

**RESOLUTION
NUMBER 2013-08**

DEPUTY CLERK MB

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA, ESTABLISHING THE LEVY COUNTY RESTORE ACT ADVISORY COMMITTEE; PROVIDING FOR ITS FUNCTIONS, POWERS, AND DUTIES; PROVIDING FOR MEMBERSHIP, APPOINTMENT, AND REMOVAL; PROVIDING FOR OFFICERS, QUORUM, AND RULES OF PROCEDURE; PROVIDING FOR COMPLIANCE WITH APPLICABLE LAWS; PROVIDING FOR DUTIES OF THE COUNTY COORDINATOR; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners of Levy County, Florida (hereinafter "the Board") recognizes that with the passage of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (hereinafter "the RESTORE Act"), substantial sums of money could come to Florida and Levy County as a result of fines levied against companies responsible for the 2010 incidents known as the Deepwater Horizon explosion and oil spill (herein "Deepwater Horizon"); and

WHEREAS, the RESTORE Act establishes the RESTORE Act Trust Fund to maintain funds collected from certain fines levied as a result of Deepwater Horizon, to be available to states and counties in the Gulf Coast region, including Levy County and Florida, in certain percentages as set forth in the RESTORE Act, for ecological and economic restoration of the Gulf Coast region, more specifically as follows:

- (i) Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.
- (ii) Mitigation of damage to fish, wildlife, and natural resources.
- (iii) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.
- (iv) Workforce development and job creation.
- (v) Improvements to or on State parks located in coastal areas affected by Deepwater Horizon.

- (vi) Infrastructure projects benefiting the economy or ecological resources, including port infrastructure.
- (vii) Coastal flood protection and related infrastructure.
- (viii) Planning assistance.
- (ix) Administrative costs of complying with this section (limited to 3%).

And for promotion of tourism and seafood, more specifically as follows:

- (i) Promotion of tourism in the Gulf Coast region, including recreational fishing.
- (ii) Promotion of the consumption of seafood harvested from the Gulf Coast region; and

WHEREAS, in order for projects, programs or activities to qualify for funding under the RESTORE Act, they must meet certain criteria and requirements, and include public participation in the development process; and

WHEREAS, the Board desires to establish an advisory committee of individuals who have a broad range of knowledge and experience with one or more of the aforementioned allowed uses for RESTORE Act funds to provide input to the Board on the use of the RESTORE Act funds, to assist in the development and review of projects, programs or activities to qualify for funding under the RESTORE Act, and to provide for a venue for extensive public participation in the process for development of such projects, programs or activities;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Levy County, Florida, that:

1. Advisory Committee established. There is hereby established the Levy County RESTORE Act Advisory Committee (hereinafter "the Committee").

2. Functions, powers and duties of the Committee. The functions, powers and duties of the Committee shall be as follows:

(a) Establish an application and application procedure for potential projects, programs or activities to be funded by RESTORE Act funds and solicit and accept all applications;

(b) Hold no less than five (5) advertised public meetings to encourage and solicit broad-based citizen input on the potential projects, programs and activities from

individuals, businesses and nonprofit organizations;

(c) Review and rank each proposed project, program and activity based upon the guidelines provided in the RESTORE Act, federal rules, community and regional needs and desires, the best available science for natural resource protection or restoration projects or activities, and other relevant factors;

(d) Provide monthly status reports to the Board.

(e) Prepare and present a ranked project and activity list to the Board within ninety (90) days after the U.S. Treasury Department has issued its final rules and regulations applicable to the RESTORE Act;

(f) Track those projects, programs and activities approved for funding, those referred to or funded from other potential funding sources, and those denied for funding;

(g) Provide input and assistance to the County in developing and submitting a multiyear implementation plan for the use of the RESTORE Act funds, which shall include milestones, projected completion or of each activity, and a mechanism to evaluate the success of each activity in helping to restore and protect the County; and

(h) Such other duties assigned or determined by the Board.

3. Membership.

(a) The Committee shall consist of nine (9) members appointed by the Board.

(b) Members of the Committee shall serve without compensation and at the pleasure of the Board. Members shall be able to devote the time necessary to participate in the activities of the Committee. Members shall receive no compensation for the performance of their duties as members of the Committee; however each member may be paid necessary expenses, as authorized in section 112.061, Fla. Stat., incurred while engaged in the performance of duties to the extent funds are available and such expenses are approved in advance by the County Coordinator.

(c) Initial terms of the members of the Committee shall be staggered so that the terms of the members from categories (d)(i) through (d)(iv) below shall be one (1) year, and from categories (d)(v) through (d)(viii) shall be two (2) years. After the initial staggered terms, member terms shall be for two (2) years. Members shall be eligible for reappointment.

(d) In order to ensure that the Committee is comprised of members with diversified backgrounds, as well as the expertise necessary to perform the responsibilities set forth in this Resolution, the Board hereby establishes the following criteria for the composition of the Committee:

- (i) Two members from the County, one being the Chairman of the Board or his designee, one being an employee of the Board or other individual representing the County's interests to be appointed by the Board.
- (ii) One member from the Levy County School Board or its administration, to be recommended by the School Board and appointed by the Board.
- (iii) One member from a higher education institution (college or university), to be recommended by such institution and appointed by the Board.
- (iv) One member from the aquaculture industry, to be appointed by the Board.
- (v) One member from the workforce development/job creation industry, to be appointed by the Board.
- (vi) One member with experience in economic development efforts, to be appointed by the Board.
- (vii) One member from the tourism industry, to be appointed by the Board.
- (viii) One at-large citizen member, who must possess an interest in one of the areas of allowed uses for RESTORE Act funds, to be appointed by the Board.

(e) Each member of the Committee shall be allowed to appoint an alternate designee in the event the member must be absent from any meeting. Designees are subject to the same membership criteria as the appointing member.

(f) Member vacancies shall be filled in the same manner as the original appointment.

(g) Any member of the Committee may be removed by the Board without cause at the discretion of the Board, or by the Board for misfeasance, malfeasance, willful neglect of duty, or failure to attend three or more consecutive meetings for any reasons whatsoever.

4. Officers, quorum, and rules of procedure.

- (a) At the first meeting, and annually thereafter, the membership of the

Committee shall elect a chair and vice chair. Officers' terms shall be for one (1) year, with eligibility for re-election. The County Coordinator shall appoint a County staff person to serve as secretary to the Committee.

(b) The presence of a majority of the members of the Committee shall constitute a quorum of the Committee necessary to take action and transact business. In addition, once quorum requirements have been met, an affirmative vote of the majority of the Committee members present at a meeting shall be necessary for the Committee to take any action. A tie vote shall not be considered an affirmative vote. No vacancy in the membership of the Committee shall impair the right of a quorum to exercise all the rights and perform all the duties of the Committee.

(c) The Committee may, by a majority vote of the entire membership of the Committee, adopt rules of procedure or bylaws for the transaction of business; provided, however, any such rules or bylaws shall comply with laws of the State and with this Resolution.

5. Compliance with Applicable Laws.

(a) The Committee's activities shall be consistent with federal and state laws and regulations and this Resolution.

(b) All meetings of the Committee will be open to the public and subject to the applicable provisions of the Florida open meetings ("Sunshine") laws, Chapter 286, Fla. Stat.

(c) The records of the Committee shall also be subject to the applicable provisions of the Florida Public Records Law, Chapter 119, Fla. Stat.

(d) The members of the Committee shall be subject to the applicable provisions of the Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Fla. Stat., including but not limited to sections 112.313 and 112.3143, Fla. Stat.

6. Duties of the County Coordinator or designee for the Committee. The duties of the County Coordinator or his/her designee for the Committee shall be:

(a) Administer the activities of the Committee in accordance with the policies of the Board and this Resolution.

(b) Provide a County staff person to serve as secretary to the Committee, to take minutes of Committee meetings, maintain Committee files, and provide any additional

clerical support required by the Committee and assigned by the County Coordinator.

(c) Provide periodic written reports to the Board on the activities of the Committee.

(d) Provide any additional technical or administrative support as deemed appropriate by the County Administrator.

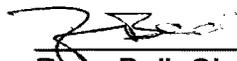
7. Recitals. The above Recitals are true and correct and are hereby incorporated herein by reference.

8. Sunset Clause. Six (6) years after the date of adoption of this Resolution, the Board shall review the activities of the Committee to determine whether the Committee still serves a necessary function and should continue in existence.

9. Effective Date. This Resolution shall take effect immediately upon adoption by the Board of County Commissioners of Levy County, Florida.

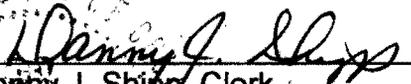
PASSED AND DULY ADOPTED THIS 22nd day of January, 2013.

**BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

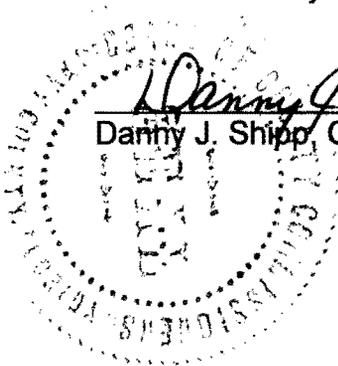


Ryan Bell, Chair

ATTEST:
Danny J. Shipp, Clerk of the Circuit
Court and Ex Officio Clerk to the
Board of County Commissioners



Danny J. Shipp, Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

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Anne Bast Brown, County Attorney