

OCEAN HIGHWAY PORT AUTHORITY

NASSAU COUNTY

AGENDA

Wednesday, July 12, 2017

6:00 P.M. – Regular Monthly Meeting

County Commission Chambers

James Page Governmental Complex

Yulee, Florida

6:00 P. M. – Meeting Called to Order –Chairman

Invocation

Pledge of Allegiance

Roll Call- Robert Sturgess, District 1; Danny Fullwood, District 2, Adam Salzburg, District 3;

Carrol Franklin, District 4; Ron Braddock, District 5

Comments-Audience (Those who would like to comment on agenda items-sign in sheets on the Press Table)

Comments – Those that have requested to have items addressed which they turned in prior to the monthly meeting

1. Approval of Minutes

June 14, 2017 – Monthly Meeting *

* Recording disks did not record. Minutes done from notes.

2. Consent Items

None

3. Secretary / Treasurer Report

- June Expenses
- Account Summary

4. Report by Pierre LaPorte – Accountant

- Preliminary Board Budget 2017-2018

5. Report of Clyde W. Davis, Legal Counsel

- Attorney's Report
- MOU Nassau County Sherriff's Office

6. Port of Fernandina Report

- Port Operations & Commercial Report
- Port Projects Update

7. Old Business

- Committee- Port Authority Director- Task Outline and Commission Appointees
- Committee- OHPA Finances – Commission Appointees

8. New Business

- Committee Reports from Commissioners
 - Port Security – Commissioner Salzburg
 - Custom's House – Commissioner Franklin
 - FMX – Commissioner Fullwood
 - Economic Development – Commissioner Fullwood
 - Emergency Management – Commissioner Salzburg
 - Technical Coordinating Committee – Commissioner Sturgess
 - TPO – Commissioner Salzburg
 - AIFBY Chamber – Commissioner Fullwood
 - Greater Nassau Chamber – Commissioner Franklin

9. Administrative Office Manager Report

10. Other items to be brought by Commissioners

11. Adjourn

Ocean Highway & Port Authority

Robert Sturgess - Sec/Treasurer, District 1
Danny Fullwood- Commissioner, District 2
Adam Salzburg - Chairman, District 3
Carrol Franklin - Vice Chairman, District 4
Ron Braddock - Commissioner, District 5

Minutes

June 14, 2017

The Ocean Highway and Port Authority of Nassau County held their regular monthly meeting on Wednesday, June 14, 2017, in the County Commission Chambers at the James Page Governmental Complex, Nassau Place, Yulee, Florida

The meeting was called to order at 6:09 P. M. by Chairman Salzburg.

The invocation was given by Vice Chairman Franklin and he also led the Pledge of Allegiance. Roll call was conducted by Ms. Cason. All Commissioners were present. Also present was Ms. Cason, Administrative Office Manager, Mr. Clyde Davis, Attorney for the Board, Mr. Pierre LaPorte, accountant for the Board and Mr. Stephen DuBose, Commercial Director for Kinder Morgan.

Chairman Salzburg welcomed those in the audience and thanked them for attending this meeting.

Chairman Salzburg then recognized Dr. Chip Ross for his comments.

Dr. Ross stated that he is concerned that the Board is not following F.S. 189.069 which requires the agenda and meeting materials to be posted seven days prior to the meeting. Chairman Salzburg stated that the indeed the Board was in compliance as the agenda and the materials are on the website. He further explained that Mr. Arnold had completed the design of the Data Repository program and the materials that were turned in are on the site. Dr. Ross stated he had checked the site and it was not there. Chairman Salzburg stated he checked the site yesterday and it is there. Dr. Ross apologized if he missed the information.

Chairman Salzburg then recognized Mr. Milan Mora, Chief, Water Resources Section, from the Army Corp of Engineers for his presentation. Mr.

Mora handed out his presentation and then reviewed the District Office's vision, mission, Navigation Mission, and discussed the Fernandina Harbor. He further explained the federal and non-federal responsibilities for the Fernandina Harbor. Commissioner Sturgess asked about the funding cycles. Mr. Mora stated that they are currently working with three funding cycles. Commissioner Fullwood asked Mr. Schwec when the last dredging done. Mr. Schwec stated that the best he can remember that it was done in 1991. Vice Mayor Kreger stated that the City is considering relocating of the channel near the marina. Mr. Mora stated that would have to follow the Section 408 review and the OHPA would have to approve this project. Mr. Shelley Trulock, Project Manager for IWW Jacksonville stated the City would have to apply for permits and they would need a letter from the OHPA Board stating that they supported this project.

Chairman Salzburg then recognized State Representative Cord Byrd and thanked him for coming to give the Board an update on the Legislative Session and the Governor's actions regarding the Board's Charter Revision and funding request for the construction of a warehouse.

Representative Byrd stated that the Governor did veto the Charter Amendment. He stated that the areas of concern were the toll roads, points North and bonding. Representative Byrd stated that he will be glad to sit down with the Board prior to the next session and work on these amendments. He further stated that the grant request for the warehouse was not funded and he was informed that the Florida Ports Council had requested that it not be funded. Commissioner Franklin stated he supports a workshop with Representative Byrd and Senator Bean to review these matters.

Chairman Salzburg then requested that Mr. Val Schwec come up front. Chairman Salzburg presented to Mr. Schwec a plaque from the Board recognizing him for his 28 years of service to the Port of Fernandina, the OHPA Board and the citizens of Nassau County. He told him that he will be missed. Mr. Schwec thanked the Board and stated that he wishes the Port and Kinder Morgan continued success.

Chairman Salzburg then moved to the minutes for approval from the May 10, 2017 Monthly Meeting and the May 24, 2017 Special Meeting. **Motion by Commissioner Fullwood to approve the Minutes from the May 10, 2017 Monthly Meeting and the May 24, 2017 Special Meeting as submitted. Motion was seconded by Commissioner Franklin. Motion was unanimously approved.**

Chairman Salzburg then moved to the consent agenda items stating that we have two Joint Written Requests. He then reviewed the Joint Written Requests. **Motion by Commissioner Fullwood to approve the following consent items:**

Joint Written Request – OHPA - \$9,000.00- Custom’s House Repairs

Joint Written Request –City of Fernandina Beach-\$50,000.00-2016 Annual Fee

Motion was seconded by Commissioner Franklin. Motion was unanimously approved.

Chairman Salzburg then moved to the Secretary/Treasurer’s Report for April, 2017. Commissioner Sturgess stated that there was no unusual expenses and then he reviewed the account balances. Commissioner Sturgess again stated that he will vote nay if the Board continues to approve the Secretary/Treasurer’s Report as it is not required under Robert’s Rules of Order and he feels it increases the Board’s liability. Attorney Davis stated the Board can vote or decide not to vote, it is up to them. The Board consensus was to no longer approve this report by motion. Commissioner Fullwood requested that in the budget that the line item showing Nassau Tomorrow be changed to read Nassau County Economic Development Board (NCEDC). Attorney Davis stated that this change requires a motion by the Board. **Motion by Commissioner Fullwood to change the budget line item from Nassau Tomorrow to NCEDB. Motion was seconded by Commissioner Franklin. Motion was unanimously approved.**

Chairman Salzburg then recognized Mr. LaPorte for his report.

Mr. LaPorte stated that the budget transfers that were approved at the last meeting have all been made. He then told the Board that he and Ms. Cason would begin work on the budget for 2017-2018 and have a preliminary budget for them next month. Mr. LaPorte then stated that the line item in the quarterly report that

he needed to check on after the last meeting was the accrual amount for the letter of credit. He then stated that he was asked to check on if the bonds were not paid off as required what would happen. Mr. LaPorte stated that he cannot answer this and the Board would need Bond Counsel to interrupt. Mr. LaPorte then moved to the Finance Committee and stated that the Board needs to have written instructions and guidelines for this committee prior to their first meeting. Attorney Davis stated that he would work on this.

Chairman Salzburg then recognized Attorney Davis for his report.

Attorney Davis stated that the Board has his report and would be glad to answer any questions. He then stated that he had met with Ms. Bach, City of Fernandina Beach Attorney and there is nothing pressing on the Port Master Plan. He also stated that he had talked with Mr. DuBose regarding the Port Operating Agreement. Attorney Davis then told the Board that he has an article for them regarding oyster restoration projects.

Attorney Davis then moved to Resolution 2017-5 regarding the Port Director. He further explained that this official appoints Ms. DiBella as Port Director with the duties of represent the Port of Fernandina on the Florida Ports Council and FSTED Council. Attorney Davis then read the Resolution caption. **Motion by Commissioner Fullwood to approve Resolution 2017-5 A RESOLUTION OF THE OCEAN HIGHWAY AND PORT AUTHORITY: CONFIRMING, RENEWING, AND AMENDING RESOLUTION NUMBER 1994-02 AND 2011-06, GOVERNING APPOINTMENT AND SERVICES AS PORT DIRECTOR OF THE PORT OF FERNANDINA ON BEHALF OF THE OCEAN HIGHWAY, AND PORT AUTHORITY; APPROVING AND CONFIRMING THE ACTIONS OF THE PORT DIRECTOR; AMENDING REPEALING OR SUPERSEDING ALL PREVIOUSLY ADOPTED BUT INCONSISTENT RESOLUTIONS AND POLICIES; AND HAVING AN EFFECTIVE DATE. Motion was seconded by Commissioner Franklin. Motion was unanimously approved.** Chairman Salzburg thanked Ms. DiBella for agreeing to service in this position. Ms. DiBella stated that she would get to work right away.

Chairman Salzburg recognized Mr. Stephen DuBose with Kinder Morgan for the Port Reports.

Mr. DuBose then reviewed the tonnage report. He stated that the total tonnage for the month of May was 21,981 tons which brings the year to date tonnage to 126,166 tons. He then reported that there were 6 vessel calls 13 dockage days, railcars- 190 and 23 trucks per working day. Mr. DuBose then moved to the income statement. Commissioner Franklin asked about lumber and steel. Mr. DuBose stated that the vendor for lumber has had some issues and not been working and that due to current market conditions that export steel is not being made. Commissioner Franklin stated that they may want to talk with the lumber producer in Live Oak to see they could produce lumber for export.

Chairman Salzburg recessed the meeting at 7:22 for Ms. Cason to change the recording disk. He reconvened the meeting at 7:27.

Mr. DuBose reported that the revenue for May was \$124,804 and year to date revenue is \$700,095. He then reviewed the monthly expenses and pointed out that the bond interest payment was \$13,662. Mr. DuBose then reported the account balances as follows: revenue fund- \$663,229, Interest Fund- \$6,855 and Redemption Fund - \$10, which brings the total to \$670,094. He then moved to the Maintenance Trust Account and stated revenues into the account were \$5,035.00 and there were no expenses in May. The total in the Maintenance Trust Account is \$220,882.00. Mr. DuBose then reviewed the current projects. He stated that the Customs House project has been completed. Mr. DuBose then stated that they were in contact with the contractor on the fender project regarding the hardware needed for this project and further stated that he will bring back a recommendation regarding this as they are checking to make sure that the hardware needed for this project was included in the bid. Mr. DuBose then moved to the commercial report. He stated that currently KLB levels have dropped some due to tough market conditions as well. Mr. DuBose stated that they continue to work with a new liner service and will keep the Board updated on this. Mr. DuBose assured the Board that they are continuing to seek additional opportunities for port business. Commissioner Fullwood asked how Kinder Morgan felt about the closing of the Dade Street railroad crossing. Mr. DuBose stated they are not in favor of this as it

would hinder Port operations and he is also concerned about the other businesses on Front Street as well.

Chairman Salzburg moved to Old Business.

Chairman Salzburg then moved to appointees for the Port Authority Director Committee and the Finance Committee. He asked the Board members if they had their appointees. No Board member had any additional appointees.

Chairman Salzburg then moved to the Data Repository. He explained that the Board approved the transfer of funds for this project at the last meeting but we did not approve the proposal. He also explained that Mr. Arnold had done the work setting up this new element and requested that the Board approve his proposal. Commissioner Sturgess stated that he felt the Board should not have to pay for this as the wording in Mr. Arnold's contract states that he will make changes as required by the law. Attorney Davis stated he felt this relates to minor changes not new elements such as the Data Repository. **Motion by Commissioner Fullwood to approve the contract with Michael Arnold Studios for the Data Repository. Motion seconded by Commissioner Franklin. Motion was approved with Commissioner Sturgess voting nay.**

Chairman Salzburg then recognized Attorney Davis. Attorney Davis stated that he represents Stanley Scott and has represented this family for years. Mr. Scott would like to construct a single family dock across the OHPA conservation easement which was mitigation for the construction of the Port. He also stated that the Florida EPA would also have to approve this dock. Attorney Davis stated he did not think that there would be a conflict of interest on this project but requested that the Board waive any conflict of interest by motion. Commissioner Sturgess stated that he did not think it would be a conflict. **Motion by Commissioner Sturgess to waive any conflict of interest for Attorney Davis related to the single family dock requested by Mr. Scott. Motion was seconded by Commissioner Fullwood. Motion was unanimously approved.** Attorney Davis is to keep the Board informed on this project.

Chairman Salzburg moved to New Business.

Chairman Salzburg then recognized Vice Mayor Kreger to discuss the oyster restoration Project.

Vice Mayor Kreger explained that the project is at Alligator Creek and is a small stabilization/oyster bed restoration project where the Creek passes under Escambia Street. He stated that he thinks that the OHPA owns this property and possibly in the City Right of Way, which he understands to be in a Land Conservation Easement. Vice Mayor Kreger asked for the Board support of this project and stated that he is not looking for funding from the Board for this project. He also informed the Board that West Rock is also interested in this project.

Motion by Commissioner Fullwood to support the Alligator Creek small stabilization/oyster bed restoration project with no OHPA funds being allocated for this project. Motion was seconded by Commissioner Franklin. Motion was unanimously approved.

Chairman Salzburg then moved to Committee Reports.

Port Security –Chairman Salzburg stated that there was nothing new to report at this time.

Custom’s House –Vice Chairman Franklin stated that the insulation and roof repair at the Custom’s House has been complete and Ms. Cason will compare electric bills to determine benefit of the insulation.

FMX- Commissioner Fullwood stated there is nothing new to report.

Economic Development – Commissioner Fullwood stated that Ms. DiBella was here to report on the last meeting. Ms. DiBella reported that there is a lot of activities regarding manufacturing on the West side of the County and also numerous interests in the Yulee area as well.

Emergency Management – Commissioner Salzburg stated that there was nothing new to report at this time other than a meeting is scheduled for next week.

TCC – Commissioner Sturgess stated he was not able to attend but no Nassau County projects were on the agenda.

TPO- Chairman Salzburg stated that the Chester Road project is off of the project list.

Chamber Reports – Commissioner Fullwood stated that the Chamber is remodeling their offices. Vice Chairman Franklin stated he attended the May 11th meeting and the presentation was about social media and that he was unable to attend the last meeting.

Chairman Salzburg stated that Ms. Cason’s report is in the meeting book and asked if the Board had any questions. There were no questions.

Chairman Salzburg then asked if there were other items to be brought by before the Board. Commissioner Fullwood stated that the Coast Guard had a meeting regarding Hurricane Season and wanted to know if Kinder Morgan attended. Mr. DuBose stated that he did not attend but he would check to see if anyone from the terminal attended. Commissioner Sturgess pointed out to the Board that according to Robert’s Rules of Order the Chairman can make motions.

Chairman Salzburg stated that if there were no other comments the meeting stands adjourned at 8:16 P.M.

Adam Salzburg

Chairman

NASSAU COUNTY OCEAN HIGHWAY & PORT AUTHORITY

Treasurers Report - July 2017

	June	YTD ACTUAL	BUDGET 2016-2017	April	May
INCOME					
Nassau Terminal Annual Fee	0.00	84,647.96	84,932.37	0.00	0.00
Grants	0.00	0.00	0.00	0.00	0.00
Electric Cogeneration	0.00	0.00	0.00	0.00	0.00
Other Income	0.00	0.00	0.00	0.00	0.00
JWR Drawdown	0.00	0.00	0.00	0.00	0.00
Cash CarryForward - MM	0.00	2,500.02	2,500.02	0.00	0.00
Cash CarryForward - MM Special Account	0.00	43,030.13	43,060.13	0.00	0.00
Operating Cash Carry Forward	0.00	534.36	534.36	0.00	0.00
Interest	3.56	27.95	10.00	0.00	4.82
TOTAL INCOME	3.56	130,740.42	131,036.88	0.00	4.82
COMMISSION DIRECT					
Salaries - Commissioners	5,000.00	45,000.00	60,000.00	5,000.00	5,000.00
Payroll Taxes	382.50	3,444.50	5,576.00	382.50	382.50
Unemployment	0.00	30.00	150.00	15.00	0.00
Conferences & Travel	0.00	0.00	0.00	0.00	0.00
Insurance	0.00	100.00	102.00	0.00	0.00
Salaries - Board Attorney	1,250.00	11,250.00	15,000.00	1,250.00	1,250.00
TOTAL COMMISSION DIRECT	6,632.50	59,824.50	80,828.00	6,647.50	6,632.50
COMMISSION OPERATION					
Salaries- Accountant	750.00	6,750.00	9,000.00	750.00	750.00
Salaries - Office Administrator	1,083.33	9,749.97	13,000.00	1,083.33	1,083.33
Expenses - Office Administrator	37.76	657.30	2,000.00	22.22	87.19
Travel - Office Administrator	59.94	355.32	1,000.00	44.28	18.90
TOTAL COMMISSION OPERATION	1,931.03	17,512.59	25,000.00	1,899.83	1,939.42
COMMISSION DISCRETIONARY					
Dept. of Revenue (Special Dist. Fee)	0.00	175.00	175.00	0.00	0.00
TPO. - Membership	0.00	1,195.00	1,202.00	0.00	0.00
GNCCC-Membership	0.00	175.00	175.00	0.00	0.00
AIFBY Chanber	0.00	280.00	280.00	0.00	0.00
FMX	0.00	0.00	0.00	0.00	0.00
Advertisement	0.00	83.14	500.00	0.00	0.00
Equipment & Software	0.00	0.00	0.00	0.00	0.00
Web Site	0.00	2,005.00	2,500.00	0.00	1,755.00
Awards & Presentations	87.00	207.00	405.00	0.00	0.00
Nassau Cty Economic Dev Board	0.00	2,500.00	2,500.00	0.00	0.00
Discretionary	8.75	80.50	100.00	8.75	8.75
TOTAL COMMISSION DISCRETIONARY	95.75	6,700.64	7,837.00	8.75	1,763.75
CUSTOMS HOUSE					
GSA - Customs House - RENTAL INCOME	-2,258.90	-\$20,142.70	-26,816.40	-2,234.35	-2,243.35
Bug Out Pest Control	25.00	225.00	300.00	25.00	25.00
River Pest Control Termite Bond	0.00	290.00	290.00	0.00	0.00
Bug Out Termite Bond	0.00	225.00	225.00	0.00	0.00
Mike's Lawn Service	0.00	840.00	1,440.00	0.00	480.00
Raysor Cleaning Service	280.00	2,520.00	3,660.00	280.00	280.00
City of Fernandina Beach (Water)	85.63	854.80	1,500.00	89.22	85.23
Florida Public Utilities (Electric)	296.71	2,217.13	5,000.00	246.18	248.72
Maintenance	50.54	1,997.54	8,223.00	0.00	47.00
TOTAL CUSTOMS HOUSE	-1,521.02	-10,973.23	-6,178.40	-1,593.95	-1,077.40
TOTAL EXPENSES	7,138.26	73,064.50	107,486.60	6,962.13	9,258.27
Net Increase(decrease) in Funds	-7,134.70	11,611.41	-22,544.23	-6,962.13	-9,253.45

OCEAN HIGHWAY & PORT AUTHORITY
BANK ACCOUNTS SUMMARY

ACCOUNT	Balances as of June 30, 2017
1ST FEDERAL - ****3328	\$1,960.82
1ST FED PPORT PROJECT ACCOUNT	\$0.00
1ST FED. MMA SPECIAL - ***1552	\$33,740.02
1ST FED. MMA-OPERAT. - ***3310	\$22,814.03
1ST FED. ADMIN -6714	\$144.71

This is an unaudited report of funds in each account

NASSAU COUNTY OCEAN HIGHWAY & PORT AUTHORITY

Budget 2017-2018 - Verison 1 (July 5, 2017)

	June 2017 <u>YTD ACTUAL</u>	Forecast <u>2016-2017</u>	BUDGET <u>2016-2017</u>	BUDGET <u>2017-2018</u>
INCOME				
Nassau Terminal Annual Fee	84,647.96	84,647.96	84,932.37	86,340.92 2%
Grants	0.00	0.00	0.00	0.00
Electric Cogeneration	0.00	0.00	0.00	0.00
Other Income	0.00	0.00	0.00	0.00
JWR Drawdown	0.00	0.00	0.00	0.00
Cash CarryForward - MM	2,500.02	2,500.02	2,500.02	3,000.00
Cash CarryForward - MM Special Account	43,030.13	43,060.13	43,060.13	33,740.02
Operating Cash Carry Forward	534.36	534.36	534.36	294.00
Interest	27.95	35.95	10.00	20.00
TOTAL INCOME	130,740.42	130,778.42	131,036.88	123,394.94
COMMISSION DIRECT				
Salaries - Commissioners	45,000.00	60,000.00	60,000.00	60,000.00
Payroll Taxes	3,444.50	5,576.00	5,576.00	5,576.00
Unemployment	30.00	40.00	150.00	75.00
Conferences & Travel	0.00	0.00	0.00	1,000.00
Insurance	100.00	100.00	102.00	102.00
Salaries - Board Attorney	11,250.00	15,000.00	15,000.00	15,000.00
TOTAL COMMISSION DIRECT	59,824.50	80,716.00	80,828.00	81,753.00
COMMISSION OPERATION				
Salaries- Accountant	6,750.00	9,000.00	9,000.00	9,000.00
Salaries - Office Administrator	9,749.97	13,000.00	13,000.00	13,000.00
Expenses - Office Administrator	657.30	1,000.00	2,000.00	2,500.00
Travel - Office Administrator	355.32	500.00	1,000.00	1,000.00
TOTAL COMMISSION OPERATION	17,512.59	23,500.00	25,000.00	25,500.00
COMMISSION DISCRETIONARY				
Dept. of Revenue (Special Dist. Fee)	175.00	175.00	175.00	175.00
TPO. - Membership	1,195.00	1,195.00	1,202.00	1,202.00
GNCCC-Membership	175.00	175.00	175.00	250.00
AIFBY Chanber	280.00	280.00	280.00	280.00
FMX	0.00	0.00	0.00	0.00
Advertisement	83.14	500.00	500.00	500.00
Equipment & Software	0.00	0.00	0.00	0.00
Web Site	2,005.00	2,500.00	2,500.00	2,500.00
Awards & Presentations	207.00	405.00	405.00	120.00
Nassau Cty Economic Dev Board	2,500.00	2,500.00	2,500.00	2,500.00
Discretionary	80.50	100.00	100.00	100.00
TOTAL COMMISSION DISCRETIONARY	6,700.64	7,830.00	7,837.00	7,627.00
CUSTOMS HOUSE				
GSA - Customs House - RENTAL INCOME	-\$20,142.70	-26,816.40	-26,816.40	-27,106.80
Bug Out Pest Control	225.00	300.00	300.00	300.00
River Pest Control Termite Bond	290.00	290.00	290.00	290.00
Bug Out Termite Bond	225.00	225.00	225.00	225.00
Mike's Lawn Service	840.00	1,440.00	1,440.00	1,440.00
Raysor Cleaning Service	2,520.00	3,660.00	3,660.00	3,660.00
City of Fernandina Beach (Water)	854.80	1,300.00	1,500.00	1,500.00
Florida Public Utilities (Electric)	2,217.13	3,600.00	5,000.00	3,750.00
Maintenance	1,997.54	2,000.00	8,223.00	8,223.00
TOTAL CUSTOMS HOUSE	-10,973.23	-14,001.40	-6,178.40	-7,718.80
TOTAL EXPENSES	73,064.50	98,044.60	107,486.60	107,161.20
<u>Net Increase(decrease) in Funds</u>	<u>11,611.41</u>	<u>-13,360.69</u>	<u>-22,544.23</u>	<u>-20,800.28</u>
Beginning Funds Balance			46,094.51	37,034.02
Ending Funds Balance			23,550.28	16,233.74

**MEMORANDUM OF UNDERSTANDING
BETWEEN OCEAN HIGHWAY AND PORT AUTHORITY
OF NASSAU COUNTY, FLORIDA, AND THE
NASSAU COUNTY SHERIFF'S OFFICE**

- 1) **PURPOSE:** This Memorandum of Understanding (MOU) is an agreement between the NASSAU COUNTY SHERIFF'S OFFICE (NCSO), 77151 Citizens Circle, Yulee, FL 32097, and the OCEAN HIGHWAY AND PORT AUTHORITY of Nassau County, Florida (OHPA), 86130 License Road, Suite 9, Fernandina Beach, FL 32034. Its purpose is to define law enforcement services to be provided by NCSO to the Port of Fernandina. This MOU is not intended to create any binding contract obligating NCSO in any way, but to define law enforcement services that may be available to OHPA as provided by NCSO and specific authority to NCSO as provided by OHPA.

- 2) **PARTIES:** The parties to this MOU are OHPA and NCSO, more fully described as follows, to-wit:
 - a) OHPA is an independent special district of the State of Florida, created by the Legislature of the State of Florida, as a State Agency. The Port of Fernandina is a public port, owned by OHPA and operated by Nassau Terminals. Nassau Terminals is a subsidiary of Kinder Morgan;

 - b) NCSO has law enforcement jurisdiction over the waterways of Nassau County, Florida, pursuant to Section 253.05, Florida Statutes. NCSO serves as a primary Waterborne Response Team for the Region 3, Regional Domestic Security Task Force within the State of Florida and engages in cooperative law enforcement with the above agencies, as well as other local, State and Federal law enforcement agencies within the land and water boundaries of OHPA;

 - c) There is a facility security plan (Seaport Security Plan) developed by the Port Operator as required by law, pursuant to Section 311.12(2)(a), Florida Statutes. This MOU and the relationship between OHPA and NCSO are necessary aspects of that Port Security Plan. The facility security plan has been approved by the Captain of the Port and the United States Coast Guard (USCG). The USCG is the primary contact with primary responsibility for overall port security;

 - d) In the context of this MOU and that Security Plan, OHPA employs a private security firm to provide initial security at the Port facility. OHPA also employs lighting, fencing, signage and video surveillance in conjunction with this private firm to provide a safe and secure Port environment. In addition to these, U.S. Customs maintains an office at the Port facility. The United States Coast Guard together with the Fernandina Beach Police Department and the Nassau County Sheriff's Office also have jurisdiction over certain aspects of Port security and safety.

3) SCOPE

The Port of Fernandina and OHPA give authority to NCSO to conduct routine uninformed patrols through the landside and waterside areas of the Port of Fernandina. NCSO is further authorized to:

- a) Enforce, at the Port of Fernandina and all other OHPA facilities and properties, those areas officially designated and marked as "NO PARKING" zones, as well as all other properly posted parking and traffic regulations;
- b) Enforce all properly posted and designated "NO TRESPASSING" areas along the waterfront, and on all docks and wharves, pursuant to Section 311.12, Florida Statutes, as well as on all landside facilities, structures, and properties, pursuant to Sections 810.08 and 810.09, Florida Statutes.
- c) Enforce all Florida Statutes and Nassau County Ordinances on the properties and facilities of OHPA;
- d) Render all necessary assistance and cooperation to all other Federal, State and local law enforcement agencies as it may be requested or required to do under any mutual aid agreement, security plan, or other need, agreement or pact.

4) RESPONSIBILITIES

NCSO has the responsibility and the authority to patrol State waterways for compliance with State laws and statutes, pursuant to Section 253.05, Florida Statutes. In addition, upon request, the NCSO will respond and provide an additional level of layer of security at or near the Port of Fernandina as part of an on-going effort to deter criminal activity, and other threats through a visible, active law enforcement presence, subject to the availability of NCSO resources. The rendering of assistance under the terms of this MOU shall be accomplished in accordance with the plans and procedures agreed upon between OHPA and NCSO, or their designees, and in a manner consistent with the Port Security Plan, specifically:

- a) The Port of Fernandina and OHPA shall offer full and unrestricted access to NCSO, and will assist its officers in becoming familiar with Port operations and facilities;
- b) NCSO will ensure the routine patrol presence at the Port of Fernandina and its waterways by sworn law enforcement personnel. NCSO personnel will document these patrols through Computer Aided Dispatch (CAD), and an annual report will be provided to the Port of Fernandina/OHPA for security audit purposes. The reports may also be provided on a monthly basis, if deemed appropriate by NCSO;
- c) Employees of NCSO will contact employees of Port Fernandina, or the Port Operator, Nassau Terminals during routine patrols to become familiar with them, and to help understand the daily operations of the Port of Fernandina;

- d) The Port of Fernandina security guards and NCSO will keep a log of all patrols through OHPA property;
- e) The Port of Fernandina shall ensure that the designated NO PARKING zones on Port property are marked with official traffic control devices prohibiting standing or parking. In addition, the Port of Fernandina and OHPA shall ensure that the designated NO TRESPASSING areas are marked appropriately with NO TRESPASSING signage;
- f) The Port of Fernandina security guards will promptly report violations of the NO PARKING or NO TRESPASSING areas to NCSO;
- g) NCSO shall be vested with the authority to impound or have towed any illegally parked vehicles. In addition, the NCSO shall be vested with the authority to appropriately enforce and handle any illegal trespass and other criminal violations;
- h) NCSO will provide, at the request of the Port of Fernandina, security both shore-side and water-borne, for any vessel as needed or required by Section 311.12, Florida Statutes, subject to the availability of NCSO resources.

5) GOALS

The NCSO and OHPA shall work cooperatively to establish long-term goals for their mutual benefit, together with plans, policies, and procedure, to implement and achieve the same. These may include, without limitation:

- a) Preparedness and response to man-made threat or natural disaster through an operational readiness program consistent with the Port Security Plan;
- b) Protocol for access to internet based video surveillance and security systems for purposes of execution or implementation of the Port Security Plan, any other security or law enforcement operational plan, or during any emergency, threat or disaster. It is expected that Kinder Morgan Corporate Security will provide input, and that issues related to individual and corporate privacy, public records, and the limitations and restrictions on access will require effort by all parties to reach a consensus;
- c) Protocol and emergency contact information for access and use of port facilities, as well as cranes and other port equipment, in the event of emergency, disaster or need to preserve life, safety, or security;
- d) Waterway access point for non-exclusive use by the NCSO Marine Unit, together with Florida Fish and Wildlife Conservation Commission, Fernandina Beach Police Department Marine Unit, USCG, U.S. Customs and other public safety entities. This could include stationary and floating docks, as well as secure shore-side storage and parking. The type and size of storage, parking and access points for equipment will need to be identified as we move forward.

6) INDEMNIFICATION

Nothing herein contained shall constitute a waiver of any immunity or from liability, or any limitation of or from liability, or waiver of any sovereign immunity defense that either may have under the doctrine of sovereign immunity or the provisions of Section 768.28, Florida Statutes. Each party agrees that it shall be solely responsible for the negligent or intentional actions and omissions of its officers, employees, directors, contractors, agents and/or commissioners.

7) INITIAL TERM, RENEWAL AND MODIFICATION

The initial term of this Memorandum of Understanding shall be from its date of execution by the final party executing the same *nunc pro tunc* to June 1, 2015 and shall continue until June 1, 2018.

- a) The parties agree that this MOU shall automatically renew each year on its anniversary and at the pleasure of each party, until either party may choose to cancel the same. This MOU may be canceled, with or without cause, by providing thirty (30) days written notice of the same to the other party, by certified mail or courier delivery or to the addresses of the parties first stated above;
- b) This MOU, or any of its terms may be amended, modified or waived by the mutual agreement of the parties. To be effective such must be in writing and executed by both parties. Unless modified in writing and signed and adopted by both parties, the stated terms herein shall apply on each renewal. All amendments and modifications shall be incorporated into this MOU upon any renewal.

8) MISCELLANEOUS

- a) This MOU shall be construed according to Florida law to effectuate the intentions of the parties.
- b) Each provision in this MOU is severable and should any provision be held illegal or invalid or unenforceable, then this MOU shall be read as if that provision were deleted and the remainder of this MOU will remain in full force.

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WITNESS our hands and seals:

NASSAU COUNTY SHERIFF'S OFFICE

Bill Leeper
Bill Leeper
Sheriff
Nassau County, Florida

6-15-17
Date

For the use and reliance of Bill Leeper, Sheriff, only, approval as to form and legal sufficiency:

Bobby Lippelman
Bobby Lippelman
General Counsel
Nassau County Sheriff's Office

**OCEAN HIGHWAY AND PORT AUTHORITY
OF NASSAU COUNTY, FLORIDA**

By: _____
Its Chairman

Date

Attest: _____
Its Secretary

ADMINISTRATIVE OFFICE MANAGER'S REPORT
June, 2017

Hours Worked –60 hours

Miles driven for OHPA purposes – 59

Checked emails and returning telephone calls.

Banks accounts reconciled with statements for May.

All June invoices paid and entered into Quick Books.

Completed meeting agenda (posted on website and at office, County Building) along with meeting materials on the website and Commissioner's meeting packet for the monthly meeting

Posted Notice of Gatherings- 0

Attended the Monthly Meeting

Minutes completed for the Monthly Meeting

Filing up to date

Scanned and indexed minutes.

Quick Books stick to Pierre for Treasurer's Report

Public records requests received – 3

Worked with Chairman regarding new Committees

July

Complete July minutes for all meetings

Attend all scheduled meetings for July.

Pay all invoices that come in July, enter into Quick Books and provide Pierre information for Treasurer's report and quarterly financial statement

Reconcile bank statements for June.

Continue scanning and indexing of minutes; work on records retention program as time allows

Process all public records requests received

	A	B	C	F	G	H
1				MONTHLY MILEAGE FORM		
2	JLanna R. Cason					
3	June, 2017					
4	DATE	TRAVEL TO			MILES	
5	6/5/17	Clyde Post Office, Pierre			8	
6	6/7/17	County Bldg			3	
7	6/8/17	1st Federal Bldg			2	
8	6/9/17	Davis Fullwood, Pierre			17	
9	6/13/17	FF Bldg, Mendis			7	
10	6/14/17	County Bldg - 2 trips			9	
11	6/15/17	Post Office - Yule			6	
12	6/29/17	PIERRE			7	
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14				59 x .54 = \$31.86		
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