



Policy Board Meeting

February 8, 2023, at 1:30 p.m. CT
Escambia County Commission Chambers
221 Palafox Place, Pensacola, FL 32502
Meeting ID: 868 2097 4320 | Password: 298738
Call In: +13092053325
[Zoom Link](#)

1. **Call to Order**
2. **Roll Call**
3. **Approval of Board Agenda**
Recommend the Board approve the February 8, 2023, meeting agenda.
4. **Approval of December 14, 2022, Policy Board Minutes**
Recommend the Board approve the December 14, 2022, meeting minutes.
5. **Guest Presentation: Northwest Florida Water Quality Improvement Project**
Christine Angelini and Collin Ortals, University of Florida Center for Coastal Solutions
6. **Staff Updates**
 - a. Director's Update
 - b. Technical Update
 - c. Outreach Update
7. **Action Items**
 - a. **Election of 2023 Policy Board Chair and Vice Chair**
Recommend the Board nominate and elect a Chair and Vice Chair for 2023.
 - b. **Approval of the PPBEP Special District Charter**
Recommend the Board approve the proposed PPBEP Independent Special District Charter.
 - c. **Approval of the 2023 PPBEP Policy Board Meeting Schedule**
Recommend the Board approve the 2023 PPBEP Policy Board meeting schedule.
 - d. **Approval of PPBEP 2023-2027 Finance Strategy**
Recommend the Board approve the PPBEP 2023-2027 Finance Strategy.
 - e. **Approval of Legal Counsel Services**
Recommend the Board approve an agreement for Legal Counsel Services.



f. **Approval of Resolution 23-01 Requesting Designation of PPBEP as a National Estuary Program**

Recommend the Board approve Resolution 23-01, requesting the Governors of Florida and Alabama to request the US Environmental Protection Agency Administrator to designate PPBEP as a National Estuary Program.

8. Committee Updates

- a. Technical Committee
 - i. Oyster Subcommittee
- b. Education and Outreach Committee
- c. Environmental Justice Committee

9. Policy Board/Agency Updates

10. Public Comment

11. Adjourn



Agenda Item 7.a.

Election of 2023 Policy Board Chair and Vice Chair

Background: Per Article 3, Section 4 of the Board Bylaws, Board officers will be elected in January of each calendar year and serve a one-year term. Officers may be re-elected to multiple terms. Officers may be elected by a simply majority vote of the Policy Board.

Recommendation: Recommend the Board elect a Chair and Vice Chair for 2023.

Financial Impact: None.



Agenda Item 7.b.

Approval of the PPBEP Special District Charter

Background: At the January 2022 Policy Board meeting, the Board gave direction to the Executive Director to proceed with transitioning administrative and financial functions for the Pensacola & Perdido Bays Estuary Program from Escambia County, as the current host agency, to a newly created independent agency. The recommended structure was to pursue establishing an independent special district, as prescribed by Chapter 189, Florida Statutes, as a non-regulatory and non-taxing entity, similar to the Tampa Bay Estuary Program, Sarasota Bay Estuary Program, and Indian River Lagoon Council.

Per Chapter 189, Florida Statutes, and based on an opinion from the Florida Attorney General's Office, only Florida governmental agencies can establish independent special districts. At the December 2022 Board meeting, the Board approved the draft amended and restated Interlocal Agreement in concept only to allow coordination with the Governing Parties' attorneys for review and revision, as needed. Unfortunately, based on the opinion of at least two County Attorneys, the proposed amended Interlocal Agreement did not adequately address the special district concerns.

As such, staff has drafted the accompanying PPBEP Special District Charter. Based on this model, the Florida Parties would charter the special district solely for the purposes of hosting PPBEP, and subject to legal review and sign-off, a joiner-amendment would be issued to the existing PPBEP Interlocal Agreement to add the special district as a part to the Interlocal and designated as host agency for PPBEP. This process is done with the intent to ensure equality on the Policy Board with Alabama and Florida parties is maintained. Please note, this Charter is brought to the Board for review and approval in concept only as it is under legal review.

Recommendation: Recommend the Board discuss and approve the Special District Charter in concept only to allow coordination with the Governing Parties' attorneys for review and revision, as needed.

Financial Impact: None.



Agenda Item 7.c.

Approval of the 2023 PPBEP Policy Board Meeting Schedule

Background: The 2023 Board meeting schedule is attached. Staff attempted to adjust dates to accommodate as many Board members as possible, though a few scheduling conflicts remain. Based on responses from Board members, quorum is expected at each meeting based on the dates proposed.

Recommendation: Recommend the Board approve the 2023 PPBEP Policy Board meeting schedule.

Financial Impact: None.



Agenda Item 7.d.

Approval of the PPBEP 2023-2027 Finance Strategy

Background: As part of the EPA Cooperative Agreement to establish the Estuary Program, development of a Finance Strategy was necessary to demonstrate to EPA the long-term sustainability of the Program and the plan to secure operational funding and funding to implement the CCMP. Staff has prepared a five-year funding strategy consistent with guidance available from the EPA National Estuary Program.

Based on Board member comments from the December 2022 Policy Board meeting, staff has restructured the personnel projections.

It should be noted nothing in this Finance Strategy is binding on any party, rather it provides a framework as to how the Executive Director, through and by the direction of the Board, intends to finance operations and implementation of the CCMP over the next five years.

Recommendation: Recommend the Board approve the PPBEP 2023-2027 Finance Strategy.

Financial Impact: None.



Agenda Item 7.e.

Approval of Legal Counsel Services

Supplemental Recommendation

Background: Since establishment of the Estuary Program in 2018, Escambia County, as host agency, has provided legal services to the Program. The Estuary Program will need its own contracted general counsel to aid in establishing the Program as an independent organization and for other legal services that may be required.

Recommendation: Recommend the Board approve the Agreement with Beggs & Lane, RLLP for a flat retainer fee of \$5,000, plus an hourly rate of \$275/hour not to exceed \$5,000, for a total contract amount of not to exceed \$10,000.

Financial Impact: \$10,000 was budgeted in the FY22-23 PPBEP budget for legal services. Approval of this contract will obligate that funding line item.



Agenda Item 7.f.

Approval of Resolution 23-01 Requesting Designation of PPBEP as a National Estuary Program

Background: Enrollment into the National Estuary Program requires the nomination of the Governor to the US EPA Administrator. As we work with Governor DeSantis' Office and Governor Ivey's Office, resolutions of support from the Policy Board and nine founding members will be extremely valuable in communicating the support for enrollment into the National Estuary Program and designation of Pensacola and Perdido Bays as estuaries of national significance.

Recommendation: Recommend the Board approve Resolution 23-01, requesting the Governors of Florida and Alabama to request the US Environmental Protection Agency Administrator to designate PPBEP as a National Estuary Program.

Financial Impact: None.