYTON.
 - g. One representative appointed by The City of Key Colony Beach.
- 2) No member shall receive any personal gain from serving on the RESTORE Committee. As members of an advisory committee, all RESTORE Committee members shall be governed by the standards of conduct provided for in Florida law, including but not limited to, F.S. 112.313 (Ethics Code), F.S. 112.3143 (Voting Conflicts), F.S. 119.07 (Public Records), and F.S. 286.011 (Sunshine Law).
- 3) All appointments to the Committee shall be for a term of one year. There is no limit to the number of terms.
- 4) Member vacancies shall be filled in the same manner as the original appointments.
- 5) Each member of the RESTORE Committee, before entering upon his/her duties, shall take and subscribe the oath or affirmation required by the State Constitution.
- 6) Each member of the RESTORE Committee shall be deemed to be a local officer as provided in F.S. 112.3145, and shall file a statement of financial interests in compliance with that statute within 30 days of appointment and by July 1st of each year.
- 7) All members must have experience or expertise in one or more of the following areas: the environment, coastal resources, business development, tourism or economic development.
- 8) Any member of the Committee may be removed upon the motion of his/her respective governing body making that appointment.

Section 4. Meetings and Voting

- 1) At the organizational meeting and annually thereafter, the members of the RESTORE Committee shall appoint one member to serve as Chair, to preside at all meetings, and one member to serve as Vice-Chair to preside and act on behalf of the Chair in his/her absence, for one-year terms. There shall be no term limits for a member to serve as Chair or Vice-Chair.
- 2) The County Administrator shall appoint a staff person to assist the Committee.
- 3) The RESTORE Committee shall meet as often as is necessary in the first 12 weeks for the purposes of orientation, establishing by-laws, electing a Chair and Vice-Chair, developing an application, procedures, and other administrative

- business necessary to prepare for accepting projects and making recommendations to the Board. Thereafter, the Committee shall establish a schedule of regular meetings, which shall be held at least every other month.
- 4) The Chair may call a special meeting of the Committee on his or her initiative, or shall call a special meeting at the request of a quorum.
 - 5) A majority of the members shall constitute a quorum for the purpose of conducting business. Each member shall exercise one vote on all matters subject to a vote of the Committee. All matters shall be decided by a majority vote of the members present. No member shall abstain from voting unless the member has a conflict of interest.
 - 6) Committee meetings shall be held in a public facility of sufficient size to accommodate those present and at such location as the Committee may determine from time to time.
 - 7) The Committee shall conduct its meeting in accordance with the current edition of Robert's Rules of Order.
 - 8) Minutes shall be kept at each meeting. The written summary of each meeting shall be submitted for approval of the members at the next regular meeting. Each written summary shall reflect the committee members in attendance, items discussed, each action taken at the meeting, and the vote of the members on each item presented at the meeting.
 - 9) The Committee shall meet within one month after the BOCC approves the members appointed as outlined in Section 3(1).

Section 5. Effective Date

This Resolution shall become effective immediately upon its adoption.

Section 6. Municipal Coordination

The Clerk is directed to send copies of this Resolution to the Mayors of the five municipalities within the County. In the event that a municipality does not appoint a representative within 30 days of the adoption of this Resolution or in the event a municipal appointment position is becomes vacant, the County Mayor may appoint an interim committee member who is a resident of that municipality and who shall serve until that municipality appoints a replacement.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County Florida, at a regular meeting of said Board held on the 20th day of February, 2013

Mayor George Neugent	<u>Yes</u>
Mayor Pro Heather Carruthers	<u>Yes</u>
Commissioner Danny Kolhage	<u>Yes</u>
Commissioner David Rice	<u>Yes</u>
Commissioner Sylvia Murphy	<u>Yes</u>

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 2013 MAR -4 PM 2:13
 MONROE COUNTY
 CLERK OF COURT

(Seal) **AMY HEAVILIN, Clerk**

Monroe County Board of Commissioners

Attest: *Camille Stanwick D.C.*
 Clerk of Court

By: *George E. Neugent*
 Mayor

MONROE COUNTY ATTORNEY
 APPROVED AS TO FORM:
Robert B. Shillinger, Jr.
 ROBERT B. SHILLINGER, JR.
 COUNTY ATTORNEY
 Date 3-1-13