OCEAN HIGHWAY & PORT AUTHORITY



NASSAU COUNTY

County Commission Chambers

James S. Page Government Complex

96136 Nassau Place, Yulee FL 32097

AGENDA

Wednesday, December 8, 2021

6:00 PM

6:00 PM – Meeting Call to Order – Chairman

Invocation

Pledge of Allegiance

Roll Call: Miriam Hill, District 1; Danny Fullwood, District 2, Scott Hanna, District 3; Carrol Franklin, District 4; Mike Cole, District 5

1. Comments - Audience (Comments submitted prior to the meeting)

2. Approval of Minutes

- November 10, 2021 Monthly Meeting
- November 30, 2021 Special Meeting

3. Port Accountant Report

Financial Report – November 2021

4. Port Attorney Report

5. Port of Fernandina Report (Operator)

- Tonnage Report November 2021
- Approval of 50,000 sf Fabric Warehouse to be constructed inside the Port
- Acceptance of Crane Project as Substantially Completed Bill of Sale tendered to OHPA
- US Customs House Continued obstruction by City of Fernandina to required capital improvements

6. Unfinished Business

- Port Attorney position
- Interim Port Director Recruitment
- ARPA Covid Relief Funds (update on requirements, meeting)
- Port Tariff (review and approve new Port tariff and rates from Operator)
- Port Operator (Outstanding items)
 - Port Employee count Recruitment and status report
 - Fort Clinch Title from Operator
- Master Plan Stakeholders list (RS&H)
- Fernandina Beach Plan Amendment (PAB Comprehensive Plan)
- NCEDB Pledge Increase (Fullwood)

7. New Business

- PTGA for the Port of Fernandina's Pier Improvements initiative (Resolution 2021-R07)
- Terminal Manager Ray Nelson (Fullwood)
- Insurance (Hill)
- Interlocal agreements
- Joint meeting with the City of Fernandina (Fullwood)
- US Customs House Replacement / Port Admin Building Identify and secure design professional to provide Project Cost Estimate

8. Committee Reports

- Port Security Commissioner Fullwood
- FDOT Commissioner Fullwood
- Customs House Commissioner Franklin
- Army Corp of Engineers Chairman Fullwood
- Economic Development Commissioner Cole
- Emergency Management Commissioner Cole
- Technical Coordinating Committee Commissioner Hanna
- Transportation Planning Organization (TPO) Commissioner Cole
- Nassau Chamber of Commerce

 Commissioner Hill
- City of Fernandina Beach Commissioner Hill

9. Administrative Office Manager Report

10. Other items to be brought by Commissioners

Adjourn

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Fla. Stat. § 286.0105.

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.



Minutes

OCEAN HIGHWAY & PORT AUTHORITY



Miriam R. Hill – Secretary/Treasurer - Commissioner, District 1
Danny Fullwood – Chairman, District 2
Scott Hanna – District 3
Carrol Franklin – Commissioner, District 4
Mike Cole – Vice Chairman, District 5

Monthly Meeting Minutes

November 10, 2021

The Ocean Highway and Port Authority of Nassau County held its Monthly Meeting on Wednesday, November 10, 2021 at the County Commissioners Chambers, James S. Page Government Complex, 96153 Nassau Place, Yulee, Florida 32097.

The meeting was called to order at 6:00 PM by Chairman Fullwood.

The invocation was given and the Pledge of Allegiance was led by Vice Chairman Cole. All Commissioners were present. Also in attendance were Patrick Krechowski, Port Attorney, Pierre LaPorte, Port Accountant, and Chris Ragucci, Port Operator.

Chairman Fullwood immediately acknowledged Mr. Krechowski to preside with the nominations of the new Officers of the Board.

Chairman: Commissioner Cole nominated the incumbent, Commissioner Fullwood, for the position. He second his own nomination. Commissioners Franklin and Hanna suggested another Commissioner should be nominated for the position. The Board was polled; Miriam Hill – Yes, Carroll Franklin – No, Scott Hanna – No, Mike Cole – Yes, and Danny Fullwood – Yes. The motion carried to re-elect Danny Fullwood as Chairman by a vote of 3 to 2.

Chairman Fullwood took over the nominations from Mr. Krechowski.

Vice Chairman: Commissioner Franklin nominated Commissioner Cole for the position. Commissioner Hanna second the motion. The Board was polled; Miriam Hill – Yes, Carroll Franklin – Yes, Scott Hanna – Yes, Mike Cole – Yes, and Danny Fullwood – Yes. The motion was approved unanimously to re-elect Mike Cole as Vice Chairman. He accepted the position.

Secretary/Treasurer: Commissioner Cole nominated Commissioner Hanna for the position. Commissioner Hill second the motion. The Board was polled; Miriam Hill – Yes, Carroll Franklin – Yes, Scott Hanna – Yes, Mike Cole – Yes, and Danny Fullwood – Yes. The motion was approved unanimously to elect Scott Hanna as the new Secretary/Treasurer.

1. Comments - Audience (Comments submitted prior to the meeting) No public comments forms received.

2. Approval of Minutes

- October 13, 2021 Monthly Meeting Minutes
- October 28, 2021 Special Meeting Minutes

Commissioner Hanna motioned to approve both minutes as they stand. With no further discussions, the Board unanimously approved the motion.

3. Port Accountant Report

Financial Report – October 2021

The report reflects financial report of the new fiscal year 2021-2022. Mr. LaPorte reported the insurance was paid on October 1st in the amount of \$12,065 under Port Operations. He emphasized the need for a new estimate for the Port Attorney salary. Otherwise, there are no extraordinary expenditures to report or any issues with the Customs House and bank accounts balances.

Since Mr. Krechowski will vacate the Port Attorney position at the end of the year, Chairman Fullwood asked if there are enough funds for the remainder of the calendar year. Mr. LaPorte confirmed there are enough funds. Additionally, the pending Seaport grant will help offset some of the budget costs.

As for the 4th Quarter Financial reports, the auditors are in town to determine if there are any items in the report that need to be approved or changed. A draft financial statement will be available possibly mid-December.

There were no other questions or discussions pertaining to the financial reports.

4. Port Attorney Report

There are two hearings scheduled for November 16th, Value Adjustment Board and Worldwide Terminal's (WWT) motion to reconsider (Ross v. WWT).

The requests for the Jimerson/Nassau Terminals public records are actively in progress.

Mr. Krechowski spoke with legal counsel for West Rock regarding the cruise ship operations. According to their legal counsel, West Rock prefers not to have those types of operations but is willing to work with the Port and Operator.

The hearing for OHPA's motion to dismiss, COFB v. OHPA, is scheduled for January 26, 2022.

Discussions:

Commissioner Hill inquired if any actions needed for the cruise ship matter. Per Mr. Krechowski unless there are further discussions on the matter and if another such operation should occur, West Rock is firm on their preference of not having such operations at the Port at this time. Chairman Fullwood added that the sentiment is the same with the Coast Guard, and they will notify the Operator. Commissioner Hill implored to have OHPA's stance in writing, that OHPA does not approve of such operations at the Port. Mr. Krechowski explained the deed restriction does not make such distinction between port of call and a primary port of call on the ship's itinerary. He is hesitant to proceed with writing any formal letter because he has not received full directions from the Board. He also has to consider and understand other circumstances surrounding the matter.

5. Port of Fernandina Report (Operator)

Tonnage Report – November 2021

Total tonnage for October 2021 is 19,519, down from last month because there was no pulp ship this month. The 300,000 YTD mark was surpassed in October. New customers are lined up starting December and into the next calendar year from the trickle-down effect of the port congestions in the West and East coasts.

Commissioner Hill asked for reports on the labor and passengers on the cruise ship. Mr. Ragucci explained those are included in the Vessel Port Calls and Dockage Days on the tonnage report. He reminded the Port is a cargo terminal and not a cruise ship terminal. It is still to be determined whether the Operator will provide a separate report pending the cruise ship matter be resolved.

• Approval for new fabric warehouse building- Port Main terminal

The Operator submitted a proposal to the Board prior to the meeting. It reads in part:

"The Port Operator, Nassau Terminals LLC, by this submission is asking for approval to move forward with the procurement of a new 50,000-sq.ft. Fabric Building to be installed at the Port on a Non-Permanent basis. The purpose of this new warehouse will be to house additional break-bulk cargoes, including plywood and other lumber and forest products.

Reasons for the Project

The Port's breakbulk business has grown rapidly in the past 3 years since the Operator took over Nassau Terminals....Breakbulk cargo requires on-terminal storage solutions as off-terminal solutions require additional trucks to transport these materials. This adds additional costs to a shippers' total-all-in logistics costs and makes the Port of Fernandina uncompetitive vs. other terminals in the region.

This additional indoor storage space is required for cargoes already committed by Shippers to start shipping to the Port as early as this December 2021 and continuing through 2022 and beyond.

Location of Project

The project will be located in the Northeast corner of the terminal and will have minimal impact on existing terminal operations and clients.

Budget for Project

The total budget for the project will be approximately \$1,450,000.

Grant No. G1W55

We will be requesting from FDOT that 50% of the cost of the project (\$726,559) be covered with OHPA's Grant No. G1W55 – "On Port Covered Storage" – available balance \$550,000. We will request the balance of the 50% from OHPA's newly awarded Grant for warehouse space in the amount of \$214,000 which was awarded during this past summer's SEACIP process. This Grant does not have a number yet as we are awaiting FDOT to provide a Grant Agreement. It will cover the balance of the 50% State share, with \$37,441 left over.

Worldwide Terminals will provide the Local Match of \$726,559 out of remaining bond funds for capital investment in the Port." *

Chairman Fullwood questioned if the area intended for the new warehouse is a flood zone. Mr. Ragucci confirmed it is not, rather the northwest corner of the dock that experiences flooding issues. There were discussions regarding the dimensions of the new warehouse. Chairman Fullwood emphasized the existing warehouses and the planned one will be within the Port property and will not encroach outside the area into the Historic District. Commissioner Hill asked for validation on the utilization rate and customer list for the warehouse. Mr. Ragucci explained he cannot reveal the customers' information because the process is still pending and for confidentiality reasons.

After procuring cost estimates from multiple sources, Mr. Ragucci explained a sole source (Big Top) is appropriate for the project if no other sources are willing and able to beat the cost and short deliver time. (A cost breakdown is available in the meeting packet). Mr. Krechowski will review the grant language, G1W55, to determine solicitation and procurement requirements are followed and needs to provide certification. Mr. Ragucci affirmed he will provide confirmation of the solicitation process if necessary. He asked for a "green light" from the Board to move forward with the project. He hopes to present the Board with the appropriate documents for approval by next meeting.

Vice Chairman Cole motioned to move forward with the project. Commissioner Hanna second the motion.

Commissioner Hill suggested the Board hold making decisions until sole sourcing is confirmed. Furthermore, she expressed hesitancy on approving further

development and warehouse space when it is uncertain what percentage is OHPA, public business, and what is private business as Mr. Ragucci has testified in court. Chairman Fullwood countered the situation is different. The Board is approving for the Operator to proceed and requesting for more information about the project.

The motion carried with a vote of 4 to 1, Commissioner Hill voted no.

Approval for Addendum ZPMC contract- Installation of new cranes
 Mr. Ragucci requested an addendum to the ZPMC cranes contract for safety reasons. His letter to the Board reads in part:

"These are for safety related items that could not be determined at the time of the initial contract, but have come up as we are preparing to commission the cranes later this month... the FDOT grant covering this project has enough funds available to cover the state's 50% portion." **

The proposal includes "additional parts items needed to be compliant with the elevator's certifications, the hurricane tie-down engineering study will determine if the existing tie-downs are adequate and the wire ropes for the main hoist and the boom hoist ropes was requested by WWT." ***

The total amount of the change order is \$210,607.00. (A cost breakdown is available in the meeting packet).

Commissioner Hanna motioned to proceed with the project. Commissioner Franklin second the motion.

Commissioner Hill questioned if the cranes are fully operational. Mr. Ragucci explained there were some fabrication issues with the steel parts. Therefore, the commissioning timeline was delayed. The cranes are, in fact, operational for testing purposes.

The motion carried with a vote of 4 to 1, Commissioner Hill voted no.

6. Unfinished Business

Port Attorney position

Chairman Fullwood reported there was one resume submitted, and he expects more to come.

Mr. Krechowski suggested to consider hiring a Port Attorney to attend the Board meetings and commissioning for another counsel to handle litigations. The Board will consider.

Interim Port Director Recruitment

Mr. Krechowski drafted a job description for the position. There are concerns in funding the position. Commissioner Hill suggested advertising for the sake of stimulating proposal submissions. Furthermore, with the ARPA funding, she defended the fact that OHPA is in a recovery period. Therefore, an Interim Port Director could assist during this recovery period and eventually assist to recruit a permanent Port Director. The ARPA funding specifies short term projects for recovery.

Commissioner Hill motioned to authorize Mr. Krechowski or Mrs. Hebron to post a job advertisement for the position. Mr. Krechowski explained a motion is not necessary, just a consensus to move forward. The deadline for submission is set for January 3, 2022. This will give the Board time to consider all applicants before the Board meeting on January 12, 2022.

ARPA Covid Relief Funds

Mr. LaPorte is in the process of compiling the documents to submit for approval of funding. He reiterated the funds may be used only if the federal procurement guidelines are followed. For example, all the contracts for security, Port Attorney, Accountant, Port Operating agreement, Master Plan agreement were submitted for reimbursement and must follow the same provisions.

Chairman Fullwood revisited the Operator's request for a share of the ARPA funds. He invited Mr. Ragucci to meet and discuss some elements of the request. He hopes to reach an agreement or compromise before the next Board meeting. Mr. Ragucci concurred.

Vice Chairman Cole recognized and thanked the Port employees who were present at the meeting. He emphasized the Board is trying to dedicate some of the ARPA monies to the Port employees. The Board is still learning about the specifics of the ARPA funding and follow accordingly.

• Legislative Meeting

The Legislative meeting preceded the Board meeting tonight. Those items specific for OHPA were not discussed. Consequently, the City has posted a notice and will vote on legislative changes to OHPA's Charter on November 16, 2021. Chairman Fullwood will attend to represent OHPA and voice his opinion on the subject if allowed. He spoke with the City Mayor, Vice Mayor and reached out to the City Attorney with the hope of reaching a working agreement with the City outside the legislative route. The Legislative delegation will come back in town on December 8th to hear the City's request to change the Charter. He emphasized OHPA does not plan to encroach on the boundaries of the Historic District and is willing to officially declare that in writing. Commissioner Hill added the City decided not to strike the Eminent Domain from the Charter. It is pertinent for planning infrastructure projects, to buy property that is not for sale.

Port Tariff

Chairman Fullwood recalled when Kinder Morgan operated at the Port, they always presented the Board a new tariff agreement at the end of the year for approval. He requested Mr. Ragucci to present new tariffs and rates, including the tugboat, by the December meeting for the Board to consider and approve. Mr. Ragucci will evaluate in accomplishing said task. Commissioner Hill suggested collaborating with RS&H in setting the rates and tariff. They are experts in regional ports and may lend some guidance for competitive rates. David Kaufman, Strategic Manager, spoke for RS&H and confirmed to coordinate with the Operator and review other regional rates and tariffs.

Port Operator (Outstanding items)

Port Employee count - Recruitment and status report

Mr. Ragucci reported recruitment is progressing. He hired three new employees in the month of October and into the first week of November. There is sufficient crew for four gangs, surpassing the standard three. There are no issues with customers receiving all the necessary labor. He explains he is waiting for final advice from his legal counsel before providing a list of the employees to avoid privacy issues.

Fort Clinch Lien Release from Operator

Commissioner Hill questioned if the lien release satisfaction ever filed. Mr. Ragucci stated there is no lien. The grant funding came through quickly and the loan was satisfied. She continued by requesting the tugboat Title and registration. Mr. Ragucci agreed to provide the documents before the next meeting. The Title is under OHPA's name, and the tug is registered with the Coast Guard.

Fort Clinch Captain Employment information

Commissioner Hill questioned if the captain works for Worldwide Terminal (WWT) or Nassau Terminals (NT). Mr. Ragucci confirmed the captain of the tug is under WWT's employment.

Fort Clinch Maintenance Report

Commissioner Hill recalled when the tug was acquired, there was \$250,000 reserved for operations and maintenance costs. She asked for an accounting of the payments made from the \$250,000. Mr. Ragucci explained Mr. LaPorte handles all the payments and documentations. The reports consist of maintenance items, extraordinary items, daily/weekly/monthly items, supplies, registrations, and the like. Mr. LaPorte will send the YTD accounting report.

o OHPA Equipment inventory, Maintenance status report

Commissioner Hill confirmed OHPA is in receipt of the equipment inventory and maintenance report before the last meeting.

Status of Corporate Espionage Allegations

Commissioner Hill asked for confirmation if Mr. Ragucci will pursue charges against one of the Port's long-standing customers. Mr. Ragucci explained he cannot discuss the specifics because the matter is still under law enforcement investigation. He clarified a corporate espionage can be both a state of Florida and federal crime. The charges would not be against any of the Port's customers but rather against a part-time consultant employee of a customer. There are no issues or tensions between WWT and the customer.

Capital Improvement Plan

The item will be incorporated into the Master Plan. The Operator will be involved in the planning.

Customs House (maintenance invoices)

Chairman Fullwood requested reimbursement from WWT for the invoices paid by OHPA for the janitorial services and equipment repair at the Customs House. Mr. Ragucci confirmed WWT will provide reimbursements for the invoices.

7. New Business

Master Plan – Stakeholders list (RS&H)

Chairman Fullwood asked the other Commissioners to compile their list of stakeholders by next meeting. He requested that each Commissioner confirm their candidates' acceptance for consideration to be included in the stakeholders list. Mrs. Hebron will send a copy of the draft list to the Commissioners to add their candidates.

Mr. Kaufman added that there will be a total of three meetings spread through several months.

• USCG Audit/ Inspection (Fullwood)

The Coast Guard completed its yearly inspection of the Port two weeks ago per Chairman Fullwood. According to Ray Nelson, Terminal manager, there were no issues.

• NCEDB Pledge Increase (Fullwood)

• Terminal Manager Ray Nelson (Fullwood)

Chairman Fullwood invited Mr. Nelson to report on the Port operations, protocol, and procedures. Unfortunately, Mr. Nelson was unable to attend the meeting. OHPA will extend another invitation to Mr. Nelson for a presentation.

• **FDOT Meeting** – Nov 3 (Fullwood)

Chairman Fullwood reported some of the grants need to be expedited soon. A grant is available to use for the fabric warehouse and crane cables (G1943). The two lighting grants (G1700, G1K57) are most urgent to execute.

Mr. Ragucci reported WWT replaced the cameras at the Port at WWT's expense. He is also in the process of reviewing the main lighting and electrical grant to address the repair of the electrical vaults damaged by the flooding. The Port office experienced power and internet failures from the flooding over the weekend.

OHPA will submit invoices for the G1L46 grant for the Master Plan.

Grant G0L06 will be closed and reallocated to another grant yet to be determined.

Mr. Ragucci reported that the dredging next to the wharf is in progress. More than 700 feet fully cleared, enough to accommodate one large ship. However, the contractor experienced some delays because of some issues with the equipment.

Mr. Ragucci requested a draft agreement from FDOT for the \$197K FY22 FSTED allocation for waterside improvements. FDOT will provide the draft grant agreement two weeks prior to the December OHPA meeting.

The next FDOT meeting is slated for January 2022.

Public Records Request/PRR (Hill)

Commissioner Hill requested to include this item on the agenda to get a tally of all the outstanding public records requests. Mr. Krechowski reminded the importance of submitting requested documents. Legal counsel from the requestor side repeatedly threatened litigation.

Property Tax Invoices (Hill)

OHPA received invoices for property taxes from the Tax Collector recently. This matter will be discussed with the Value Adjustment Board (VAB) next week. Commissioner Hill questioned if the property appraiser found indications to tax the Port property and who is ultimately responsible for paying the invoices. Mr. Krechowski recommended OHPA allow the VAB hearing run its course before taking actions.

8. Committee Reports

Chairman Fullwood suggested to add FDOT to the list of committee reports. Since the Chairman is usually invited to the FDOT meetings, the Chairman will take on that task. Additionally, Nassau Chamber of Commerce East/West sides will become one committee titled Nassau Chamber of Commerce. Commissioner Hill will provide the reports.

Port Security – Chairman Fullwood Nothing to report.

Customs House – Commissioner Franklin Nothing to report.

Army Corp of Engineers – Chairman Fullwood

Still waiting for reply from ACOE regarding the dredging project. Funding from the federal government is pending.

Economic Development – Commissioner Cole

The EDB team met with County Commissioners at the Crawford Road and 121 intersections for a ribbon cutting ceremony to pave the road. It will open for more business traffic at Crawford Diamond. Sherri Mitchell is the Director not the Interim.

Additionally, Chairman Fullwood asked the Board to consider increasing its dollar commitment tot EDB as that group requested. He requested the item be kept on the next agenda for discussion. OHPA is still waiting for ARPA directives.

Emergency Management – Commissioner Franklin

Noting to report per Commissioner Franklin.

Vice Chairman Cole reported he has served on the Emergency Management Commands during hurricanes along with the Florida National Guard. He applied and was approved for the Emergency Operation Center Board position. Therefore, Vice Chairman Cole will assume the committee member role from Commissioner Franklin.

Technical Coordinating Committee (TCC) – Commissioner Hanna

Commissioner Hanna reported the TCC is soliciting lists of projects to include in their annual List of Priority Projects (LOPP). It is a candidate list for the Florida Department of Transportation's Five-Year Work Program. Deadline to submit a list is January 21, 2022.

Transportation Planning Organization (TPO) – Commissioner Cole

There are improvements and continuation of the bike trail, resurfacing of 121 and Griffin Road. A link is accessible via the OHPA website for updates on the projects particularly the bike path.

Nassau Chamber East Side – Commissioner Hill

The next Leadership class focuses on local government. The class will attend the City and County meetings. The Chamber is also hosting its candidate training on November 17th. The most recent Leadership class focused on arts, history, and the environment. There are no fundings for arts program into high schools. It is only funded by non-profits to bridge the gap.

Commissioner Hill suggested including in the Strategic Plan a program that engages with students to encourage consideration for industrial, port work, and trades. She invited Regina Duncan, NC Chamber of Commerce, to deliver a presentation and some ideas to the Board. Mr. Ragucci extended an invitation to the Leadership class to tour the Port facilities.

Nassau Chamber West Side – Commissioner Cole

Nothing to report. No longer active.

City of Fernandina Beach – Commissioner Hill

Commissioner Hill addressed of the street lighting issue near the Port. A request was submitted by Jeremiah Glisson, Public Works/Operations Manager, to the Board days prior to the meeting. Chairman Fulwood explained the lights have been repaired.

9. Administrative Office Manager Report

Administrator's report is included in the meeting packet. There were no further questions or discussions.

10. Other items to be brought by Commissioners

Florida Ports Council (FPC) Meeting

Vice Chairman Cole attended the FPC meeting in Tampa Bay for three days. The purpose of the meeting was to collect ideas and plans for the next five years to present to the State and request the Governor's office to assist and, in turn, be assisted by FPC.

Fernandina Beach Plan Amendment

The City transmitted their amendments to the Comprehensive Plan to the State. Commissioner Hill was unsure if the Board should respond or state its objections. Mr. Krechowski will review the transmission.

 Meeting Dates – Nov 24 (Special), Dec 8 (Regular), Dec 22 (Special) There was a correction. The additional meeting was scheduled for November 23rd. It was ultimately canceled because of schedule conflicts with the majority of the Board members.

Adjourn

With no	other	questions	brought	before th	ne Board	, the med	eting wa	s adjourr	ned at
8:24 PM	_								

Danny Fullwood, Chairman		
Date		
	11/10/2021 11	

References:

* REQUEST TO OHPA FOR CAPITAL IMPROVEMENT – ADDITIONAL ON-PORT WAREHOUSE, Nassau Terminals, 2021.11

**Addendum to Liebherr Cranes Contract - OHPA & ZPMC, Christopher Ragucci, November 8, 2021

***ZPMC, USA, <u>Additional Items / Elevator Modifications / Tie-down Study / New Ropes, 2-Liebherr Cranes, Worldwide Terminals Fernandina Beach, Ed Johnston</u>, Regional Vice President, October 8, 2021.



OCEAN HIGHWAY & PORT AUTHORITY

Miriam R. Hill –Commissioner, District 1
Danny Fullwood – Chairman, District 2
Scott Hanna – Secretary/Treasurer - District 3
Carrol Franklin – Commissioner, District 4
Mike Cole – Vice Chairman, District 5

Emergency Special Meeting Minutes

November 30, 2021

The Ocean Highway and Port Authority of Nassau County held its Emergency Special Meeting on Tuesday, November 30, 2021 at the County Commissioners Chambers at the James S. Page Government Complex, 96153 Nassau Place, Yulee, Florida 32097.

The meeting was called to order at 6:00 PM by Chairman Fullwood.

The invocation was given and the Pledge of Allegiance was led by Chairman Fullwood.

Chairman Fullwood announced the Board will conduct a shade meeting pursuant to Florida law. On behalf of the Board, he requested the members of the public and Port staff to exit the chambers. The Board will notify the audience when the shade meeting reaches its conclusion.

Mr. Krechowski provided details regarding the shade meeting: Pursuant to Chapter 119 Florida statutes, particularly Section 286.011, Subsection 8 Florida statutes, (OHPA) called a shade meeting to discuss some negotiation or strategy sessions related to litigation expenditures in the matter of Ronald Chip Ross versus Nassau Terminals et al, case number 2021-CA-00164. The only persons authorized to attend the shade meeting were the Commissioners, Port Attorney (Mr. Krechowski), and a court reporter. He expected the shade meeting to last approximately one hour. Then, OHPA will reconvene the public meeting.

After approximately 45 minutes, Chairman Fullwood terminated the shade meeting and reconvened the public meeting.

Based on the information discussed in the shade meeting, Mr. Krechowski requested permission and authority from the Board to approve the draft Limited Mutual Release and Agreement and present to counsel for Nassau Terminals (NT) for their consideration and approval. Commissioner Hanna so made the motion. Vice Chairman Cole second the motion.

The motion carried with a vote of 4 to 1 with Commissioner Hill voting against the motion.

Before the Chairman moved on to the next agenda item, Mr. Ragucci requested to review the language of the agreement discussed in the shade meeting. Mr. Krechowski explained a copy will be provided to NT's counsel for consideration after the meeting. It is an on-going matter; therefore, the document will be kept confidential at this time. Mr. Ragucci argued the matter needed to be finalized tonight and asked if the language changed from the final draft previously viewed by him. Mr. Krechowski advised the matter cannot be discussed in a public meeting.

Roll call was conducted by Rossana Hebron. All Commissioners were present. Also in attendance were Patrick Krechowski, Port Attorney, and Chris Ragucci, Port Operator. Pierre LaPorte, Port Accountant was absent.

1. Comments - Audience (Comments submitted prior to the meeting)

Len Kreger, Vice Mayor, City of Fernandina Beach
Vice Mayor Kreger wanted to acknowledge Chairman Fullwood who attended
and spoke at the City Commission meeting to address the Interlocal agreement.
He believed the action to be a positive act and a benefit to both the City and the
Port.

Chairman Fullwood continued to discuss the Interlocal agreement and deemed it an emergency item even though it was not on the agenda. After speaking to the Port Attorney, there are some languages in the agreement that he suggested the Board review. He recommended to discuss and approve the agreement at the next meeting, December 8, 2021. The Legislative meeting is scheduled for December 13th. If OHPA approves the agreement on the 8th, it is most certain the Legislative meeting will be canceled. The City, in turn, will withdraw the resolution to change OHPA's Charter. Mr. Krechowski and Tammi Bach, City Attorney, continue to discuss the matter. Chairman Fullwood implored the other Commissioners to review the Interlocal agreement and contact Mr. Krechowski directly before the next meeting for approval.

2. Ronald (Chip) Ross v. Nassau Terminals, LLC, et al., Case No. 2021-CA-00164, Division B, Circuit Court, Fourth Judicial Circuit, Nassau County, Florida

This item was discussed in the shade meeting.

3. Customs House repairs

Chairman Fullwood reported the issue with the A/C unit at the Customs House is resolved. The occupants are satisfied with the repairs for now. The cost to replace the unit is approximately \$4,000 plus as opposed to \$1,000 in repair cost.

4. Additional meetings

Chairman Fullwood requested the Board review the meeting dates for the 2022 calendar year sent via email. The meetings will be on the second and fourth Wednesday of each month.

Mr. Ragucci questioned if the tentative meeting scheduled for December 22nd still stands. The Board opted to cancel due to the holidays and will reconvene on January 12, 2022.

Other discussions:

Port Attorney position

Chairman Fullwood suggested waiting until the next meeting to discuss the candidates for the position.

Master Plan

Chairman Fullwood reminded the Board to schedule an individual Zoom meeting with Justin Cole, Project Manager/RS&H, to discuss matters of the Master Plan.

• City Comprehensive Plan

Chairman Fullwood asked Commissioner Hill to provide updates on the City Comprehensive Plan.

Commissioner Hill commented that tonight's meeting is a Special meeting and should only discuss items that are on the agenda. Chaiman Fullwood explained since the Interlocal agreement was discussed earlier in the meeting, it is allowed to discuss the City Comprehensive Plan. Both subjects relate to each other.

She voiced her concern over impacts regarding existing structures, construction of the flood plain, and buffer language, the opacity of buffers that OHPA cannot comply in the PAB Sub-element. The requested changes on the Comp Plan are not necessary what the neighborhood want. It does not make sense to place buffers that the adjacent property owners do not want. Eventually, from a diplomatic perspective, she agrees to the Board moving forward with the Interlocal agreement still citing her concerns what the impact would be to operations.

Mr. Krechowski added the existing structures would be connected to the non-conforming language in the City's land development code and cite that provision. Furthermore, with the other Comp Plan changes/amendment issues, the Board needs to decide its position on the matters to include in the Interlocal agreement.

The other Interlocal agreement concerns changing the channel. Chairman Fullwood suggested it is a sound agreement specifically, it holds OHPA harmless with any movement with the channel. He appealed to the other Commissioners

to review the agreement carefully and voice their concerns directly to Mr. Krechowski before the next Board meeting. It will be discussed and hopefully adopted at that meeting.

Other announcements

Mr. Ragucci announced Worldwide Terminals (WWT) will sponsor a float for the Christmas parades in Callahan (December 4th, 11-1 PM) and Fernandina Beach (December 11th, hours TBA). He invited OHPA to participate.

Additionally, there will be two Christmas food drives, dates and locations TBD. It is co-sponsored by Homeless Nassau, Coalition for the Homeless, and others. The Port employees volunteered to assist in the event. Mr. Ragucci invited OHPA to participate. WWT is open to other suggestions on helping the community throughout the year.

With no other	[,] questions brough	t before the Boa	rd, the meeting	⊢was adjourned at
7:03 PM.				

Danny Fullwood, Chairman	
 Date	



Port Accountant Report

NASSAU COUNTY OCEAN HIGHWAY & PORT AUTHORITY

Monthly Financial Report - November 2021

Monthly Financial Report - November 2021			BUDGET
	November	YTD ACTUAL	2021-2022
Revenues	22.072.00		
Quarterly Fee	20,973.00	41,946.00	272,493.00
PILOT Payment Audit Fee Reimbursement	0.00	0.00	0.00
Misc Income	0.00	0.00	0.00
Interest	0.00	0.00	2,000.00
	1.51	2.91	60.00
TOTAL REVENUES	20,974.51	41,948.91	274,553.00
EXPENSES			
COMMISSION DIRECT			
Salaries - Commissioners	10,000.00	20,000.00	120,000.00
Payroll Taxes	942.52	1,887.22	11,361.00
Unemployment	0.00	35.46	75.00
Conferences & Travel	0.00	486.36	1,000.00
Insurance	0.00	0.00	1,134.00
Salaries - Board Attorney	15,165.93	25,045.93	30,000.00
TOTAL COMMISSION DIRECT	26,108.45	47,454.97	163,570.00
COMMISSION OPERATION			
Salaries- Accountant	1,500.00	3,000.00	18,000.00
Salaries - Office Administrator	2,320.50	4,669.44	23,535.68
Expenses - Office Administrator	114.13	505.22	4,000.00
Travel - Office Administrator	0.00	0.00	100.00
TOTAL COMMISSION OPERATION	3,934.63	8,174.66	45,635.68
COMMISSION DISCRETIONARY			
Dept. of Revenue (Special Dist. Fee)	0.00	0.00	225.00
TPO Membership	0.00	1,395.00	1,329.00
Greater Nassau Chamber of Commerce	0.00	0.00	280.00
Advertisement	104.17	383.46	600.00
Special Meeting - Court Reporter	0.00	0.00	0.00
Web Site	97.97	114.95	0.00
Awards & Presentations	0.00	0.00	120.00
Discretionary TOTAL COMMISSION DISCRETIONARY	0.00	0.00	720.00
TOTAL COMMISSION DISCRETIONARY	202.14	1,893.41	3,274.00
PORT OPERATIONS			
FB Annual Fee - PILOT	0.00	0.00	0.00
CSX Right of Way Fee	0.00	0.00	750.00
Insurance	0.00	12,065.00	12,065.00
Audit	12,500.00	12,500.00	25,800.00
FL Ports Council Dues	0.00	0.00	15,500.00
Nassau Cty Economic Dev Board	0.00	0.00	1,000.00
Sponsorships	0.00	0.00	0.00
TOTAL PORT OPERATIONS	12,500.00	24,565.00	55,115.00
TOTAL EXPENSES	42,745.22	82,088.04	267,594.68
Excess Revenues over Expenditures	-21,770.71	-40,139.13	6,958.32

NASSAU COUNTY OCEAN HIGHWAY & PORT AUTHORITY

Customs House

Monthly Financial Report - November 2021

INCOME	November	YTD ACTUAL	BUDGET <u>2021-2022</u>
GSA - Customs House - RENTAL INCOME	0.00	0.00	0.00
Reimbursements Interest	1,009.51	1,009.51	
TOTAL INCOME	1,009.51	1,009.51	0.00
CUSTOMS HOUSE			
Bug Out Pest Control	225.00	225.00	312.00
River Pest Control Termite Bond	0.00	600.00	500.00
Bug Out Termite Bond	0.00	0.00	250.00
Cleaning Service	289.10	749.91	2,700.00
City of Fernandina Beach (Water)	78.33	156.66	1,500.00
Florida Public Utilities (Electric)	302.62	667.54	5,000.00
Maintenance	0.00	260.00	0.00
TOTAL CUSTOMS HOUSE	895.05	2,659.11	10,262.00
Net Increase(decrease) in Funds	114.46	-1,649.60	-10,262.00

NASSAU COUNTY OCEAN HIGHWAY & PORT AUTHORITY

Account Balances - November 2021

Account Name	Acct Num	30-Nov	29-Oct	
Operating	x3328	3,518.28	11,688.40	
Money Market	x3310	42,714.03	58,712.52	
Other - Admin Acct	x6714	55.75	452.14	
Maintenance	x4519	166,310.56	161,310.56	



Port Attorney Report

TO: OCEAN HIGHWAY AND PORT AUTHORITY

FROM: PATRICK W. KRECHOWSKI, PORT ATTORNEY

RE: ATTORNEY'S REPORT

DATE: December 6, 2021

Nassau County Property Appraiser

Value Adjustment Board Special Magistrate ruling due December 6, 2021.

Public Records Requests

Jimerson/Nassau Terminals have submitted 30+ separate public records request. The requests are being actively handled.

COFB Interlocal Agreements

Interlocal agreements for Port property and navigation channel have been drafted and distributed to both COFB and OHPA for further review and discussion.

COFB v. OHPA

Hearing on OHPA's Motion to Dismiss is set for January 26, 2022.

Ross v. OHPA & World Wide Terminals

Nassau Terminals/World Wide Terminal's filed Motion to Dismiss Ross Petition on December 6, 2021. Nassau Terminals has not agreed to current Release/Settlement Agreement language. Nassau Terminals requested consent by OHPA for qualified extension to respond.

Miscellaneous

Remaining OHPA assigned tasks actively being worked on.



Port Operator Report



ZPMC Crane Project Bill of Sale

BILL OF SALE

ZPMC NA East Coast, Inc. d/b/a ZPMC USA Inc. ("Seller"), for good and lawful consideration, receipt and sufficiency of which is hereby acknowledged, and subject to the terms and conditions of the Equipment and Services Agreement (the "Agreement"), made and effective on March 30, 2021, by and between Ocean Highway & Port Authority ("Buyer") and Seller, does hereby irrevocably sell, assign, transfer, and deliver unto Buyer, its successors and assigns, all of Seller's right, title and interest in and to (a) two (2) 1990 model P 120 B Super Liebherr Ship-to-Shore Container Gantry Cranes having the serial numbers #1433 and #1434, including Bromma spreader bars nos. 12 and 14 attached thereto, (the "Cranes") and (b) certain Liebherr spare parts and operational manuals for use with the Cranes as designated by Seller (collectively with the Cranes, the "Crane Assets"), wherever such assets may be located.

THE CRANE ASSETS ARE SOLD "AS IS" AND "WHERE IS". SELLER HEREBY DISCLAIMS, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, ANY WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. UPON EXECUTION OF THIS BILL OF SALE, ALL OBLIGATIONS TO INSURE THE CRANE ASSETS AGAINST ANY LOSS PASS TO THE BUYER.

This instrument shall be binding upon, inure to the benefit of and be enforceable by Seller and Buyer and their respective successors and assigns.

IN WITNESS WHEREOF, the duly authorized officer of Seller and Buyer has hereunder set their hand on the 30 day of November, 2021.

Ocean, Highway, and Port Authority	ZPMC NA EAST COAST, INC. d/b/a ZPMC USA Inc.		
By:	By: De la		
Name:	Richard W. Pope President		
Title:			
ATTEST:	ATTEST:		
By:Name:	hillian P. Nagar By:		
Title:	By: Pat Ragan Senior Vice President		

From: To:

ohpanc@gmail.com ohpanc@gmail.com

Subject:

FW: Bill of Sale / Addendum

Date:

Tuesday, December 7, 2021 3:25:07 PM

Attachments:

image001.png

ZPMC NA East Coast Inc - Ocean Highway Port Authority - Bill of Sale.pdf

Importance:

High

From: Rick Pope < rickpope@zpmc.us>

Sent: Tuesday, November 30, 2021 9:41 AM

To: Christopher Ragucci <chris.ragucci@worldwideterminals.com>

Cc: Ed Johnston <edjohnston@zpmc.us>; Pat Ragan <patragan@zpmc.us>; Stanley Herrington <Stanley.Herrington@worldwideterminals.com>; Danny Fullwood <dannyfullwood@bellsouth.net>

Subject: RE: Bill of Sale / Addendum

Importance: High

Good morning Chris,

We are pleased to announce that the Liebherr Ship-to-Shore Container Gantry Cranes, serial numbers #1433 and #1434, have reached the status of substantially complete and are certified ready for use. The signed bill of sale attached serves to transfer ownership of the cranes from ZPMC USA, Inc. to Ocean Highway & Port Authority.

Effective 12:00 am, December 1, 2021, our Builder's Risk insurance will no longer cover the cranes for loss or damage. We recommend that you place your own insurance today to avoid any lapse in coverage.

Remaining deliverables:

- There is a punch list of items remaining to complete. These are relatively minor and do not affect the safe use of the cranes.
- Orders for the materials required for the approved change order have been placed and should begin arriving soon. As soon as materials begin to arrive, Ed will coordinate with Stan to schedule completion of the change order work.

Congratulations on these new additions to the Port of Fernandina. We believe these ship-to-shore cranes will serve you well for years to come and will increase port capacity and throughput, making the Port of Fernandina an attractive port of call for many shippers.

Best regards,

Rick Pope

President

ZPMC USA 4810 Belmar Blvd., Suite 203 Wall Township, NJ 07753

Cell: +1 (856) 803-4755 Email: <u>rickpope@zpmc.us</u>



"Serve Globally, Supply Locally"

Website: www.zpmc.com

From: Christopher Ragucci < chris.ragucci@worldwideterminals.com

Sent: Monday, November 15, 2021 11:44 AM

To: Rick Pope < rickpope@zpmc.us>

Cc: Ed Johnston < ediohnston@zpmc.us >; Pat Ragan < patragan@zpmc.us >; Stanley Herrington

<<u>Stanley.Herrington@worldwideterminals.com</u>>

Subject: RE: Bill of Sale / Addendum

Good morning Rick,

Thanks for this – we will review and forward it on and get back to you.

I have some good news — OHPA has approved the change order to the contract — so we need you to provide a short Addendum to the Contract, with the itemized cost breakdown from the proposal attached, that we can have OHPA sign and return to you. In the meantime, since it was approved by a vote of the Board, please go ahead and proceed with the ordering of the wire ropes and the other work that is listed.

We need to have at least one crane available for stevedoring as soon possible, without the new ropes, and it has to be in the next week or so. I think we will require all of these tasks accomplished prior to official acceptance/ commissioning, but I am open to discuss with you Ed and Stan. I just really need to be able to use the cranes Rick.

Thanks,

Chris

Christopher T. Ragucci
Chief Executive Officer
Worldwide Terminals Fernandina
904-990-1300 Office
917-836-2880 Mobile

chris.ragucci@worldwideterminals.com



From: Rick Pope < rickpope@zpmc.us>

Sent: Monday, November 15, 2021 11:33 AM

To: Christopher Ragucci < chris.ragucci@worldwideterminals.com>

Cc: Ed Johnston <<u>edjohnston@zpmc.us</u>>; Pat Ragan <<u>patragan@zpmc.us</u>>; Stanley Herrington

<<u>Stanley.Herrington@worldwideterminals.com</u>>

Subject: RE: Bill of Sale

Hi Chris,

I hope all is well with you and yours.

We are getting close to handing over the Liebherr cranes to WWT and OHPA. We drafted up a bill of sale document to pass ownership to OHPA. Can you please review with OHPA counsel and let me know if this is acceptable. If they have a form they prefer to use, we can certainly take a look at it.

Best regards,

Rick Pope President ZPMC USA

Cell: +1 (856) 803-4755 Email: <u>rickpope@zpmc.us</u>



"Serve Globally, Supply Locally"
Website: www.zpmc.com



Unfinished Business



Port Attorney Position Candidates



PERSSON, COHEN & MOONEY, P.A.

ATTORNEYS AND COUNSELORS AT LAW

APPLICATION FOR ATTORNEY FOR OCEAN HIGHWAY PORT AUTHORITY NASSAU COUNTY, FLORIDA

October 28, 2021

Contact: Andrew W. Mai 6853 Energy Court Lakewood Ranch, FL 34240 (941) 306-4730 amai@swflgovlaw.com



PERSSON, COHEN & MOONEY, P.A.

ATTORNEYS AND COUNSELORS AT LAW

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ATTORNEYS AND COUNSELORS AT LAW

David P. Persson** Andrew H. Cohen Kelly M. Fernandez* Maggie D. Mooney*

R. David Jackson*

Regina A. Kardash* Lori M. Dorman

Andrew W. Mai

* Board Certified City, County and Local Government Law

** Of Counsel

Telephone (941) 306-4730 Facsimile (941) 306-4832 Email: amai@swflgovlaw.com

Reply to: Lakewood Ranch

Via email: ohpanc@gmail.com

To Whom it May Concern:

On behalf of the law firm of Persson, Cohen & Mooney, P.A., I am pleased to submit the enclosed proposal for Attorney of the Ocean Highway Port Authority for Nassau County, Florida (the "Authority"). Our firm appreciates the opportunity to submit this proposal to serve as Attorney. We offer this proposal with the understanding that I, Andrew W. Mai, would serve as the primary Attorney if our firm is selected; however, each of our firm's local government attorneys would be available to assist the Authority as needed. Our firm believes in a collaborative approach that would enable us to meet the Authority's legal needs as further set forth in this response.

Persson, Cohen & Mooney, P.A., currently has two offices, one in Lakewood Ranch and one in Venice. The firm was established in 2002 with a concentration on local government law. Presently, the firm represents the West Coast Inland Navigation District, Monroe County on various matters, four municipalities as City/Town Attorney, as well as multiple special districts, and several other local government entities. I joined the firm having previously been the County Attorney for Osceola County for nearly ten years. Prior to becoming the County Attorney for Osceola County, I was the City Attorney in Sioux City, Iowa. Combined, I have thirteen years of experience as the lead attorney for a government client. Prior to becoming City Attorney in Sioux City, I was able to represent several cities as outside counsel, primarily in South Florida. I have experience working both as in-house counsel and outside counsel.

My legal practice, along with the practices of my colleagues, concentrates on local government matters including, but not limited to, attending Commission and Board meetings, preparing and reviewing ordinances, contracts and other legal documents, managing lawsuits and other legal matters, providing legal opinions, and handling matters related to public records and the Sunshine Law.

If selected as the Attorney, I will put in all the necessary hours for a smooth transition. Certainly, a transition period is expected when there is a significant change in a key member of an organization's team such as legal counsel. I have personally experienced several of these transitions in my career. My goal would be to draw on the collective experience and expertise in local government law of the firm's attorneys. As stated, all of the attorneys at Persson, Cohen & Mooney, P.A., who possess specialized knowledge or skills in a particular area will be made available to assist the Authority when needed, in order to provide the Authority with the most efficient and cost-effective representation as possible.

Persson, Cohen & Mooney, P.A., would like to thank you for your consideration of our firm's proposal. We hope to have the opportunity to discuss our potential representation of the Authority further and to answer any additional questions you may have.

Sincerely,

PERSSON, COHEN & MOONEY, P.A. Andrew W. Mai

Profile of Attorney and Qualifications of the Law Firm

Persson, Cohen & Mooney, P.A., is a law firm practicing primarily in the area of Governmental Law. We represent navigation districts, counties, municipalities, fire districts, community development districts, and other special districts in the role of general counsel. The firm currently acts as the City/Town Attorney for the following municipalities: City of Venice, Town of Longboat Key, Town of Indian Shores, and Town of Belleair Shore. Members of our firm also serve as district counsel to many Community Development Districts, Fire Districts, Park and Recreation Districts, and the West Coast Inland Navigation District. In addition, attorneys in our firm also serve as special counsel for the City of Sarasota, City of Bradenton, City of Palmetto, City of North Port, City of Punta Gorda, Charlotte County, Sarasota County, Monroe County, and Manatee County.

Each of the lawyers at Persson, Cohen & Mooney, P.A., have been practicing in Local Government law for over ten years. During the last five (5) years, there have been no judgements or lawsuits against any of the firm's attorneys. All of the attorneys at Persson, Cohen & Mooney, P.A., are in good standing with the Florida Bar with no disbarments, suspensions, or other disciplinary actions; and four (4) of the firm's lawyers are Board Certified in City, County and Local Government law.

Our firm's approach to legal representation is collaborative and even though Andrew W. Mai would officially be the Attorney if Persson, Cohen & Mooney, P.A., is selected, the Authority would have access to the advice and expertise of all members of the firm as needed. This alone provides a cost-effective method of providing legal services. The collective experience of our firm provides our clients with a knowledgeable team of attorneys who have a wide breadth of experience in local government law matters. This knowledge translates into an in-depth understanding of legal codes, rules and regulations, due process proceedings, procurements, public-private partnerships, contracts, leases and other real estate matters, land use, public finance, labor issues, ethics, and matters related to Florida's Public Records and Sunshine laws. Accordingly, we can efficiently and effectively address the Authority's needs as they arise and provide competent legal advice. Our depth also allows us to attend unscheduled and urgent meetings on relatively short notice.

While the firm possesses a vast amount of expertise in local government law issues, there are times when matters arise, such as complex litigation, real estate transactions, employment, pension, or union-related matters, where it may be in our client's best interest to refer the matter to specialists in that specific area of law. Whenever such issues would arise within the Authority, our team would evaluate the complexity of the matter, the support required, and then advise the client accordingly on the best option for a favorable result. We would always work to ensure that

our client has the best representation possible for any matters that we feel would require specialized knowledge and manage all expenses accordingly.

As referenced, if Persson, Cohen & Mooney, P.A., is selected to serve as Attorney for the Authority, Andrew Mai would be designated as the primary Attorney. Set forth below are brief biographies of Mr. Mai and the firm's other attorneys who may provide legal services to the Authority. In addition, the résumés for each of these attorneys has been provided.

• Andrew W. Mai, Attorney

Mr. Mai has nearly twenty years of legal experience in local government law. For approximately ten years, Mr. Mai represented Osceola County, Florida. As County Attorney, Mr. Mai was responsible for all legal matters and supervised the legal department with a staff of six and an annual budget of 1.5 million dollars. He represented the County Commission at their meetings and various other boards including, but not limited to, the Planning Board, Code Enforcement Board, and the West 192 redevelopment agency. Mr. Mai managed the appropriate use of outside counsel in matters related to litigation, several bond financings, tax, and intellectual property. Mr. Mai has reviewed hundreds of new developments and worked through a wide range of issues. Mr. Mai served as a board member on the Florida Association of County Attorneys and participated in the planning and presentation of bi-yearly seminars on issues affecting counties. Andrew also has been an active member of the International Municipal Attorney's Association. Mr. Mai has participated in Agricultural Days and many other community events. As the County and Florida Co-Chair, Mr. Mai helped the organization progress its mission in providing education to counties, cities, and towns throughout the United States. Believing that a County Attorney should also be an active member of their community, Mr. Mai participated in Chamber of Commerce events and attended numerous functions throughout the community.

Prior to being named County Attorney, Mr. Mai was City Attorney for the City of Sioux City, Iowa. Similar to his role as County Attorney, Andrew was responsible for all legal matters and supervised the legal department. He represented the City Council at their meetings and attended the meetings of the various City boards. Mr. Mai successfully worked through a multimillion dollar wastewater treatment contract and related improvements. Andrew currently serves as special counsel to Monroe County, as Assistant Town Attorney for the Town of Longboat Key and District Counsel for the Waterset Community Development District.

Mr. Mai also has experience representing cities as outside counsel. Andrew has represented multiple communities in South Florida including Homestead, Bal Harbour, and Surfside, and represented various boards and councils. Mr. Mai was admitted to the Florida Bar in December of 2001 and is a member in good standing. Mr. Mai was also admitted to the Wisconsin Bar in May of 2004 and is presently an inactive member in good standing.

• R. David Jackson, Partner

Mr. Jackson has over twenty years of legal experience and is Board Certified by the Florida Bar as a specialist in City, County and Local Government Law. He was admitted to the Florida Bar in 1999 and is a member in good standing. He has represented local government clients throughout his legal career and almost exclusively during the seven-plus years he has worked with the firm. He currently serves as Assistant Town Attorney for the Town of Longboat Key and as Assistant City Attorney for the City of Venice representing both municipalities, as well as the firm's other governmental clients, on a variety of issues including, but not limited to, public procurement and contractual matters, environmental permitting, right-of-way and easementrelated issues and compliance with Florida's Public Records and Sunshine laws. Mr. Jackson also provides legal services to the City of Venice regarding matters involving the Venice Municipal Airport. Mr. Jackson also serves as District Counsel to five of the firm's community development district clients, as well as, Assistant District Counsel to the firm's Fire District and other Special District clients, With respect to non-governmental entity clients, he has assisted clients to establish community development districts and amend the boundaries of community development districts before Manatee County. Additionally, he previously served as Assistant General Counsel with the Southwest Florida Water Management District where he represented the District's Sarasota Service Office regarding complex environmental permitting, enforcement, and administrative issues in accordance with the Florida Administrative Procedures Act. Mr. Jackson is also a registered attorney with the United States Patent and Trademark Office. Prior to attending law school, Mr. Jackson worked as a civil engineer with an engineering firm in Manatee County.

Maggie Mooney, Partner

Ms. Mooney is Board Certified by the Florida Bar as a specialist in City, County and Local Government Law and is "AV" rated by Martindale-Hubbell. She has represented local government clients throughout her nearly twenty years of practicing law and her practice focuses on government law, special taxing districts, land use, and litigation. She currently serves as the Town Attorney for the Town of Longboat Key, Special Magistrate for the City of Bradenton, and as General Counsel to several fire control districts and Community Development Districts. Prior to joining Persson, Cohen & Mooney, P.A. Ms. Mooney served as general and litigation counsel to the Manatee County Port Authority (a dependent district of Manatee County) representing the Port Authority in litigation in administrative, state and federal tribunals.

Kelly M. Fernandez, Partner

Ms. Fernandez is Board Certified by the Florida Bar as a specialist in City, County and Local Government Law and has been practicing local government law for over seventeen years. She practices in the areas of governmental law, zoning and land use and community association law. Ms. Fernandez is the City Attorney for the City of Venice, an Assistant Town Attorney for Longboat Key, and is Legal Counsel for the West Coast Inland Navigation District. She serves as special counsel to the City of Punta Gorda, the City of Sarasota, and Sarasota County, and is a hearing officer for land use matters in Manatee County. Ms. Fernandez has handled litigation for public and private clients in the state courts and before the Florida Division of Administrative Hearings. She previously served as a Senior Assistant General Counsel for the former Florida Department of Community Affairs and was Board Certified by the Florida Bar in State and Federal Government and Administrative Practice.

• Andrew H. Cohen, Partner

Mr. Cohen serves as District Counsel to multiple Community Development Districts as well as the Tri-Par Estates Park & Recreation District and Holiday Park – Park and Recreation District. Mr. Cohen also practices in the area of community association collections. For his special district clients, Mr. Cohen has unique expertise in bond financing and non-ad valorem assessment matters. He has practiced law for over twenty-five years and local government law throughout his entire career. He is a frequent lecturer on sunshine and public records laws as well as neighborhood and condominium collection rights.

• Regina A. Kardash, Attorney

Ms. Kardash is Board Certified by the Florida Bar as a specialist in City, County and Local Government Law. She has practiced in the area of local government law throughout her entire eleven-year legal career. She currently serves as the Town Attorney for Indian Shores and Belleair Shore, General Counsel for the Homeless Leadership Alliance of Pinellas, and Special Magistrate for the City of Palmetto. Ms. Kardash held previous appointments as the Assistant City Attorney for Pinellas Park (2009-2012), Assistant Town Attorney for Redington Shores (2009-2012) and Town Attorney for the Town of Redington Beach (2015-2016). Ms. Kardash is also currently designated as an Assistant Town Attorney for the Town of Longboat Key and Assistant City Attorney for the City of Venice. Outside of Local Government Law, she has represented private clients and litigated matters in the areas of Family Law, Probate, Real Estate, Criminal Law and Collections.

• Lori Dorman, Attorney

Ms. Dorman joined Persson, Cohen & Mooney, P.A. in January 2021, bringing with her expertise in litigation and business matters. In real estate disputes, business litigation and probate and trust litigation, Ms. Dorman has represented a wide variety of clients, including banks, trust companies and private individuals. On behalf of the Firm's local government clients, Ms. Dorman has prepared policies and handled public records disputes and other litigation matters. She has practiced law in Florida since 1996, serving as the president of the Manatee County Bar Association and the Florida Association for Women Lawyers (Manatee County Chapter). Ms. Dorman is a member of the Florida Bar's Diversity and Inclusion Committee and a passionate advocate and volunteer for Legal Aid of Manasota.



ATTORNEYS AND COUNSELORS AT LAW

ANDREW W. MAI

6853 Energy Court, Lakewood Ranch, Florida 34240 Tel: (941) 306-4730 E-Mail: amai@swflgovlaw.com

Practice areas include: Governmental Law

Education: Georgetown Law Center

Washington, D.C.

William Mitchell College of Law

St. Paul, Minnesota Juris Doctorate, 2001

University of Minnesota Minneapolis, Minnesota B.A. Geography, 1995

Qualifications:

- 13 years experience as City or County Attorney
- Nearly 20 years of legal practice
- Representation of Cities throughout Florida
- Lecturer on County Government, Panelist on Bond issues
- Formerly taught Fire Service and Business Law

Affiliations: The Florida Bar, 2001 - Present

Florida Association of County Attorneys Board Member (former) Florida Chair, County chair, International Municipal Attorney's

Association



ATTORNEYS AND COUNSELORS AT LAW

R. DAVID JACKSON

6853 Energy Court, Lakewood Ranch, Florida 34240 Tel: (941) 306-4730

E-Mail: djackson@swflgovlaw.com

Practice areas include: Governmental Law, Special Districts and

Environmental Law

Education: Stetson University College of Law

Gulfport, Florida Juris Doctorate, 1999

University of Florida Gainesville, Florida

B.S. Civil Engineering, 1994

Qualifications:

- Board Certified in City, County and Local Government Law
- Over 20 years of legal practice
- Representation of public and private clients on a variety of issues including, but not limited to, civil and administrative proceedings
- Lecturer on Florida's Public Records and Sunshine Laws
- Formerly served as Assistant General Counsel to the Southwest Florida Water Management District

Affiliations:

The Florida Bar, 1999 - Present

Chair - Leadership Manatee Board of Governors

Member, Executive Board of Directors - United Soccer Association

President, The Myakka Conservancy (2015 - 2018)



ATTORNEYS AND COUNSELORS AT LAW

MAGGIE D. MOONEY

6853 Energy Court, Lakewood Ranch, Florida 34240 Tel: (941) 306-4730

E-Mail: mmooney@swflgovlaw.com

Practice areas include: Local Government and Special Districts,

Zoning and Land Use Law

Education: University of Florida College of Law, Gainesville, Florida

Juris Doctorate and Certificate in Environmental & Land Use, 2001

Florida State University, Tallahassee, Florida, B.S. in Communications, Cum Laude, 1997

Qualifications:

• Board Certified in City, County and Local Government Law

• Represented private and government clients before all courts in Florida, including Florida federal district Courts

 Lecturer on Florida's Public Records and Sunshine Laws, Ethics Laws, Public Procurement, the Legislative Process, Special Districts,

Intergovernmental Relations and Conflict

Affiliations:

The Florida Bar, May 2001 - present

Florida Bar City, County and Local Government Section,

Executive Council Board Member (2011-2014) Manatee and Sarasota County Bar Associations

Sarasota County Bar Association's Local & State Government

Section

Awards:

Biz941 Magazine's "Top 25 People to Watch" (2009)

Government/Cities/Municipalities by Super Lawyers Magazine

(2011-2015)

"AV" Rated by Martindale Hubbell



ATTORNEYS AND COUNSELORS AT LAW

KELLY M. FERNANDEZ

236 Pedro St., Venice, Florida 34285

Tel: (941) 306-4730

E-Mail: kfernandez@swflgovlaw.com

Practice areas include: Governmental Law, Zoning and Land Use, and

Community Association Law

Education: University of Florida College of Law, Gainesville, Florida

Juris Doctorate, with honors, May 2003

University of Florida, Gainesville, Florida

B.S. in Wildlife Ecology and Conservation, May 2000

Minors in Zoology and Agriculture & Natural Resources Ethics & Policy

Qualifications:

• Board Certified in City, County and Local Government Law

• Represents governmental entities, community development districts and community associations in Southwest Florida

• Handles litigation within the administrative and state courts

 Previously represented the Florida Department of Community Affairs in growth management and emergency management matters

• Lectures on various local government issues

Affiliations: The Florida Bar, October 2003 – present

Florida Bar City, County, and Local Government Section Florida Bar Environmental and Land Use Law Section

Executive Council, 2006-2012

Junior League of Sarasota

Impact100 SRQ

Leadership Sarasota Class of 2018

Awards: Florida Bar Environmental and Land Use Law Section's Judy Florence

Memorial Outstanding Service Award, 2006



ATTORNEYS AND COUNSELORS AT LAW

ANDREW H. COHEN

6853 Energy Court, Lakewood Ranch, Florida 34240 Tel: (941) 306-4730

E-Mail: acohen@swflgovlaw.com

Practice areas include: Governmental Law, Special Districts and

Community Association collections

Education: University of Florida College of Law

Gainesville, Florida Juris Doctorate, 1996

New College (Honors College for the State University System)

Sarasota, Florida

B.A. Political Science, 1993

Qualifications:

- Over 25 years of legal practice
- Representation of multiple special districts across Southwest Florida
- Representation of numerous community associations in the collection of past-due assessments
- Lecturer on community association collections and Florida's Public Records, Ethics and Sunshine laws

Affiliations:

- Florida Bar Association; Sarasota County Bar Association
- Trustee of the Hershorin Schiff Community Day School Board of Trustees

Awards:

Evan J. Yegelwel Book Award in Environmental Law, Spring 1996



ATTORNEYS AND COUNSELORS AT LAW

REGINA ANN KARDASH

6853 Energy Court, Lakewood Ranch, Florida 34240 Tel: (941) 306-4730

E-Mail: rkardash@swflgovlaw.com

Practice areas include: Government Law and Land Use

Education: Stetson University College of Law

International Law Focus

Gulfport, Florida Juris Doctorate, 2007

Florida Southern College

Humanities, concentrations in Art History and Theology Lakeland, Florida, Bachelor of Arts Cum Laude, 2002

Qualifications:

Board Attorney, Homeless Leadership Alliance of Pinellas

• Special Magistrate, City of Palmetto

• Town Attorney, Indian Shores and Belleair Shore

• Board Certified in City, County and Local Government Law

Affiliations: The Florida Bar, 2009 - present

Federal Middle District of Florida, 2010 – present St. Petersburg Bar Association, 2008 – present Clearwater Bar Association, 2014 – present

Florida Association of Women Lawyers, 2010 - present

Past President - Pinellas Chapter

Awards: 2013 Leaders in the Law Award Recipient

Sixth Judicial Circuit Pro Bono Recognition, Honorable

Mention, 2015 & 2016



ATTORNEYS AND COUNSELORS AT LAW

LORI M. DORMAN

6853 Energy Court, Lakewood Ranch, Florida 34240 Tel: (941) 306-4730

E-Mail: ldorman@swflgovlaw.com

Practice areas include: Business, Contract, and Real Estate Law; Business and Probate/Trust Litigation; Professional Liability

Defense

Education: University of Louisville School of Law,

Iuris Doctorate, Cum Laude, 1991

University of California at Los Angeles

B.S. Biology, 1987

Qualifications:

• Practice in Florida in state/federal courts, administrative proceedings

• Experienced litigation attorney

• Licensed to practice in Florida and Colorado

Affiliations: The Florida Bar, 1996 - present

Member, Diversity & Inclusion Committee

Manatee County Bar Association, Past President and

Chair of Diversity & Inclusion Committee

Florida Association for Women Lawyers, Manatee County Chapter

Judge, Manatee County Teen Court

Legal Aid of Manasota, volunteer attorney

Leadership Manatee

Just for Girls, Inc., Board of Directors (1999 - 2006)

Accessibility and Responsiveness

If selected as the Attorney, Mr. Mai and the other attorneys at Persson, Cohen & Mooney, P.A., would work closely with the Authority, and staff. We anticipate the transition would include a file review and inventory as well as transition meetings with individual department heads to assess needs, workflow, and any items that require immediate attention. Again, we anticipate those members of our firm's team who possess specialized knowledge or skill in a particular area to be available to the Authority whenever it is necessary or in the Authority's best interest.

The objective of the Attorney's office will be to support the Authority and staff through open communication and practical legal advice. In every conversation, all of the options will be given so that the decision maker will be able to decide the most appropriate course of action. An open line of communication will be maintained with regularly scheduled meetings. The Attorney will be available to answer questions at any time of day and on weekends.

Open communication naturally lends itself to a proactive approach to legal services that will minimize claims and litigation. When matters can be discussed and potential consequences identified, the Authority has the opportunity to determine the best way to avoid litigation and if litigation is unavoidable, to be fully aware of what course that litigation may take. Furthermore, such communication will reveal additional costs that could arise based upon the actions taken. Regular updates on the status of the budget and careful oversight will lead to staying within the budget.

The firm prides itself on resolving conflicts as soon as they arise in a measured and thoughtful way. Communication with all the parties involved helps reveal the issues that have caused the conflict and then the parties are better able to discuss potential solutions without having to resort to costly litigation.

The firm's extensive experience with the Florida Code of Ethics will allow the firm to advise the Authority and staff on ethics issues and help them avoid the pitfalls that may occur. Each member of the firm has extensive experience in advising clients on ethics issues.

References

1) Alan Zimmet, Esq.

201 North Franklin Street Suite 2700 Tampa, FL 33602

azimmet@bmolaw.com

813-273-6677

2) Commissioner Peggy Choudhry

1 Courthouse Square Kissimmee, FL 34741

Peggychoudhry@gmail.com

407-490-1985

3) Marsha Segal, Esq.

28 W. Central Boulevard Orlando, FL 32801

Marsha@fofslaw.com

239-634-6088

Fee Proposal

Persson, Cohen & Mooney, P.A., is proposing a fee schedule based on a rate of two hundred twenty-five dollars (\$225.00) per hour, billed in one-tenth of an hour increments. This hourly rate would be the same for any of the firm's attorneys performing any legal work for the Authority. The rate is inclusive of all administrative expenses including routine mailings, document printing, and access to legal research platforms. The firm will not charge the Authority for meals or for any travel time or mileage to any destination within the Authority.

The proposed rate would be applicable to the vast majority of legal work performed by the firm for the Authority. This includes attendance at any regular and special meetings of the Authority, as well as the handling of most legal matters, such as the drafting of Ordinances and Resolutions, contract drafting and review, policy development, legal research, real estate matters, and work on litigation matters. For legal work relating to bond matters, our firm will observe customary practices and charge a flat fee rate which will be evaluated on a case-by-case basis.

The Authority would typically receive monthly itemized invoices from the firm which would detail the date, the amount of time, the tasks performed for the Authority, and which attorney performed the work. If necessary, Persson, Cohen & Mooney, P.A.'s administrative staff would work with the Authority's Finance Department to accommodate any specific requirements related to the firm's billing.

BRETT L. STEGER

• Fernandina Beach, FL 32034 • (904) 261-2848 • bls@neflaw.com

Florida Licensed Attorney, Bar No. 102222 / Georgia Licensed Attorney, Bar No. 310307

EDUCATION

Mercer University Walter F. George School of Law

Macon, GA 2007

Juris Doctor

Certificate in Advanced Legal Writing, Research, and Drafting

Jacksonville, FL

Bachelor of Arts in Criminal Justice

University of North Florida

2003

PROFESSIONAL EXPERIENCE, CURRENT AND PRIOR

Davis & Steger, PLLC

July 2014 to present

Fernandina Beach, FL

Partner

• Civil litigation practice focusing on plaintiff representation and criminal defense;

- Draft motions, briefs, discovery requests, arbitration demands, and status and update reports;
- Extensive trial and administrative experience
- Local government experience
 - o City of Fernandina Technical Review Board
 - Nassau County School Board

Nassau County School Board

Fernandina Beach, FL

Contract Attorney

August 2019 to present

- Represent the School Board and School District on matters including, but not limited to:
 - o Public Records & Open Meetings Law
 - School Board Meetings/Workshops
 - o Employment/Personnel Issues
 - Civil Litigation

Dozier Law Firm, LLC

Macon, GA

Associate

August 2007 to June 2014

- Civil litigation practice focusing on plaintiff representation and criminal defense;
- Draft motions, briefs, discovery requests, arbitration demands, and status and update reports;
- Extensive trial experience

Office of the Public Defender, Macon Judicial Circuit

Macon, GA

Contract Attorney

August 2012 to 2014

• Represented indigent criminal defendants twice a week for probable cause hearings

PROFESSIONAL AWARDS AND ACHIEVMENTS

- Nassau County Bar President (2015 to present);
- Member of Robert M. Foster Inn of Court (2014 to present);
- National Trial Lawyer Top 100 Designation (2014 to present);
- Selected by peer nomination and evaluation to Super Lawyers Rising Star list (2017 to present);
 - o Only 2.5 percent of attorneys selected yearly

COMMUNITY INVOLVEMENT

- Board Member, Communities in Schools (2015 to 2018);
- Trustees Board of Memorial United Methodist Church (2017 to present);
- Fernandina Beach Middle School Baseball Coach (2014/2015 Season);
- Fernandina Beach Middle School Career Fair (2016 to present)

REFERENCES

Hon. Robert M. Foster

904-708-8388 Rfoster@nassauclerk.com

Ms. Tammi Bach, Esq.

904-415-3853 Tbach@fbfl.org

Dr. Kathy Burns

904-491-9901 Burnska@nassau.k12.fl.us CLYDE W. DAVIS
BRETT L. STEGER *
LEIGH G. MOONEY +
HANNAH G. WALLER ^

- * LICENSED IN FL & GA + LICENSED IN FL, SC & AL
- ^ LICENSED IN FL & AL



960185 GATEWAY BOULEVARD SUITE 104 FERNANDINA BEACH, FL 32034

(P): 904-261-2848

(F): 904-261-4476

(E): BLS@NEFLAW.COM

November 29, 2021

VIA EMAIL ohpanc@gmail.com

Danny Fullwood, Chairman,	District 2
Miriam Hill, Commissioner,	District 1
Scott Hanna, Commissioner,	District 3
Carroll Franklin, Commissioner,	District 4
Michael Cole, Commissioner,	District 5

Re: Proposal for Legal Services by Ocean Highway and Port Authority

Dear Sirs and Madam:

I am sending this letter to you in response to your proposal for legal services. I would appreciate the opportunity to serve as the Ocean Highway and Port Authority's attorney. I am attaching a copy of my current resume for your review. I think you will find my qualifications and experience are a good fit for the Port Authority, and this would be a beneficial arrangement for years to come.

Currently, I am the managing partner of Davis & Steger, PLLC. The firm is located in Fernandina Beach, where we represent individuals, corporations, and governmental entities throughout Florida and Georgia. My practice includes extensive civil and criminal litigation in addition to contract negotiation, legal analysis, and legal drafting.

In addition to my private law practice, I also serve as the attorney for the Nassau County School Board. My duties and experiences as the School Board attorney include, but are not limited to, legal issues surrounding Public Records and Open Meeting laws, Regular and Special Board Meetings, Workshops, Personnel matters, and civil litigation, which are of similar concern and importance for the Port Authority.

I propose that we enter into a one-year contract for legal services for an annual retainer fee of \$54,000.00, paid in monthly installments of \$4,500.00. The retainer fee would include up to fifteen (15) hours per month of legal services. Thereafter, for any services rendered in excess of fifteen (15) hours per month, compensation would be made at the rate of \$350.00 per hour. This proposal includes the exact same terms I have made to the Nassau County School Board.

I think you will find the new proposal to be fair both financially and professionally. The hourly rate I charge in my private law practice is \$400.00 per hour. My rate is equal to, or even less than, what the average hourly rate charged by attorneys in this area with similar qualifications and experience. My proposal of \$300.00 per hour for up to fifteen hours of work is \$100.00 per hour less than my private practice rate of \$400.00 per hour. Further, any hours in excess of fifteen (15) hours are billed at \$350.00 per hour, which is still a reduced rate.

It is my understanding that Mr. Krechowski's last month as the Port Authority's attorney will be this December. Should the Port Authority accept my proposal, I am prepared to begin working with Mr. Krechowski immediately so that the attorney transition will occur as seamlessly as possible. Additionally, I welcome the opportunity to speak with any of you should you have any further questions for me.

Thank you for your time and consideration of this proposal. Please do not hesitate to contact me should you have any questions or wish to discuss this matter further. With warmest regards, I remain

Sincerely yours,

Brett Steger

PITTMAN Law Group

November 30, 2021

Ocean Highway and Port Authority of Nassau County Port Fernandina 86130 License Road, Suite 9 Fernandina Beach, FL 32034

Dear Port Authority,

We appreciate very much the opportunity you are providing to propose our legal services in representing the interests of the Ocean Highway and Port Authority of Nassau County (OHPA). Founded in 2001, Pittman Law Group, P.L. (PLG) is a boutique law firm that provides valued expertise to our clients in the areas of local, state, and government law. PLG's attorneys utilize their legal and governmental expertise to provide effective counsel to corporations, local governments, associations, and not-for-profits in areas including general municipal law, board governance, reapportionment law, special district law, general, state, and federal laws, administrative law, real estate law, Sunshine Law, public records law, contract law, intergovernmental rules and regulations and litigation. With over fifty years of combined experience, PLG's attorneys utilize their legal and governmental expertise to provide effective legal counsel to corporations, local governments, and not-for-profit associations.

As a small law firm, we have remained committed to taking the time to provide the highest quality service to those we represent. We have created a culture of excellent and timely service that maximizes the experience of our attorneys to meet the evolving needs of our clients and we have built a strong reputation by being fierce advocates for their issues. PLG has experience in a number of practice areas that will enable us to provide day to day legal representation to the Ocean Highway and Port Authority for Nassau County, Florida as members of our firm have served as staff and counsel to governmental agencies at the state and local levels. Pittman Law Group routinely advises clients on public records, contract negotiations, special districts, and similar needs of which your organization may need counsel. Our firm is well versed in all areas of government operation and government law.

Our clients rely heavily upon our experience to guide them through difficult and complex legal situations and our learned legal strategies provide invaluable experience to our clients. We strive

to provide excellent representation and ensure our clients accomplish their goals. As such, we are proactive in our approach to the legal research, contract drafting, litigation needs, document review, and any other legal service the Ocean Highway and Port Authority might need.

The firm's diverse client list spans across both public and private entities, including local governments, transportation network companies, hospitals, nursing homes, public universities, telecommunications providers, agriculture, insurance providers, and public utilities companies. Pittman Law Group has proudly represented several state and county local governments including, but not limited to Broward County Government, Central Florida Regional Transportation Authority, City of Riviera Beach Government, Gadsden County, and Miami-Dade County Government. PLG is also proud to represent several of our country's Fortune 500 companies such as Florida Power and Light, HCA Healthcare, Waste Management, Uber Technologies, AT&T, and Wal-Mart Stores Inc. which illustrates our versality and range of competency.

We hope that you find our firm to be the perfect fit to advance your issues and achieve your legal needs and priorities. The Pittman Law Group boasts a team of skillful legal minds that provide effective counsel and included are the resumes of our attorneys. In exchange for this representation, we propose the following fee structure:

Attorney Sean Pittman \$350.00/hour Attorney Opal McKinney-Williams \$250.00/hour Attorney Sharmin Hibbert \$250.00/hour Attorney Jasmyne Henderson \$250.00/hour

Given our capabilities, we would love the opportunity to meet with you and further discuss how we can be of service. If I can answer any questions or address any concerns, please do not hesitate to write me at sean@pittman-law.com or contact me at (850) 216-1002. Thank you for consideration.

Sincerely,

Sean Pittman



SEAN PITTMAN

WORK EXPERIENCE

Pittman Law Group, P.L. Senior Attorney and Managing Partner	2000 — Present
Florida House of Representatives Staff Attorney	1998 — 1999
Florida Department of Business and Professional Regulation Senior Executive Assistant to the Secretary	1995 — 1998
Office of Florida Governor Lawton Chiles Regional Director	1994 — 1995
Katz, Kutter, Haigler, Alderman, Davis & Marks Law Clerk	1993 — 1994
Florida House of Representatives, Rules Committee Law Clerk	1992 — 1993
Florida Board of Regents Member	1992 — 1993
Florida Student Association Executive Director	1990 — 1992
Florida State University Student Rody President	1989 — 1990

PROFESSIONAL & CIVIC ENGAGEMENT

- Founder & Chairman, Big Bend Minority Chamber of Commerce
- ♦ Founder, Wilhelmina Foundation
- Founder & Member, FSU Burning Spear
- Past-President, Orange Bowl Committee
- General Counsel Designate, National Bar Association
- Board Member, Florida State University Foundation Board of Trustees
- ♦ Board Member, Florida State University Jim Moran Advisory Board
- Board Member, Florida State University Law School Board of Visitors
- Member, Big Ten Conference Anti-Hate and Anti-Racism Coalition
- Member, Leon County Schools Re-Opening Task Force
- ♦ Leadership Tallahassee, Class 15
- ♦ Leadership Florida, Class 21
- ♦ Former Chairman, Children's Home Society, North Florida Division
- ♦ Former Board Director, Hancock Whitney Bank of Florida
- ♦ Former Board Member, Capital City Chamber of Commerce
- ♦ Former Board Member, Florida State University Center Club
- Former Board Director & Chair, Seminole Torchbearers
- Former Board Member, Children's Home Society of Florida
- Former Board Member, Leon County Civic Center Authority
- ♦ Former Board Member, United Way of the Big Bend
- Former Board Member, Apalachee Center
- Former Board Director, Seminole Boosters
- ♦ Former Board Director, Brogan Museum
- Life Member, Kappa Alpha Psi Fraternity Incorporated
- ♦ Life Member, National Association for the Advancement of Colored People
- Member, Florida Bar Association
- ♦ Member, American Bar Association
- Member, National Bar Association
- ♦ Member, Tallahassee Barristers Association
- ♦ Member, Florida Administrative Law Section
- Member, Tallahassee Chamber of Commerce
- ♦ Member, Florida State University Black Alumni Association
- Member, Sigma Pi Phi Boulé

SEAN PITTMAN

AWARDS

Florida State University Faculty Senate Vires Torch Award, 2019

Palm Beach County Sports Hall of Fame, 2019 Special Recognition

Florida Trend Magazine, 2019 Top 500 Business Leaders in Florida

INFLUENCE Magazine, 2015, 2018, and 2020 Top 100 Most Influential People in Florida Politics

Tallahassee Barristers Association, 2017 Hall of Fame Inductee

National Bar Association, 2016 Heman Marion Sweatt Award

Leadership Florida, 2015 Distinguished Member of the Year

Big Bend Minority Chamber of Commerce, 2013 Chairman's Award

Black Education Caucus, 2011 Community Service Award

Boulé Journal, 2010 Champion of the Year

Tallahassee Chamber of Commerce, 2007—2008 Small Business of the Year

Tallahassee Democrat, "Top 25 Most Influential People in Tallahassee"

Florida Trend Magazine, "Must Know Contact"

Minority Enterprise Development, 2009 Economic Development Champion of the Year

EDUCATION

The Florida State University, College of Law Juris Doctor, 1994

The Florida State University, College of Social Sciences

Bachelor of Science in Political Science, 1990

PUBLICATIONS

2019, "Big Bend Minority Chamber of Commerce Charts an Aggressive Course for 2019"

— Tallahassee Democrat

2019, "Florida's Latest Iteration of Voter Suppression—Parking on College Campuses" — South Florida Sun Sentinel

2019, "Not Just Felons Who Need Second Chance at Voting" — Pensacola News Journal

2018, "Amendment 4 Offers Second Chances & Sensible Additions to the Constitution" — South Florida Times

2018, "Far-Left Labels Don't Apply to Andrew Gillum" — FlaPol, Florida Politics

2018, "I Ask the NRA to Take Stand on Stand Your Ground" — News-Press, USA Today

2018, "Immigration v. Incarceration? Lock 'Em Up Usually Wins"

2018, "Dems Must Get Out of Their Own Way" - Pensacola News Journal

2018, "Gun Violence: Explaining the Inexplicable" – Capital Outlook

2017, "Florida Shouldn't Waste Its Teachable Moments" - South Florida Caribbean News

2017, "Florida Democrats Must Craft Compelling, Progressive Campaigns in 2018" – Florida Headline News

2015, "Black Men Bear the Burden of Other People's Suspicions" - New Pittsburgh Courier

2012, "Legislature Must Call Special Session to Fix Stand Your Ground law" – South Florida Sun Sentinel

2011, "Florida: Democracy of Indecision"

2009, "US Healthcare Debate: Losing Focus!"



OPAL McKINNEY-WILLIAMS

WORK EXPERIENCE

Pittman Law Group, P.L. *Senior Attorney*

2020 - Present

Responsibilities include providing legal and compliance services for area school districts and local governments, which consists of daily counsel and guidance on all legal and compliance issues affecting the governments and their governing boards, including, but not limited to, Sunshine Law, Public Records Act, discrimination, contracting and procurement, construction, employee discipline, employee relations, student enrollment, student discipline and intervention services, exceptional student education, and student privacy

Ausley McMullen

Shareholder 2009-2020
Associate Attorney 2002-2008

Responsibilities included providing legal and compliance services for area school districts, which consists of daily counsel and guidance on all legal and compliance issues affecting k-12 educational institutions and their governing boards, including student discipline and intervention services, exceptional student education, Sunshine Law, Public Records Act, student enrollment, employee relations, discrimination, student privacy, and internal auditing.

PROFESSIONAL AND CIVIC ENGAGEMENT

- Board Certified Specialist (B.C.S.) Education Law
- ♦ Florida School Board Attorneys Association
- ♦ Member, National School Boards Association Counsel of School Attorneys
- Member, Florida Association of County Attorneys
- Member, Leadership Florida Class 26
- ♦ Leadership Tallahassee Class 24
- ♦ Selection Chair, Leadership Tallahassee Class V
- Member, Tallahassee Barristers
- ♦ Member, Delta Sigma Theta Sorority, Inc.
- ♦ Member, The Links, Inc.
- ♦ Member, Jack and Jill of America, Inc.
- Past Chair, Tallahassee Regional Airport Advisory Committee
- ♦ Past President, Friends of the LeRoy Collins Public Library

EDUCATION

The Florida State University, College of Law

Juris Doctor, 2002

Florida Agricultural and Mechanical University

B.S. Criminal Justice, 1998



SHARMIN R. HIBBERT

WORK EXPERIENCE

Pittman Law Group, P.L.

Attorney

Florida Fish and Wildlife Conservation Commission

Senior Law Enforcement Attorney

Sharmin R. Hibbert, Attorney at Law

Solo Practitioner

Florida Department of Health

Senior Attorney, Deputy General Counsel

Office of the Public Defender, 2nd Judicial Circuit

2021-Present

2018-2021

2018-2021

2016-2018

2009-2016

EDUCATION

Felony Trial Attorney

The Florida State University, College of Law Juris Doctor, 2005

The Florida State University
Bachelor of Arts, English Literature, 2002
Political Science Minor



JASMYNE HENDERSON

WORK EXPERIENCE

Pittman Law Group, P.L. 2014 — Present

Associate and Director of Government Affairs

ESPMedia Production Co. 2014 — Present

Campaign Legal Counsel

Voting is Queen, Inc. 2020 — Present

Founder

FSU College of Law Alumni Office 2012 — 2015

South Carolina Legal Services 2014

Law Clerk

Pittman Law Group, P.L. 2010 — 2012

Campaign Analyst

PROFESSIONAL AND CIVIC ENGAGEMENT

- ♦ The Florida Bar Association, Committee on Governmental and Public Policy Advocacy
- ◆ FSU College of Law Black Alumni Network, Founding Member
- ♦ FSU College of Law Alumni Association, Board of Directors
- ♦ Florida Bar Association, William Reece Smith Jr. Leadership Academy Class VII
- ♦ The Legal Aid Foundation of Tallahassee, Thunderdome Class 3
- ♦ Leadership Tallahassee, Class 37
- ♦ Legal Services of North Florida 2019 Dancing with the Stars, Celebrity Dancer
- ♦ Junior League of Tallahassee
- ♦ Florida Blue Key

AWARDS

2020 International Women's Week: Outstanding Female Lawyer

2016 Class of "40 under 40: Nation's Best Advocates" National Bar Association

2016 Class of "30 under 30: Florida's Rising Stars in Politics" Influence Magazine

EDUCATION

The Florida State University, College of Law Juris Doctor, 2015

Florida Agricultural and Mechanical University Master of Applied Social Sciences, 2011

University of Florida Bachelor of Science, Family Youth and Community Sciences, 2010 Business Administration Minor



PATRICK KRECHOWSKI

t: (904) 348-6877

f: (866) 226-1996

e: pkrechowski@balch.com

December 6, 2021

VIA EMAIL TO: dfullwood@portoffernandina.org

Ocean Highway and Port Authority The Honorable Danny Fullwood, Chair 86130 License Road, Suite 9 Fernandina Beach, FL 32034

Re: Representation of Ocean Highway & Port Authority

Dear Chairman Fullwood:

As you and I have discussed, I would consider it a privilege to remain in service to the Ocean Highway & Port Authority ("OHPA") as Port Attorney. However, as we have also discussed, due to the volume of work required to properly represent OHPA and due to the demands of my practice, a new fee arrangement will be required for me to continue as Port Attorney. While the proposed fee arrangement contains a rate increase, it also reflects a significant discount from my standard rates.

Given what I have learned over the past 9-10 months of representing OHPA, I have a better sense of how Balch & Bingham's resources may be used to the benefit and advantage of OHPA. Should you and the Board find the below proposal acceptable, I would be happy to rescind my previous notice of resignation and prepare an updated legal services contract.

Again, it has been a pleasure to serve as OHPA's Port Attorney. I will fully understand if the Board wishes to continue the search for a replacement attorney and will assist in that search in any way needed. Otherwise, I remain at your and the Board's service.

Monthly Retainer

15 hours @ \$300.00/hour = \$4,500.00 per month

Hourly Rate

\$300/hour for any "general representation" in excess of 15 hours per month \$325/hour for any work associated with potential/threatened litigation and/or litigation (including appeals) December 6, 2021 Page 2

Sincerely,

Patrick Krechowski

Partner

PK:tam

cc: OHPA Board of Commissioners

Rossana Hebron



Adina L. Pollan 1301 Riverplace Blvd. Suite 800 Jacksonville, FL 32207

December 5, 2021

Via Email: [ohpanc@gmail.com]

Ocean Highway and Port Authority, Nassau County 86130 License Road, Suite 9 Fernandina Beach, FL 32034

Re: Proposal for Legal Services

To the Commissioners:

I am an attorney with over 16 years of experience in commercial litigation and corporate law, and have significant experience with board governance and working with local government. As a female small business owner, I am excited to offer my services to the OHPA of Nassau County.

I have owned my law firm for over 5 years, and have represented many clients from various backgrounds. I graduated from Emory University with a Bachelor of Business Administration, with concentrations in Marketing and Management. I then attended the University of Florida College of Law, where I graduated cum laude.

Upon becoming an attorney, I clerked for a federal bankruptcy judge for almost 2 years. The Judge believed I was the best candidate for the position, given my ability to learn new concepts quickly. And that ability has helped me excel as a litigator, adeptly assessing complex information and synthesizing it for clients, opposing counsel, and the judiciary.

I have worked with the City of Jacksonville in my efforts as a Board Member of the Jacksonville Arboretum and Botanical Gardens ("JABG"), successfully negotiating the newest lease agreement on behalf of the JABG. I also aided in the implementation of the Covid eviction relief program funded by the City of Jacksonville through my role as a board member of the Jacksonville Bar Association. I am comfortable with board governance, as I sit on the boards of two non-profits (I also drafted the bylaws for the Circle of Sisters of Rethreaded) and two voluntary bar associations.

I have enclosed my resume/CV for reference, to show the breadth of my experience, which includes my professional and community work. I am happy to offer a competitive rate of \$250 per hour. Please feel free to call me at 904-475-2187 (office) or 904-228-9605 (cell) should you have any questions. Thank you for your time—I look forward to learning more about this opportunity.

Sincerely,

Adina L. Pollan

ADINA L. POLLAN

6812 Caballero Drive, Jacksonville, Florida 32217 (904) 228-9605 (cell) adina.pollan@gmail.com

Experience

April 2016-

POLLAN LEGAL

Jacksonville, FL

Present

Owner, Corporate Law, Bankruptcy, and Commercial Litigation

Own law firm that represents individuals, small businesses and national organizations in all aspects of corporate law, litigation and bankruptcy. Aid in business formation and

contract negotiations. Extensive trial practice.

January 2015-

GILLIS WAY & CAMPBELL

Jacksonville, FL

March 2016

Partner, Corporate Law, Bankruptcy, and Commercial Litigation

Represented debtors and creditors in bankruptcy. Developed transactional practice—estate planning and corporate transactions. Defended clients in Fair Debt Collection issues. Handled cases on employment issues, unfair competition claims, and partner disputes.

November 2012-

GRAY ROBINSON, PA

Jacksonville, FL

January 2015

Of Counsel, Bankruptcy and Commercial Litigation

Developed own clients in commercial litigation and bankruptcy. Handled cases in almost every chapter of the Bankruptcy Code. Litigated contract disputes with toxic tort issues

and business fraud.

July 2008-

AKERMAN SENTERFITT

Jacksonville, FL

October 2012

Associate, Bankruptcy, General Litigation and Consumer Finance Litigation

Extensive experience in consumer finance and bankruptcy. Meaningful practice with appellate work. Managed team of attorneys for deposition response for national client,

including emergency motion and hearing practice.

October 2007-

McGUIREWOODS LLP

Jacksonville, FL

July 2008

Associate, Complex Commercial Litigation and Bankruptcy

Handled cases from commencement to settlement. Attended bankruptcy hearings and 341

meetings.

February 2006-

UNITED STATES BANKRUPTCY COURT,

Jacksonville, FL

September 2007 MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION

Law Clerk to the Honorable Jerry A. Funk

Drafted legal opinions, including extensive work on Winn-Dixie case. Prepared Judge for hearings and trials. Responsible for half of Judge's docket. Drafted

orders on summary judgment motions and motions to dismiss.

Education

May 2005 UNIVERSITY OF FLORIDA COLLEGE OF LAW

Gainesville, FL

Juris Doctor, cum laude

Activities: Journal of Law and Public Policy, Student Works Editor; Research

Assistant for Professor/Director of Intellectual Property; Research Assistant for Legal Skills Professor; Teaching Assistant, Legal Research & Writing, Appellate Advocacy; Treasurer, Entertainment, Arts and Sports Law

Society; Student Ambassador

May 2001

EMORY UNIVERSITY, GOIZUETA BUSINESS SCHOOL

Atlanta, GA

Bachelor of Business Administration; dual focus on Marketing and Management

Honors:

Dean's List

Activities:

Research Assistant for Associate Professor of Marketing Research; French Exchange student; Assistant Treasurer, Kappa Kappa Gamma sorority

Publications

"Bankruptcy bubble: Will it soon burst?," Jacksonville Daily Record: Bar Bulletin, Thursday, September 3, 2020

"Crawford v. LVNV Funding, LLC: The Interplay Between the Bankruptcy Code and the FDCPA," The Florida Bar Journal, Volume 89, No. 8 (September/October 2015)

Co-Author with Alexandria V. Hill, "Data Privacy: Safeguarding Information in an Interconnected Marketplace," Association of Corporate Counsel North Florida Chapter Newsletter, First Quarter 2014

Recognitions

Martindale-Hubbell AV® Preeminent™ rating
Florida Super Lawyers, Bankruptcy, 2021; Rising Star, 2012-2018
Florida Trend, Bankruptcy, Legal Elite, 2020-2021; Up and Comer, 2016-2017
American Society of Legal Advocates, "Top 40 Under 40" Bankruptcy Lawyers in
Florida, 2013-2015

Member Recognition Award, Chester Bedell American Inn of Court, April 2019 Outstanding Member of the Year, Business Law Section of The Florida Bar, June 2021

Professional

The Florida Supreme Court Committee on Standard Jury Instructions—Contract and Business Cases, Appointed Member, 2016-present

The Florida Bar, Small Claims Rules Committee, Appointed Member, 2021-present The Florida Bar, Professional Ethics Committee, Appointed Member, 2016-2019 The Florida Bar, Business Law Section, Executive Council, 2016-present;

Communications Chair, 2020-2021; Vice-Chair, 2018-2020; Retreat and Sponsorship Committee, Chair, 2017-2018; Vice-Chair, 2016-2017; Chapter 48 Task Force Member, 2018-present; Uniform Commercial Real Estate Receivership Committee Task Force, Vice Chair, 2021-present; Member, 2016-2020 (passed into law 2020 – presented to Florida Senate judiciary Committee); Member, 2009-present

Fourth Judicial Circuit Grievance Committee "B", 2020-present

Jacksonville Bar Association, Board of Governors, 2019-present; Judicial Relations Committee, Chair, 2018-2019 (created annual Bench & Bar Conference); Vice-Chair, 2017-2018; Commercial Litigation Committee, Vice-Chair, 2015-2016; Solo and Small Firm Committee, 2018-present; Bar Bulletin Committee, 2015-2019; Member, 2009-present

American Inns of Court, Chester Bedell Chapter, Executive Council Committee Member, 2016-2019; Barrister, 2015-2019; Associate, 2008-2009

U.S. Bankruptcy Court, Middle District of Florida, Student Loan Portal Committee, Appointed Member, 2018-present

Florida Association for Women Lawyers, Member, 2015-present Jacksonville Women Lawyers Association, Member, 2015-present

Community

Leadership Jacksonville, Graduated Class of 2021
Rethreaded's Circle of Sisters, Vice President, 2021-present; Secretary, 2019-2021
Jacksonville Arboretum and Gardens, Board of Directors, 2020-present
Girls Inc.'s Rising Leader Society, President 2014-2015; President-Elect, 2013-2014
University of Florida Law Alumni Council, Member, 2012-present

Court Admissions

U.S. District Court and U.S. Bankruptcy Court, Middle District of Florida U.S. District Court U.S. Bankruptcy Court, Northern District of Florida U.S. District Court and U.S. Bankruptcy Court, Southern District of Florida



Fernandina Beach Comprehensive Plan Amendment

GOAL 5P | OCEAN HIGHWAY & PORT AUTHORITY, PORT OF FERNANDINA FACILITIES ELEMENT

THE PORT MUST MAINTAIN, PLAN, AND DEVELOP THE PORT OF FERNANDINA BEACH, IN ACCORDANCE WITH MARKET FORECASTS AND THE COMMUNITY'S COMMERCIAL AND INDUSTRIAL RESOURCES, TO CREATE JOBS AND STIMULATE LOCAL AND REGIONAL ECONOMIC DEVELOPMENT WHILE MAINTAINING AND ENHANCING THE UNIQUE CHARACTER OF THE CITY OF FERNANDINA BEACH, PROVIDING FOR THE HEALTH, SAFETY AND ECONOMIC WELFARE OF THE COMMUNITY, PROTECTING THE LOCAL MARINE ENVIRONMENT, AND THE SURROUNDING HISTORIC RESIDENTIAL NEIGHBORHOOD.

OBJECTIVE 5P.01. PORT OF FERNANDINA DEVELOPMENT

Within the City of Fernandina Beach, The Port must pursue phased planning and development, consistent with the goals of the City of Fernandina Beach Comprehensive Plan and the mandates of Florida Statutes.

Policy 5P.01.01.

The Port Master Plan Map must include a land use and inventory map of existing coastal uses including all existing infrastructure including fuel storage tanks, storm water management, zoning, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public evacuation routes, historic preservation areas and conservation areas.

Policy 5P.01.02.

Within the City of Fernandina Beach, The Port will not expand port operations beyond industrially waterfront zoned or industrially zoned land (as depicted on the Future Land Use Map in effect on January 1st, 2021). The Port will not expand any ancillary operations including parking lots into the historic district or any other residentially or mixed-use zoned land (as depicted on the Future Land Use Map in effect on January 1st, 2021), with the exception of 501 North 3rd Street and the adjacent parking lot east of the property.

Policy 5P.01.03.

Any application for proposed Port development or redevelopment, within the City of Fernandina Beach, must include an analysis of the environmental, socioeconomic, and fiscal impact on the City of Fernandina Beach. The analysis will delineate the required infrastructure to support this development or redevelopment and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands, living marine resources, wildlife habitat, historical and archaeological sites, other fragile coastal resources and the adjacent historic district.

Prior to any future development or redevelopment to the Port, within the City of Fernandina Beach, all plans or proposals for development or redevelopment must be reviewed by the City of Fernandina Beach for compliance with all applicable Comprehensive Plan policies, Land Development Code regulations, and City Ordinance requirements.

Policy 5P.01.04.

Maintenance dredging of the Amelia River must be in coordination with the U.S. Army Corps of Engineers and the City of Fernandina Beach, regional, state, and federal regulatory agencies, as needed to accommodate waterborne commerce operations.

Objective 5P.02. ECONOMIC DIVERSIFICATION

The Port may explore opportunities to develop synergies between its waterborne commerce operations and other economic resources in the area.

Policy 5p.02.01.

The Port may explore complementary upland developmental opportunities, but not within the boundaries of the Fernandina Beach Historic District.

Policy5p.02.02.

To take better advantage of its proximity to the Intracoastal Waterway, The Port may support initiatives to improve Intracoastal connections. The Port may cooperate with entities seeking to improve conditions along the Intracoastal Waterway.

Objective 5P.03. GOVERNMENTAL AND AGENCY COORDINATION

The City of Fernandina Beach and the Port must work together to ensure that port maintenance and development or redevelopment activities are compatible with and support the programs and policies contained in the City's Comprehensive Plan. The City of Fernandina Beach and the Port must coordinate development efforts with local, state, and federal permitting agencies and other private entities to ensure that development and operations are carried out in accordance with the public interest and regulatory requirements.

Policy 5p.03.01.

Port planning and development must be in coordination with the City of Fernandina Beach to ensure compliance with the City's Comprehensive Plan, including the Conservation and Coastal Management Element and Land Development Code.

Policy 5.03.02.

The Port must continue to coordinate with the Fernandina Beach Historic District Council to ensure preservation and restoration of significant historical sites that fall within the jurisdiction of the Port facility. Where Port property is adjacent to the Historic District, a 30-foot landscaped buffer must be maintained.

Policy 5.03.03.

The Port and the City must coordinate to ensure the provision of adequate infrastructure and utilities for Port operations.

Policy 5p.03.04.

Public input must be obtained prior to implementation of any Port development program.

Policy 5.03.05.

<u>Development within the Port must comply with the provisions of the permits governing its in-water and upland development program.</u>

Policy 5p.03.06.

<u>Development within the Port must support the economic development initiatives of the City of Fernandina</u> Beach, by pursuing activities that expand economic opportunities.

Policy 5.03.07.

The Port must review the economic development initiatives of Nassau County and support when consistent with the City of Fernandina Beach Comprehensive Plan.

Policy 5.03.08.

The Port must develop a strategic plan with a 10-year horizon which must at a minimum include the elements listed in FS 311.14 – Seaport Planning and which adequately addresses the applicable requirements of FS 163.3178. To the extent feasible, the port master plan must be consistent with the City Comprehensive Plan.

The Port must submit the Master Plan to the City for consistency review with City of Fernandina Beach

Comprehensive Plan. Any inconsistencies that cannot be resolved with The Port must be noted in the Port

Master Plan and will not be adopted in the Comprehensive Plan by reference.

Policy 5.03.09

The Port and the City of Fernandina Beach must work together to create a long term inter-local agreement between the two entities that will establish guiding principles and specific goals and objectives to ensure a positive, productive, and economically driven long term relationship. This inter-local agreement must include those items of critical interest and concern to both parties as well as the items identified in Objectives 5P4 – 5P7 of the current Comprehensive Port Sub-element. The inter-local agreement must be reviewed and updated every 5 years at a minimum. Either party may ask for the agreement to be opened for amendment.

Objective 5P.04. MULTI-MODAL TRANSPORTATION

The City will work with the Port to facilitate improvements which will support the safe, efficient, sustainable, and economical, transportation of goods and services to and from the Port.

Policy 5p.04.01.

The Port should cooperate with entities seeking to improve conditions along the Intracoastal Waterway.

Policy 5p.04.02.

The Port should collaborate with local, regional, and state agencies to develop the intermodal connections needed for the efficient movement of goods to and from its facilities.

Policy 5p.04.03.

The Port must schedule arriving truck traffic to eliminate the queuing of trucks outside the gates, and direct drivers to utilize designated truck routes.

Policy 5p.04.04.

The Port must collaborate with Genesee & Wyoming and CSX, or their successors, to obtain the best possible service and interchanges. The Port may continue its use of the on-site rail line and must seek opportunities for safe and efficient use of the rail line.

Policy 5p.04.05.

The Port must collaborate with railways, FDOT, and the City to improve the warning devices at the Dade and Front Street rail grade crossing to increase safety.

Policy 5p.04.06.

The City of Fernandina Beach and the Port must collaborate with the TPO, the Florida Department of Transportation, the local community, and other entities to gain funding for any needed improvements to roads over which Port truck traffic must travel.

Policy 5p.04.07.

The City of Fernandina Beach airport management may collaborate with the Port to develop the intermodal connections needed for the efficient movement of goods to and from its facilities.

Objective 5P.05. NATURAL RESOURCE PRESERVATION AND PROTECTION

The Port must conserve and protect natural resources including forests, wetlands, fish, marine life, and wildlife, and must cooperate with federal, state, regional, and local agencies in developing sound environmental policies for Port development and operations.

Policy 5p.05.01.

The Port must limit specific and cumulative impacts on water quality to maintain the integrity of the Amelia River and maintain the applicable water quality standards. In doing so, the Port must design the drainage system on its property to meet National Pollution Discharge Elimination System (NPDES), Florida

Department of Environmental Protection, and St. Johns River Water Management District water quality standards and must coordinate its efforts with federal, state, regional, county and city governmental agencies.

Policy 5P.05.02.

The Port may not place or build structures including pier or pier extensions in wetlands, wetland transition areas, or conservation area and will not conduct activities which degrade any wetlands and/or wildlife habitat.

Policy 5p.05.03.

The Port must continue to coordinate with state and federal agencies, the Cumberland Sound Pilots Association, and other interested organizations to protect manatee and right whale populations surrounding the Amelia River Basin.

Policy 5P.05.04.

The Port must use best management practices governing construction, operation, and maintenance at the Port facility. All new development or redevelopment at the Port of Fernandina, within the City of Fernandina Beach, must comply with applicable Federal, State, and local regulations.

Policy 5P.05.05.

The Port must coordinate and implement strategies with industry and the City of Fernandina Beach to meet the air quality standards established by the EPA and FDEP.

Policy 5P.05.06.

The Port, the City of Fernandina Beach, and the electrical utility provider, should collaborate concerning the benefits and costs of installing and requiring ship to shore power at the Port of Fernandina.

Policy 5P.05.07

The Port must continue to comply with the requirements of the permits from the Department of Environmental Protection in regard to maintaining and preserving the permanent conservation areas and the ten-foot-wide marshland mitigation area.

Objective 5P.06. PROTECTION FROM NATURAL DISASTERS & MANMADE HAZARDS

The Port must implement measures to reduce exposure which may harm human life and property from natural disasters and manmade hazards by implementing sound safety and security programs.

Policy 5P.06.01.

The Port Facility Security Plan must meet the requirements of Title 33 Code of Federal Regulations Part 105, and must be kept up to date, and must be consistent with City, County, and Federal emergency plans.

Policy 5p.06.02.

To provide a safe operating environment, The Port must implement required Federal, State and Local safety and health measures and ensure that operations are conducted in accordance with those measures. The Port must prepare and implement the Facility Security Plan mandated and approved under State and Federal guidelines.

Policy 5p.06.03.

All new development or redevelopment at the Port, must comply with the Florida Building Code as amended by the City, and the City's locally adopted floodplain ordinance.

Policy 5P.06.04.

Port post-disaster redevelopment procedures to reduce or eliminate risk to human life and property due to natural disasters and manmade hazards must include the structural modification or removal of facilities that have experienced repeated storm damage.

Policy 5P.06.05.

The Port in cooperation with all federal authorities must prohibit the handling of unauthorized hazardous materials and must be prepared to contain hazardous material spills that could occur at the Port facility site.

Policy 5P.06.06.

At the Port, all emergency contingency materials and equipment necessary to mitigate petroleum spills in the water must be stored onsite. This must be verified by the Fernandina Beach Fire Chief or his designee annually.

Policy 5P.06.07.

A waterfront facility, which is a facility of particular hazard as defined in 33CFR 126.3, will not be allowed in Waterfront Industrial or I-W zoned areas.

Policy 5P.06.08.

The Port evacuation contingency and warning plan must include a detailed requirements to evacuate the adjacent area in the event of a toxic spill, toxic gas release, Port fire, or other manmade disaster. Its plan must be kept up to date, and must ensure that it is consistent with City, and County emergency plans. This plan must be filed annually with the City and County.

Policy 5p.06.09.

The Port of Fernandina will not accept, transfer, load or store coal, coal ash, or Liquefied Natural Gas (LNG).



New Business



Resolution 2021-R07

PTGA_Port of Fernandina
Pier Improvements Initiative

OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY, FLORIDA RESOLUTION NO. 2021-R07

A RESOLUTION OF THE OCEAN HIGHWAY AND PORT AUTHORITY OF NASSAU COUNTY, FLORIDA, ACCEPTING THE FLORIDA DEPARTMENT OF TRANSPORTATION PUBLIC TRANSPORTATION GRANT AGREEMENT FOR THE PORT OF FERNANDINA PIER IMPROVEMENT INITIATIVE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS the Ocean, Highway, and Port Authority is an independent, special district created and chartered under the laws of the State of Florida at Chapter 2005-293, as authorized by F.S. Ch. 189.

WHEREAS OHPA has the authority and obligation to seek out, apply for, accept and administer grant funds as available and applicable.

WHEREAS the Florida Department of Transportation is responsible for administering and issuing the applicable funds made available pursuant to the FDOT Public Transportation Grant Agreement for Port Pier Improvements, as more fully set forth in the grant agreement attached hereto.

WHEREAS FDOT has agreed to participate in the Port of Fernandina Pier Improvement initiative by contributing a maximum amount of \$197,194.00 of the project costs, as further set forth in the grant agreement attached hereto.

Now therefore be it resolved by the commissioners of the Ocean Highway and Port Authority, Nassau County, Florida that:

Section 1. OHPA accepts the awarded grant funds described above.

Section 2. OHPA agrees to comply with the FDOT Public Transportation Grant requirements for administration of the relief funds described above.

RESOLVED FURTHER THAT the Ocean Highway adopts the foregoing Resolution, dated this	y and Port Authority, Nassau County, Floridaherel day of
	OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY, FLORIDA
ATTEST:	Danny Fullwood, as its Chairman
Scott Hanna, as its Secretary	



Interlocal Agreement Development of Port 2021

INTERLOCAL AGREEMENT

TIIIS interlocal AGREEMENT is entered into this __ day of _______, 2021 by and between the CITY OF FERNANDINA BEACH, FLORIDA, a municipal corporation, hereinafter referred to as "CITY", and the OCEAN HIGHWAY AND PORT AUTHORITY, an independent special district of the State of Florida, hereinafter referred to as "OHPA".

WHEREAS, the City and OHPA believe it is in the best interests of the citizens of Fernandina Beach to prohibit expansion of the Port of Fernandina and Port facilities into the adjacent Downtown Historic District of the City of Fernandina Beach;

WHEREAS, the City and OHPA believe it is in the best interests of the citizens of Fernandina Beach to have OHPA limit its powers of eminent domain and agree that OHPA will not exercise its powers of eminent domain in the city limits of Fernandina Beach;

WHEREAS, the City and OHPA believe it is in the best interests of the citizens of Fernandina Beach and Nassau County to require the Port of Fernandina and Port facilities to develop and redevelop their properties in compliance with state law and the applicable City or County Comprehensive Plans in accordance with Sec. 163.3161(5-8), F.S.; and

WHEREAS, the City and OHPA believe it is in the best interests of the citizens of Fernandina Beach and Nassau County to coordinate and work together regarding economic development initiatives for the Port of Fernandina including but not limited to, state and federal grant applications.

NOW, THEREFORE, the CITY and the OHPA agree as follows:

- 1. The above recitals are incorporated fully herein by this reference.
- 2. CITY and OHPA understand and agree that OHPA has powers of eminent domain pursuant to a special act, Laws of Florida Ch. 2005-293. The CITY and OHPA further hereby specifically agree that OHPA will not use its powers of eminent domain within the city limits of the City of Fernandina Beach.
- 3. CITY and OHPA understand and hereby agree that OHPA must comply with the following when developing, redeveloping or improving Port facilities and Port properties:
 - (a) Must comply with The Florida Building Code; and
 - (b) Must comply with The Florida Fire Protection Code; and
 - (c) Must comply with The Flood Plain Management Ordinances of the applicable jurisdiction; and
 - (d) Must comply with the requirements of any applicable State or Federal grants; and
 - (e) For development of authority-owned properties located in the Downtown Historic District of the City of Fernandina Beach as of 2021, the authority must comply with the requirements of the

DRAFT 11-22-21

City of Fernandina Beach Historic District requirements delineated in the City of Fernandina Beach Land Development Code; and

- (f) Further expansion of the Port of Fernandina and authority-owned facilities into the Downtown Historic District of Fernandina Beach is prohibited; and
- (g) No development be permitted except in conformity with the applicable Comprehensive Plan, or elements or portion thereof prepared and adopted in conformity with the Community Planning Act [See F.S. 163.3161(5-8)].
- 4. SEVERABILITY If any section, clause, or provision of this Agreement is held invalid, the remainder of this Agreement shall be construed as not having contained said section, clause, or provision, and shall not be affected by said holding.
- 5. NO AGENCY Nothing contained herein shall be construed to constitute either of the parties, nor any of its agents or employees, as the agent of the other.
- 6. TERM This Agreement shall continue in effect until terminated by mutual written agreement executed by both parties provided, however, that all obligations of CITY in §§ 3-5 and 8, survive termination of this Agreement.
- 7. AUTHORITY & DRAFTING Each of the parties represents to the other that the execution of this Agreement has been duly and properly authorized by the governing bodies of each of the parties and each has full authority to execute the same through its representative whose signatures appear below. This Agreement has been negotiated by the parties and jointly drafted. Ambiguities shall not be construed against any party.
- 8. INTEGRATION & AMENDMENT This Agreement contains the entire agreement between the parties hereto and supersedes any prior written or oral agreements. This Agreement may be altered or modified only in writing signed by the parties hereto and approved by the governing bodies of both parties.
- 9. FILING This Interlocal Agreement shall be filed with the Clerk of the Circuit Court of Nassau County, Florida, prior to its effective date, in accordance with Florida Statutes § 163.01(11).

OCEAN HIGHWAY AND PORT AUTHORITY

Danny Fullwood, as its Chairman

APPROVED AS TO FORM AND LEGALITY:

Print Name:______

Title: OHPA Attorney

DRAFT 11-22-21

CITY OF FERNANDINA BEACH, FLORIDA
By: Michael A. Lednovich Title: Mayor
ATTEST:
Caroline Best, City Clerk
APPROVED AS TO FORM AND LEGALITY:
Tammi E. Bach, City Attorney



Interlocal Agreement Federal Channel

DRAFT INTERLOCAL (FEDERAL CHANNEL) 11-22-21

INTERLOCAL AGREEMENT

TIIIS interlocal AGREEMENT is entered into this __ day of _______, 2021 by and between the CITY OF FERNANDINA BEACH, FLORIDA, a municipal corporation, hereinafter referred to as "CITY", and the OCEAN HIGHWAY AND PORT AUTHORITY, an independent special district of the State of Florida, hereinafter referred to as "OHPA".

WHEREAS, the CITY and the OHPA have determined it to be in the best interests of the citizens of Fernandina Beach and Nassau County to coordinate the efforts of the CITY and the OHPA working with the U.S. Army Corps of Engineers (USACE) by moving the navigational channel of the Amelia River to the west to accommodate improvements and growth on the Amelia River waterfront and at the CITY Marina.

NOW, THEREFORE, the CITY and the OHPA agree as follows:

- 1. OHPA officials will formally support the USACE to relocate the federal navigational channel 100 feet to the west as authorized by the Water Resources Development Act of 2000.
- 2. Any damages to OHPA resulting from the relocation of the channel be borne by CITY immediately upon written notice from OHPA to CITY. Damages include any present or future consequence of the relocation of the channel or expense associated with it, foreseen or unforeseen, including but not limited to financial or other expenditures necessary for OHPA to (i) retain its status as the non-federal sponsor of the waterway, (ii) maintain all navigational components of the channel, and (iii) comply with any laws, rules and regulations, national, international, state, or local. Damages are limited to issues or matters proximately caused or created by the relocation of the channel. The determination of such causation shall be made by OHPA by majority vote at a public meeting. Upon OHPA's written notice of damages, CITY may appeal the determination through the arbitration process at the sole expense of CITY. Such appeal shall be submitted to and decided by binding arbitration in Savannah, Georgia before three arbitrators and administered by the Maritime Arbitration Association of the United States in accordance with its Rules, and final judgment on the award rendered by the arbitral tribunal may be entered in any court having jurisdiction thereof.
- 3. To the greatest extent permitted by Florida law, CITY agrees to assume liability for and indemnify, hold harmless, and defend OHPA, its commissioners, officers, employees, agents, and attorneys of, from, and against all liability and expense, including reasonable attorney's fees, in connection with any and all claims, demands, damages, actions, causes of action, and suits in equity of whatever kind or nature arising directly or indirectly out of or in connection with any action taken regarding the navigational channel in the Amelia River or obligation assumed as a result of moving the navigational channel. This includes liability for injuries,

DRAFT INTERLOCAL (FEDERAL CHANNEL) 11-22-21

property damage, and financial obligations such as dredging the Amelia River in accordance with USACE regulations and policies or claims made against OHPA as a result of the movement. CITY liability hereunder shall include all attorney's fees and costs incurred by the OHPA in the enforcement of this indemnification and defense provision. Nothing contained in the foregoing indemnification shall be construed to be a waiver of any immunity or limitation of liability the CITY or OPHA may have to non-parties to this agreement under the doctrine of sovereign immunity or Section 768.28, Florida Statutes.

- 4. SEVERABILITY If any section, clause, or provision of this Agreement is held invalid, the remainder of this Agreement shall be construed as not having contained said section, clause, or provision, and shall not be affected by said holding.
- 5. NO AGENCY Nothing contained herein shall be construed to constitute either of the parties, nor any of its agents or employees, as the agent of the other.
- 6. TERM This Agreement shall continue in effect until terminated by mutual written agreement executed by both parties provided, however, that all obligations of CITY in §§ 2-3, survive termination of this Agreement.
- 7. AUTHORITY & DRAFTING Each of the parties represents to the other that the execution of this Agreement has been duly and properly authorized by the governing bodies of each of the parties and each has full authority to execute the same through its representative whose signatures appear below. This Agreement has been negotiated by the parties and jointly drafted. Ambiguities shall not be construed against any party.
- 8. INTEGRATION & AMENDMENT This Agreement contains the entire agreement between the parties hereto and supersedes any prior written or oral agreements. This Agreement may be altered or modified only in writing signed by the parties hereto and approved by the governing bodies of both parties.
- 9. FILING This Interlocal Agreement shall be filed with the Clerk of the Circuit Court of Nassau County, Florida, prior to its effective date, in accordance with Florida Statutes § 163.01(11).

OCEAN HIGHWAY AND PORT AUTHORITY
Danny Fullwood, as its Chairman
APPROVED AS TO FORM AND LEGALITY:
By:

DRAFT INTERLOCAL (FEDERAL CHANNEL) 11-22-21

Title: Port Attorney
CITY OF FERNANDINA BEACH, FLORIDA
By: Title: Mayor
APPROVED AS TO FORM AND LEGALITY:
Tammi E. Bach, City Attorney
ATTEST:
Caroline Best, City Clerk



Administrative Office Manager Report

ADMINISTRATIVE OFFICE MANAGER'S REPORT November 2021

Hours Worked November – 108

- Attended and completed meeting minutes for November 10 Monthly meeting
- Attended and completed meeting minutes for November 30 Emergency Special Meeting
- Invoices paid and entered into QuickBooks
- Payroll entered into QuickBooks (meeting with Joanne)
- Bank transactions (transfers, online)
- Responded to all emails, voicemails, and corresponding documents/letters, Commissioners' requests
- Website Updates
- Electronic file organizing
- Purchased Business mobile phone
- Responded/Researched documents requests
- Compiled and delivered documents for auditors
- PTO (Thanksgiving)
- Corresponded with IT support for PRR

Public Records Request Received in November-4