

**OCEAN HIGHWAY & PORT AUTHORITY
NASSAU COUNTY, Florida**



**Peck Center
Willie Mae Ashley Auditorium
516 S 10th Street
Fernandina Beach, FL 32034**

**AGENDA
November 8, 2023
4:30 PM
Executive (Shade)/Monthly Meeting**

4:30 PM – Executive meeting Call to Order – Chairman

- Executive Session (Shade meeting)

Pursuant to Florida Law, the OHPA Board of Commission will open the monthly (Public) meeting and then conduct an Executive (closed) session to discuss pending litigation Case No. 2020-CA-284 (COFB v. OHPA, PILOT matter). The monthly (Public) meeting will reconvene promptly after the conclusion of the Executive session.

- 1. Public meeting Call to Order – Chairman**
- 2. Invocation**
- 3. Pledge of Allegiance**
- 4. Roll Call:** Miriam Hill, District 1; Danny Fullwood, District 2, Justin Taylor, District 3; Ray Nelson, District 4; Mike Cole, District 5
- 5. Election of new Officers (Chair, Vice Chair, Secretary/Treasurer)**
- 6. Recognition of elected Officials, Honored guests, Industry and Professional representatives, and others in attendance (Chairman)**
- 7. Public Comments** on agenda items (Comments submitted prior to the meeting)

8. Regular Business:

a. Approval of Minutes

- October 3, 2023 Emergency/Special meeting (Port Dir. contract)
- October 11, 2023 Monthly meeting
- October 25, 2023 Board meeting

b. Port Attorney Report

c. Port Accountant Report

- Financial report – October 2023
- ARPA reimbursement update
- FY 2023-24 Budget amendment

d. Port of Fernandina Report (Operator)

- Tonnage report (October 2023)
- Port customer service (update)
- Port issues/repairs (update)

e. Port Director Pro tem Report

- Authorization for RFQ (architectural services, U.S. Customs & Border Protection facility)
- Authorization for construction contract (RFB Covered Storage facility candidates)
- Acknowledgement of notice and pay (written)

9. Old Business

- a. Customs & Border Protection facility (update)
- b. Fort Clinch tugboat (Haul-out inspection update)
- c. OHPA property sale (selection of broker)
- d. Port Authority Advisory Board (approval/nominations)

10. New Business

11. Commissioners Reports and Comments

a. New business development reports

12. Administrative Office Manager Report

13. Other items to be brought by Commissioners

14. Adjournment

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.



Minutes

OCEAN HIGHWAY & PORT AUTHORITY



Miriam R. Hill – Vice Chairperson, District 1
Danny Fullwood – Chairman, District 2
Justin Taylor – Secretary/Treasurer, District 3
Ray Nelson – Commissioner, District 4
Mike Cole – Commissioner, District 5

Emergency Meeting Minutes

October 3, 2023

The Ocean Highway and Port Authority of Nassau County held its Emergency Meeting on Tuesday, October 3, 2023 at the Peck Center, Willie Mae Ashley Auditorium, 516 S 10th Street, Fernandina Beach, Florida.

The Emergency meeting was called to order at 3:00 PM by Chairman Fullwood. The invocation and pledge were led by Chairman Fullwood. Roll call was conducted by Rossana Hebron, Administrative Office Manager. All Commissioners were present. Also in attendance were David Kaufman, Port Executive Director, and Patrick Krechowski, Port Attorney.

The Chairman explained the Board was called to this meeting to discuss the Port Executive Director's employment contract.

Vice Chairwoman Hill inquired if the Chairman was the only one who can call a Special meeting. Mr. Krechowski explained through the Chairman he requested the meeting because the Board needed to discuss the issue with the Port Executive Director's position. The Board can only meet together in a public meeting. Chairman Fullwood added that Mr. Kaufman was unsure of his status with OHPA.

Vice Chairwoman Hill recalled the Board voted to end the agreement with the Port Executive Director as of September 30th in consideration of the budget. She also recalled Commissioner Taylor motioned to remove the line item (Port Director salary) from the budget. That motion passed by a vote of 3 to 2 at the budget meeting. She referred to the June 14th meeting minutes stating the Board gave Mr. Kaufman notice that his contract will not renew. She recalled Mr. Kaufman replied he was not worried about the matter. She affirmed Mr. Kaufman was given notice at that time.

Mr. Kaufman, in reply, referred to his contract that specified a provision of sixty days written notice for termination and submitted to his personal email address. He asserted the written notice was never provided. He reminded the Board he sent an outline to each Commissioner via email detailing his understanding of the matter.

Vice Chairwoman Hill questioned why Mr. Kaufman did not reply when the matter was discussed at previous meetings. Mr. Kaufman explained he understood the discussions were under the context of Mr. LaPorte's budget report. He added each time it was discussed that there was adequate funding in the grant to fund his position at least for

another year. Therefore, he had no reason to believe otherwise, that the position would not be funded. The Board did not take official action to her recommendation not to renew the contract. He asked that all the rights and privileges afforded to him by the contract would be honored by the Board. Mr. Kaufman's counsel was unavailable at the time but contacted Mr. Krechowski the day before. Vice Chairwoman Hill asked if Mr. Kaufman would like to excuse himself from the meeting because he did not have representation. Mr. Krechowski declared a written notice under provision 5 and 6 in the contract was not provided by this Board.

Commissioner Cole claimed the only relevance is what the contract states that Mr. Kaufman was to be provided with a written notice with severance pay without due cause. The only official action the Board took was to remove the Port Director's salary from the budget. He recommended to provide Mr. Kaufman the sixty days' notice plus severance pay.

Vice Chairwoman Hill asked if the issue was the same as non-renewal of the agreement. She explained termination is not necessary if the contract is not renewed. Mr. Krechowski concurred; however, he explained the contract renewed September 30th.

Commissioner Taylor was perplexed by the requirement of a public board, such as OHPA, to provide a written notice even with approved minutes, audio and video recordings of the discussion. Mr. Krechowski explained there was a discussion but no official action (vote) by the Board that took place. There was even acknowledgment of the discussion, still no official Board action.

Vice Chairwoman Hill motioned to provide written notice pursuant to the agreement to David Kaufman that the Board does not intend to renew his agreement. His employment will terminate effective September 30th. The severance to be determined. Commissioner Taylor second the motion.

Discussions:

Commissioner Cole questioned whether the severance can be determined when it is specified in the contract.

Vice Chairwoman Hill explained the Board had multiple discussions of the matter. She encouraged negotiating the matter with Mr. Kaufman's attorney present.

Commissioner Cole discouraged that suggestion. He reasoned that OHPA cannot afford another legal action. He urged the Board to follow the contract. Chairman Fullwood concurred.

Vice Chairwoman Hill believes it is not practical to ask Mr. Kaufman to continue working for sixty days after termination was ordered. Chairman Fullwood acknowledged the on-going projects Mr. Kaufman is currently pursuing. A transition period is necessary for sixty days. She suggested preserving the records from the on-going projects for OHPA.

Mr. Kaufman asked if his contract did not renew for a year. Mr. Krechowski will examine provision 5 of the contract. He repeated the motion on the floor to provide written notice to not renew effective September 30th.

Vice Chairwoman Hill summarized the motion was to give Mr. Kaufman notice of non-renewal effective September 30th.

Mr. Krechowski again summarized the motion to give 60-days written notice of non-renewal of the contract effective September 30th. Vice Chairwoman Hill confirmed. Commissioner Taylor second was also confirmed.

The Board voted 3 to 2 in favor of the motion with Chairman Fullwood and Commissioner Cole dissenting.

Commissioner Cole motioned to pay the severance per the contract. Chairman Fullwood second the motion for discussion.

Discussions:

The Board questioned the dollar amount for the severance pay. Mr. Kaufman stated the contract required 16 weeks. Mrs. Hebron confirmed the gross monthly payment was \$10,833.33. Mr. Krechowski confirmed the severance language is in the termination clause and not the non-renewal.

Commissioner Cole rescinded his motion.

Vice Chairwoman Hill motioned that Mr. Kaufman serve in a transition capacity for two weeks beginning October 1st with payment of \$10K for those two weeks in the form of severance. Chairman Fullwood second the motion for discussion.

Discussion:

Mr. Krechowski restated the motion for a two-week transition period at the rate of \$10K total plus payment under the sixty days notice. He added Mr. Kaufman will receive 60 days pay from the earlier motion. He also clarified for Mr. Kaufman the will of the Board is to give notice for 60 days beginning September 30th. Provision 5 does not specify a start date.

Vice Chairwoman Hill withdrew her \$10K motion.

Commissioner Nelson asked if the pay within the sixty days would qualify as severance. Mr. Krechowski explained Mr. Kaufman was given sixty days notice.

Chairman Fullwood asked for Board permission to work with Mr. Kaufman and collect information for the on-going projects for the transition.

Commissioner Cole requested Mr. Kaufman attend the meetings and provide reports.

Vice Chairwoman Hill requested Mrs. Hebron back-up Mr. Kaufman's email contents to preserve the public records during the transition period. The Board directed Mrs.

Hebron to refrain from deactivating Mr. Kaufman's email access until the end of sixty days.

Commissioner Cole asked Mr. Kaufman if he would consider the offer as paid time to represent OHPA at the Florida Ports Council for the next two months. Mr. Kaufman replied he was not prepared to answer. Vice Chairwoman Hill interjected that the offer was taken off the table. Mr. Kaufman replied that he is certain his position is not finished.

Mrs. Hebron reminded the Board and everyone that email is considered public records and not to destroy or delete any information.

Chairman Fullwood reminded the Board of the meeting on October 11th and to submit agenda items to Mrs. Hebron.

Adjournment

With no other questions brought before the Board, the meeting was adjourned at approximately 3:40 PM.

Date

OCEAN HIGHWAY & PORT AUTHORITY



Miriam R. Hill – Vice Chairwoman, District 1
Danny Fullwood – Chairman, District 2
Justin Taylor – Secretary/Treasurer, District 3
Ray Nelson – Commissioner, District 4
Mike Cole – Commissioner, District 5

Monthly Meeting Minutes

October 11, 2023

The Ocean Highway and Port Authority of Nassau County held its Monthly Meeting on Wednesday, October 11, 2023 at the Peck Center, Willie Mae Ashley Auditorium, 516 S 10th Street, Fernandina Beach, Florida 32034.

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

The invocation was given by Commissioner Cole. The Pledge of Allegiance was led by Chairman Fullwood. Roll call was conducted by Rossana Hebron, Administrative Office Manager. All Commissioners were present. Also in attendance were David Kaufman, Port Executive Director; Patrick Krechowski, Port Attorney; Pierre LaPorte, Port Accountant; and Matt McPhail, Savage Senior Commercial Director (for Port Operator).

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

- **Chip Ross**; Fernandina Beach
Mr. Ross shared his approval of the Board's choice to work with John Hillman/Cabana Lane on the sale of OHPA properties.

First, he reminded the Board of their fiscal responsibilities. Four of the Commissioners approved selling the only capital asset OHPA has, and they have yet to present a capital plan on what to do with the funds. He perceives that the Board is putting long-term improvements for their short-term political gain. He urged the Board to commit not to sell any property or capital assets until there is a plan. Selling capital assets to fund on-going operation expenses is not fiscally responsible.

Second, he spoke of transparency. There is a public records law. OHPA bought a tugboat with federal tax-payers' dollars. His public records request for the white paper document was delayed because the document was marked "Confidential." There should be transparency in government.

- **Catherine Tharin**; Fernandina Beach
Mrs. Tharin echoed Mr. Ross' opinion regarding the sale of OHPA lots. She explained at the September 13th meeting, there was no Board consensus on which lot to sell or do with the income. She encouraged the Board to be thoughtful, deliberate, and have integrity to their actions.

The Chairman thanked both speakers.

2. Approval of Minutes

Vice Chairwoman Hill requested to consider the two meeting minutes separately. The Chairman granted her request.

a. September 13, 2023 Monthly meeting

Vice Chairwoman Hill motioned to approve. Commissioner Taylor second the motion.

There were no discussions.

The Board voted unanimously in favor of the motion.

b. September 25, 2023 Executive (Shade)/Special (Budget FY 2023-24) meeting

Vice Chairwoman Hill requested more time to review the September 25th meeting minutes until the next meeting. She wished to consult with Mr. Krechowski about some specifics that were discussed. The Chairman granted her request.

3. Consent items

a. Tech systems (audio/visual for meetings)

Mrs. Hebron reminded that the Board consented to the purchase of audio/visual systems at the September 13th meeting. At the time, she limited the cost to less than \$300. Since then, she received other suggestions for better audio systems with higher cost than what was consented. The estimated cost was approximately \$1800.

Commissioner Nelson suggested the Board move forward because he received some public feedback of inaudible broadcasting.

Commissioner Nelson motioned to approve the purchase. Vice Chairwoman Hill second the motion.

The Board voted unanimously in favor of the motion.

The estimated cost was not presented to the Board prior to the meeting. Vice Chairwoman Hill motioned to approve the cost not to exceed \$2K for the audio equipment. Commissioner Cole second the motion.

The Board voted unanimously in favor of the motion.

The Chairman read a statement before proceeding with the rest of the agenda.

By now you all have heard from Patrick and seen the letter from David's attorney regarding the employment agreement issue. I have talked with Patrick, read the Employment Agreement again and read the letter from his attorney. As Chairman, I believe we have not handled this well and it has led to confusion and possible litigation – which is the last thing we need. The language of the Agreement is clear and we need to follow it. In my opinion, when we voted on October 3rd to non-renew David's contract, it was too late – the contract had already automatically renewed. In my mind, we have two options: honor the contract renewal for 2023-2024 or give David the proper notice that he is being terminated and will be given 16 weeks of severance. Therefore, I am making a Motion to Rescind the previous Board action taken on October 3rd that attempted to give David notice that his contract was not being renewed. Do I hear a second?

Commissioner Cole second the motion.

Discussions:

Vice Chairwoman Hill inquired about the rationale for rescinding the notice not to renew. Chairman Fullwood explained the Board did not do it properly. The Board was under contract, and the Board violated that contract. She recalled the actions taken at the June 14th meeting that the Board provided verbal notice to Mr. Kaufman not to auto-renew his contract. She recalled Mr. Kaufman acknowledged by saying "I'm not worried about it." In retrospect, she explained the Board should reach a consensus and vote on the matter. It was brought to the Board's attention again on the June 28th meeting (budget workshop). Again, Mr. Kaufman acknowledged the non-auto-renew. Both instances were written in the meeting minutes. Mr. Kaufman believes his contract did auto-renew and deserves the 60-days and 16 weeks as required by Florida law. She clarified that it is not required by Florida law but the maximum in Florida law. She believes the Board gave notice, Mr. Kaufman heard and acknowledged the notice. It was in bad faith that Mr. Kaufman intentionally waited until his contract "renew" before presenting his claim despite multiple public discussions. She would not support the motion.

Chairman Fullwood reiterated the contract required a written notice but the Board did provide said notice. Therefore, the Board violated the contract.

After watching the video of the last meeting, Commissioner Taylor concurred Vice Chairwoman Hill discussed the auto-renew clause. The 60-days notice was confirmed. He wondered who was responsible for preparing the written notice.

Mr. Krechowski qualified the letter from Mr. Kaufman's attorney indicating litigation. He recalled he was not present at the June 14th meeting. He explained had he been directed to provide a written notice; he would have confirmed the Board's vote. There was no Board approval vote nor was he asked to prepare a written notice. He explained a mere Board consensus on the matter was not sufficient. The Board needed to take action.

Commissioner Nelson suggested the Board needs to do the right thing. He proposed to give the 60-days notice and 16 weeks severance pay.

Commissioner Cole asked Mr. LaPorte if the ARPA funds would reimburse the severance pay. Mr. LaPorte explained it needs to stay in the payroll system as part of employee wage.

Chairman Fullwood restated the motion. Vice Chairwoman Hill confirmed just to rescind the action and not any other action because Mr. Kaufman was paid some of the funds out in salary. Mr. Krechowski confirmed the motion is to rescind the previous action of the Board. It was a proper way to rescind a previous action taken by the Board. She asked the Board to formulate a plan before rescinding.

The Board voted 4 to 1 in favor of the motion with Vice Chairwoman Hill dissenting.

Commissioner Taylor asked what the next Board action would be concerning Mr. Kaufman's role in the interim.

Mr. Krechowski explained the options; the Board can honor the first auto-renewed contract for a year and not renew or exercise the Board's rights under section 6 of the contract to provide 60-days written notice of termination with 16 weeks of severance.

Commissioner Nelson motioned the Board provide 60-days notice with the 16-weeks of severance. Commissioner Taylor second the motion.

Discussion:

Mr. Krechowski read a portion of section 6 of the contract per Vice Chairwoman Hill's request. It was reiterated the 60 days would start tonight and 16 weeks of severance thereafter.

Commissioner Nelson suggested to utilize Mr. Kaufman to make the transition.

Vice Chairwoman Hill read a portion of the contract:

...termination due to Employee's personal dishonesty, incompetence, willful misconduct, gross negligence, any breach of fiduciary duty, intentional failure to perform stated duties, willful violation of any law, rule or regulation (other than traffic violations or similar offenses) or material breach of any provision of this Agreement.

She stated it does not include failure to meet the stated objectives of the role which the Board communicated throughout his employment.

There was confusion with the vote. Mr. Krechowski suggested a poll vote.

**Nelson – Yes
Taylor – Yes**

**Cole – No
Fullwood – No**

Hill – Yes

The motion carried by a vote of 3 to 2.

The Chairman directed Mr. Krechowski to prepare the written notice and proceed with the proper action.

4. Port Attorney Report

Mr. Krechowski submitted a written report included in the meeting packet. He added he and the Chairman met virtually with the Savage team to discuss some items including the on-going litigation. He offered to discuss with the Board individually. All other matter on the report is self-explanatory.

There were no questions from the Board.

5. Port Accountant Report

a. Financial report – September 2023

Mr. LaPorte submitted a written report included in the meeting packet. He reported this was the end of fiscal year and the last report for the period. He expects the auditors the first week of November and is preparing the FY 2022-23 financial reports.

There were no unusual activities for the expenses, Customs House, and account balances reports.

b. ARPA reimbursement update

Mr. LaPorte reported every three months he submits the payroll reimbursement to ARPA.

Additionally, he reported FDOT completed its audit of OHPA's grant process that started approximately 6 to 8 months ago. They found no issues with OHPA's grant process and payments. Their only recommendation was for OHPA to prepare a written procedure. Mr. LaPorte will seek guidance from FDOT and other ports to prepare the document in response to FDOT's request.

Vice Chairwoman Hill thanked Mr. LaPorte for the update and report on the matter.

There were no questions for the Port Accountant.

6. Port of Fernandina Report (Operator)

a. Tonnage report – September 2023

Matt McPhail, Savage Senior Commercial Director, submitted a written report included in the meeting packet. He reported September was a better month than August. More in line with the June and July tonnages.

There were five vessel port calls, nearly 20K tons of breakbulk, and over 500 containers. They continue to see positive throughput of the KLB exports and expects similar volumes in October.

Mr. McPhail reported that he and Kyle Clark, Port General Manager, performed sales calls in Atlanta and attended the breakbulk conference in Houston, Texas.

Vice Chairwoman Hill inquired about the recent tugboat issues and its impact on Port operations. Mr. McPhail explained the tugboat is scheduled for its inspections but was unsure of the exact date. He reported receiving one positive feedback on the team's performance. He added the opportunity to select a tug rest between the vessel and the agents. The agents, in turn, will source the tugs from Jacksonville or Savannah. Vice Chairwoman Hill stated the tug business is competitive. One of the complaints from the Port customers was the high fees from certain operators but may not be the case for all operators. Mr. McPhail replied the matter is not in his purview. He did not know if a list of preferred providers is offered. Vice Chairwoman Hill ensured, per the Charter, that the Port tariffs and services offered are competitive. If not, the Board is required to take actions to mitigate. He explained the issue is with the other tugs and not the Fort Clinch that is priced competitively. Tug requirements vary and are specific to certain situations (tug and vessel size, tidal conditions).

Commissioner Nelson restated the concern was the mobilization of the tugs. The tug operator knows the cost to operate a tug per hour and how long. There are only three tugs within the area readily available; Cross State, Moran, and McAllister Towing. Issues arise without advance planning. He also reported that mid-morning on September 26th, the tug was given a greenlight to take the tug to Jacksonville for inspections. Documents are still required and pending. There is a two-week lead time. He warned Savage to be careful with the two-tug situations and prepare in advance. Per Brain Seauter, Harbor Pilot, safety will not be compromised. The tug crew are employed by Savage. Vice Chairwoman Hill asked Mr. McPhail to provide updates on the tug as part of his reports.

Chairman Fullwood clarified the two main contacts at the Port, replacing Butch Gilbert, former Savage Director, are Matt McPhail and Kyle Clark. Greg Haehl, Savage Vice President, is available via phone call and is based in Utah.

7. Old Business

a. Customs and Border Protection facility

Mr. Kaufman reported a meeting with Director Bradshaw will be scheduled either the mornings of October 24th or 25th. The afternoon of the 25th is the FSTED allocation meeting for the \$25K fund. Per Chairman Fullwood, he and Mr. Kaufman will meet with Director

Bradshaw. The meeting cannot be a public meeting per CBP requirements. Per Commissioner Nelson, Eric Blair will replace Steve Parrott in the interim while he completes training out of town as the contact pertaining to CBP matters.

b. OHPA Code of Ethics

Vice Chairwoman Hill presented a draft Code of Ethics and procedures for Board consideration included in the meeting packet. She suggested to update the 2015 document. She specified adding the 7-day posting of the agenda, reference to the Ethics Code, and training requirement (Sunshine Law and Ethics). She encouraged the Board to add items on the proposed procedures as they see fit. Chairman Fullwood disagreed leaving the acknowledgment of State representatives and other official dignitaries present at the meetings. He suggested the Chairman may do so as needed. She proposed to table this item until next meeting for a vote to give the Board more time to review. The Chairman granted her request until the next meeting.

c. Insurance coverage (FMIT proposals)

Mrs. Hebron reported requesting FMIT to provide a revised proposal to exclude the salary of the Port Director for the Workers Compensation coverage. Mr. LaPorte explained the revision will be submitted 60 days from now per the Board's decision tonight regarding the Port Director's position.

d. Fort Clinch Tugboat (Haul-out inspection update)

Discussed under Port Operator report.

8. New Business

a. Real Estate listing agreement (John Hillman/Cabana Lane)

A copy of the draft listing agreement was included in the meeting packet.

John Hillman, Cabana Lane Realty, joined the meeting via phone. Mr. Krechowski reported he reviewed the draft listing agreement and provided some comments to Mr. Hillman. He encouraged the Board to provide feedback and comments (expectations, requirements, dollar amount). The one concern he had was the year-long clause on the agreement which the broker responded and explained via email. He also reminded the Board initially discussed approval of the selection of the particular broker, negotiation of a listing agreement, no approval to accept/to settle/to impose deed restrictions. Only the listing agreement was under consideration tonight for Board discussions and vote; thus, no directions from the Port Attorney.

Exhibit A listed the pricing for each lot/parcel, included the deed restrictions, surveying, and design.

Commissioner Taylor emphasized he supports selling only one property. He appreciated the effort and details Mr. Hillman included in his proposal. He encouraged the Board to select one property and base the agreement on said property.

Mr. LaPorte urged the Board to read the agreement carefully specifically section 8d that stipulates a broker's fee is still due if the Board rejects a full-priced offer. Moreover, section 11 requires OHPA payment for any direct expense incurred for marketing if the Board mutually terminates the agreement. He recommended to make changes or not accept said terms.

Vice Chairwoman Hill read a statement:

Over a year ago we tasked our former Executive Director with identifying revenue for OHPA

[because, per our Charter, his position is required to be funded by Authority Revenue]. Along the way, and after exploring several unviable ideas, the idea was presented that OHPA should evaluate potential uses of its property. We all supported that idea. We issued an RFP for that purpose but also solicited a proposed listing agreement. Without evaluating the potential [revenue-generating] uses of the land by OHPA, the board is now considering selling 3 parcels of land. Parcels which have been owned by OHPA for over a decade.

Our Charter requires that we use our powers for Public Purposes to the benefit of the Citizens of Nassau County and the State of Florida. Currently this land is entrusted to OHPA for the benefit of the Citizens. This Public Land serves as a buffer to the community, and could serve other purposes that benefit the Citizens of Nassau County and the State of Florida.

Any sale of Public Land must include a plan and restrictions that demonstrate how this sale and its proceeds will benefit the Citizens of Nassau County and the State of Florida.

Chairman Fullwood has said OHPA intends to buy land in West Nassau. Commissioner Cole has mentioned buying land near Crawford Diamond. But no firm commitment has been made to commit the proceeds only for that purpose, and no specific parcel or plan has been identified so that OHPA can evaluate the project and weigh the relative benefits of owning the current parcels with costs and benefits of acquiring new parcels and determine whether the plan serves the Citizens of Nassau County and the State of Florida.

For these reasons I will not be voting to sell any Public Land.

Commissioner Cole clarified that his comment on buying property at Crawford Diamond was a suggestion and not the Board's intent.

Commissioner Nelson concurred all along with Commissioner Taylor. He supports selling only one property. Selling all three would not be a

wise decision. Nevertheless, he encouraged to carefully review the listing agreement considering the issue with the other contract (Port Director) discussed earlier in the meeting. It is important to make a decision that will benefit the Port and the people. He added selling one property will alleviate some of the issues at the Port, in particular, the warehouse roofs and canopy. He understood the Port Operator is only responsible for the first \$15K of repairs and the rest falls on OHPA. Chairman Fullwood believes it is necessary to sell two properties to address the issues.

Vice Chairwoman Hill motioned to table the matter until the next meeting to allow the Board to review, revise, and determine the use of funds from the sale of the properties. Commissioner Cole second the motion.

Discussions:

Commissioner Cole suggested selling a portion of a parcel not as a whole. Commissioner Taylor concurred but only sell one whole parcel. Chairman Fullwood stated selling one whole lot, and parcel A is the best choice.

Mr. Krechowski clarified the listing agreement was placed in the agenda for discussions and review, not a recommendation to approve. There are elements in the agreement he does not agree. He did not receive any feedback from any of the Commissioners on the agreement itself.

Vice Chairwoman Hill suggested removing paragraph 1 on Exhibit A. As she understood a portion of the paragraph, it indicates upon receiving an offer for a property, that property is considered sold without Board approval and without the opportunity to keep said property on the market for other offers. She suggested striking that element from Exhibit A.

The Board voted unanimously in favor of the motion.

Mr. LaPorte clarified that the Port Operator is indeed responsible for the initial \$15K for repairs. Additionally, the Port Operator is responsible for maintaining the Port regardless of funding. If OHPA does not have the funds above the \$15K, the Port Operator is still responsible for maintaining the Port. For example, the Fort Clinch was funded by the Port Operator because it was a necessary asset for the Port. Safety issues/liabilities need to be addressed by the Port Operator. There are funds in the capital improvement account available. Commissioner Nelson understood and inquired Savage to explain the delays in repairs. Mr. McPhail was not prepared to respond.

Chairman Fullwood requested Commissioner Nelson provide a list of repairs to complete at the Port.

Vice Chairwoman Hill motioned to provide the list to Mr. Krechowski to send to Savage for attention. Commissioner Nelson second the motion.

The Board voted unanimously in favor of the motion.

Mrs. Hebron noted for the record that Mr. Hillman wanted to comment but he disconnected from the call.

b. Budget Resolution 2023-R01

Mr. LaPorte explained the new fiscal year started October 1st; therefore, the Board needed to approve the resolution and apply the amendment thereafter based on the Board's decision on the Port Director's position/salary.

Commissioner Taylor motioned to approve Resolution 2023-R01. Commissioner Cole second the motion.

The Board voted unanimously in favor of the motion.

c. MARAD

Mr. Kaufman reported MARAD reviewed the white paper submitted b Savage. They requested an OHPA response, deadline is October 13th. Mr. Kaufman will collaborate with Mr. McPhail to prepare a response.

9. Commissioner Reports and Comments

Commissioner Nelson reported areas of concern and in need of immediate attention at the Port:

CBP Facility:

Commissioner Nelson spoke with Steve Parrott on the status of the IT project. Mr. Parrott advised that the parts for the project are arriving daily. Once enough parts are received the tech will start assembling them and call for additional people to assist. No other issues were noted at the time of this report. **Special Note:** Mr. Parrott will be in Jacksonville for the month of October through December for training. CBP agent Eric Blair will remain at the Port of Fernandina.

Security:

He spoke to the security site supervisor and advised there were no issues to report at this time.

Tug Boat (Fort Clinch):

He spoke to the Tug Captain today (10/11/2023) and was advised the Tug had been delivered to the shipyard in Jacksonville at 1410 hours. The inspection will take approximately two weeks to complete.

Container Crane # 9:

Load tested and certified. The crane is in-service with minor maintenance continuing on various components.

Container Crane # 10:

No issues at the time of this report.

Liebherr Mobile Harbour Crane:

Savage Maintenance department continuing to replace hydraulic hoses on the crane. Hose Power will replace the hydraulic hoses on the boom.

OHPA Trucks:

619, 620, 621, 622, 623, and 624. No maintenance issues at the time of this report.

Warehouse # 3:

Roof Panels heavily corroded. Roof panels being patched - Patches on Patches. Roof panels need to be replaced. Failure to replace will result in cargo damage.

Rail Dock Canopy:

NO ACTION TAKEN TO REPAIR SINCE THE STORM DAMAGED OCCURRED IN JANUARY 2023. THIS IS A SAFETY ISSUE AND REQUIRES IMMEDIATE REPAIR. THIS ALONG WITH OTHER MAINTENECE AND REPAIR ISSUES WERE EMAILED TO THE OHPA ATTORNEY AS WELL AS THE BOARD OF COMMISSIONERS.

Vice Chairwoman Hill recalled from past meeting that she suggested creating an advisory board to assist OHPA with community outreach/matters. She encouraged each Commissioner nominate individuals from their districts or the community. She will prepare a charter to present at the next meeting. The position is voluntary, Nassau County resident, interest, and willingness to serve as a start. This is an opportunity to allow the public to participate in local government. A five-member board was recommended. Mr. Krechowski clarified that an advisory board does need a quorum, no official actions will be taken by the advisory board.

Vice Chairwoman Hill also reported from the last TPO meeting, there was discussion of the clean fuel initiative. She encouraged the Board to inform other agencies, grants are available. Information is on the TPO website. Mr. Kaufman added there was interest from the Port Operator to pursue the idea. Vice Chairwoman Hill requested that Mr. McPhail provide updates at the next meeting.

10. Administrative Office Manager Report

Mrs. Hebron submitted a written report included in the meeting packet. There were no questions from the Board. She reminded the Board there will be new officers' election at the first November OHPA meeting.

Adjournment

With no other questions brought before the Board, the meeting was adjourned at 7:32 PM.

Date

OCEAN HIGHWAY & PORT AUTHORITY



Miriam R. Hill – Vice Chairwoman, District 1
Danny Fullwood – Chairman, District 2
Justin Taylor – Secretary/Treasurer, District 3
Ray Nelson – Commissioner, District 4
Mike Cole – Commissioner, District 5

Board Meeting Minutes

October 25, 2023

The Ocean Highway and Port Authority of Nassau County held its Monthly meeting on Wednesday, October 25, 2023 at the Peck Center, Willie Mae Ashley Auditorium, 516 S 10th Street, Fernandina Beach, Florida 32034.

The meeting was called to order at 6:02 PM by Chairman Fullwood.

The invocation was given by and the Pledge of Allegiance was led by Commissioner Cole. Roll call was conducted by Rossana Hebron, Administrative Office Manager. All Commissioners were present. Also in attendance were David Kaufman, Port Executive Director Pro tem; Patrick Krechowski, Port Attorney; Pierre LaPorte, Port Accountant; and Greg Haehl, Savage Vice President (for Port Operator).

- 1. Comments - Audience** (Comments must be submitted prior to the meeting)
There were no public comments submitted.

Vice Chairwoman (VC) Hill motioned to amend the agenda to include two items (Port Director's severance pay as a budget amendment and notice to the Port Director) prior to adopting the agenda.

Chairman Fullwood reasoned the Board has never adopted an agenda. VC Hill explained to follow Robert's Rules. She asked Mr. Krechowski to advise on adopting the agenda. He explained OHPA, as a small board, had not strictly followed Robert's Rules. He cautioned against adding items for the Board to take official action because the current agenda was published and noticed, with the exception of emergency items. VC Hill reminded the Board that it approved to provide a written notice with severance pay offering to Mr. Kaufman and his attorney, that the Board did not amend the budget to reflect said pay. She repeated her motion to reflect an amendment to the agenda to include the Port Director's severance pay corresponding to a budget amendment as well as the written notice to Mr. Kaufman. Mr. Krechowski cautioned the Board in taking action on an amendment to the agenda. First, the motion must be characterized as an emergency and established as such. Second, a motion to amend the agenda can be made.

Commissioner Taylor suggested adding the item for discussion. Mr. Krechowski concurred and again cautioned the Board not to take final action on items not on

the agenda. Chairman Fullwood suggested the Board can discuss any item when he asks for other items to be discussed. VC Hill agreed.

2. **Approval of Minutes** – September 25, 2023 Shade/Special Meeting
VC Hill motioned to adopt the minutes without any amendments. Commissioner Nelson second the motion.

There were no discussions.

The Board voted unanimously in favor of the motion.

3. **Timeline/date for legal payment**

VC Hill reminded the Board this item was mentioned at a previous meeting when Mr. Krechowski alluded to an opportunity for OHPA to receive a discount on legal bills if OHPA committed to a time schedule for payment. Commissioner Taylor recalled there was no specific timeline or date established. She asked Mr. Krechowski what OHPA needs to commit to in order to qualify for said discount. Mr. Krechowski professed he had not received any information on the matter (discount or timeline). He explained that OHPA follows a fiscal year. Payment in full within the fiscal year is preferred but he understood OHPA's financial situation. Mr. LaPorte stated OHPA pays a set amount towards the legal fees every month. He was waiting for ARPA and FMIT reimbursements to apply those to legal fees payment. OHPA will pay as much as is allowable at the end of the year.

Mrs. Hebron explained the outstanding total balance for legal fees to date (as of September 30, 2023) was \$66,909.90.

4. **Resolution 2023-R02 (Code of Ethics and procedures)**

VC Hill asked the Board if more time was necessary to review the contents of Resolution 2023-R02. The Chairman requested more time. Mr. Krechowski added he did not receive any comments/feedback from the Board.

VC Hill motioned to adopt the Code of Ethics as presented at the last meeting. Commissioner Taylor second the motion.

Discussion:

Chairman Fullwood did not agree and suggested to strike part E (*RECOGNITION OF ELECTED OFFICIALS, HONORED GUESTS, INDUSTRY AND PROFESSIONAL REPRESENTATIVES, AND OTHERS IN ATTENDANCE*) from the list. He maintained that item need not be adopted, that the Chairman may recognized or acknowledge attendees when necessary.

VC Hill explained the ethics resolution was long expired for an update since 2015. That resolution (posted on OHPA's website) only contained information not pertaining to ethics. She added there were processes not followed by the Board, specifically, refraining from negative discourse and permitting the public to place an item on the agenda with a Commissioner's sponsorship. She also suggested

adopting the Code of Ethics as OHPA's own. Chairman Fullwood disagreed and thought it was unnecessary. He added the public may speak about an item during the public comment section of the meeting. He also disagreed about adopting Robert's Rules citing OHPA is a small board. VC Hill replied currently OHPA considers Robert's Rule as its Rules of Order that was adopted in 2015. Also, the current resolution does not align with common sense or practice.

The Board voted 4 to 1 in favor of the motion with Chairman Fullwood dissenting.

5. Sale of OHPA properties (plan for use of funds)

The Chairman moved this item to the end of the agenda for discussions.

Chairman Fullwood announced Mr. Hillman, Cabana Lane, that the Board selected at the last meeting, withdrew. He asked for Board consensus on next actions.

He motioned: to list for sale of the property located at 332 N 3rd Street; to choose one of the remaining brokers from the RFP broker services to act as OHPA's agent to sell said property; and to compose a resolution to place the funds from the sale into an investment account to be used for any identified future projects chosen and voted by this commission. Commissioner Cole second the motion for discussion.

Discussions:

Commissioner Cole questioned if the RFP allowed for the Board to choose a replacement broker from the remaining brokers. Mr. Krechowski offered to review the RFP again. He believed the language included in the RFP allowed the Board to cancel, modify, or alter. He will confirm after a review.

Commissioner Nelson confirmed the parcel chosen to sell was parcel C, the lot next to the blue house. Chairman Fullwood corrected that it is the lot, southeast corner of Dade and 3rd Street, diagonal from the Customs House. The lots across the Customs House, and the one adjacent to the blue house were placed on hold for future ventures.

Commissioner Taylor stated OHPA still did not have a plan for the funds. He reminded that there were two Commissioners who supported selling only one property. He believed the Board failed to provide proper guidance to Mr. Hillman. He asked for clarification on the intent for the funds. The Chairman reiterated the funds will be placed in an investment account to save for future projects. He added Mr. Hillman was given an opportunity to discuss and explain the matter with the Board. He was given a month's notice of the meeting date but chose to travel out of town. The OHPA Board does not discuss matters over the phone. He accepted Mr. Hillman's withdrawal. The Chairman asked the Board to choose from one of the remaining brokers or choose an outside source. He stated Mr. LaPorte supported investing the funds in an investment account. He added a

resolution will be prepared that reflects investing the funds in an account with restrictions, specifically, the funds cannot be used for operations. It is strictly for future projects.

Commissioner Nelson reiterated that the funds cannot be used for the much-needed repairs at the Port. The Chairman concurred and explained the repairs and maintenance are the responsibilities of the Port Operator. The latter is supported by the language in the Operating agreement. Commissioner Nelson again emphasized the urgency for repairs if not for safety concerns. Nothing has been done for at least ten months. He reminded from the last meeting that the Board directed Mr. Krechowski to provide a list of necessary repairs to the Port Operator. Commissioner Nelson professed if the funds cannot be used for the Port facility, he would vote against the sale of the properties. Mr. Krechowski confirmed he received the repairs list from Commissioner Nelson and forwarded to the Port Operator.

Mr. LaPorte reiterated his sentiments that the Board should not sell the properties. He explained the Board can use the funds as they see fit. If OHPA sells a capital asset, then the funds should be invested on another capital asset. The Board can decide to use the funds for operations. Even if a resolution was approved restricting the use of funds for operations, a future commission may/can override that resolution. The Chairman reiterated there is nothing that can prevent the Board from using the funds for capital improvements. The Board may use the funds if the Operator does not follow through with the necessary repairs. Mr. LaPorte again explained the Agreement clearly states the Operator is responsible for maintaining the Port. Commissioner Nelson suggested to have the funds in an account for repairs in case the Operator fails to make the repairs. It is the Board's responsibility to protect the Port and the assets thereof. Mr. LaPorte explained the funds from the sale is not enough for the anticipated repairs.

Vice Chairwoman Hill asked Mr. LaPorte to revisit the Operator's obligations for Port maintenance under the Operating agreement. He clarified the Operator is responsible for all the maintenance costs, \$15K or less. Anything above that amount is the responsibility of OHPA by utilizing the Maintenance account where the Operator contributes \$5K per month. If said account is depleted, the responsibility still falls on the Operator to continue the necessary maintenance of the Port facilities. Vice Chairwoman Hill stated the OHPA properties serve as buffers and relief for emergency financial situations. She has yet to hear the emergency reason that is not the Operator's obligation or what the investment would be for a corresponding capital investment. She believes the entire process had been rushed and no emergency rationale for the sale. Chairman Fullwood explained if the funds are not readily available, OHPA can potentially fail to partake in a business opportunity. Commissioner Nelson stated he supports the sale of one property to ensure funds are available for the Port maintenance and repairs. Vice Chairwoman Hill concurred with Commissioner Nelson's points. The safety and maintenance of the Port are valid points to discuss. However, she alluded to, without validation, a specific project designated for the use of the

funds. The Chairman and Commissioner Cole vehemently disagreed to her implication. They both assured the Board there are no set plans for the funds.

Commissioner Cole reminded that the Board voted and approved the sale of the properties. The decision came when it was obvious OHPA was in dire financial state. Commissioner Nelson ensured the funds should be available for Port repairs and not “patch work.”

As a final plea, Vice Chairwoman Hill urged the Board, if the rationale was indeed to protect the Port, to perform an estimate of the repairs needed, to verify that said repairs are fulfilled, and to evaluate the revenue needed (financial analysis).

The Chairman restated the motion and Commissioner Cole confirmed his second.

The Board voted 3 to 2 in favor of the motion with Commissioner Taylor and Vice Chairwoman Hill dissenting.

6. Advisory Board (nominations from each District)

VC Hill provided copies of the draft Port Authority Advisory Board (PAAB) charter. She suggested a five-member board that would make recommendations to the OHPA Commission relating to Board activities to the benefit of the citizens of Nassau County and the State of Florida. It would allow the public an opportunity to bring forward objections, ideas, and allow public engagement with the Port. She continued to cite more qualifications and requirements for board re valid members. She asked the other Commissioners for feedback/comments and establish a list of nominees within their respective districts.

Commissioner Taylor questioned how the advisory board would differ from the OHPA Board’s actions. He explained most advisory boards are focused on one matter. He asked to specify and narrow the function of the advisory board where the OHPA Board would provide directions. VC Hill agreed and suggested amending the draft to reflect Commissioner Taylor’s recommendation. Chairman Fullwood suggested if OHPA needs advice from the community, it may appoint a board at that time, similar to the Master Plan board. A standing board was unnecessary. It is the elected Commission’s duties. It poses more legal expense for Mr. Krechowski to supervise the group.

Commissioner Cole concurred with the Chairman and explained it was unnecessary to convolute the OHPA Board’s activities. He cautioned of legal inevitability as a result. It would also pose more work for the Administrative Office Manager.

Commissioner Taylor added OHPA’s commitment is to protect the interest of the community. There is also the opportunity for the advisory board to lend guidance such as revenue opportunities. Hence, be more specific or focused on a particular issue. VC Hill replied the Commission could still take any action it sees fit. The advisory board would have to validate its recommendation with an

analysis. It would also give time for the processes to be vetted. Commissioner Taylor was veering towards more of an economic development guidance. VC Hill will add to the draft. She commended the skills and knowledge of the public in and around Fernandina and Jacksonville referring to the most recent group for the Master Plan. The Chairman suggested anyone in the public could present his/her idea to the Board. He did not agree with forming a committee citing issues experienced in the past specifically the low interest in meeting. He stated he would vote against the idea if a motion was submitted.

Commissioner Nelson recalled being a part of the committee for the Master Plan. He prefers the idea of having stakeholders partake in the committee. He also threw caution with giving indulgence to such a group. Chairman Fullwood suggested OHPA could appoint a stakeholder committee when necessary.

Mr. Krechowski asked for more time to review the draft. There were some wordsmithing and questions. He explained, from his experience, a committee receives a specific task from a "parent" board. He cautioned about board members making unkept promises or speaking out of authority. A committee is assigned tasks and do not search for tasks. The "parent" board provides a specific task for the committee to focus. He added he needs to review some administrative requirements such as financial disclosures under the State law, public records, or Sunshine law. He will review and provide recommendations and comments by the beginning of next week.

Chairman Fullwood reiterated OHPA does not need an advisory board to do the Commissioners' jobs.

VC Hill suggested she will apply redlines to the draft specifically assigned tasks, directions from the Board for direct impact on the community, and economic development (values that add to the benefit of the community). Subsequently send to Mr. Krechowski for review and wordsmithing. She suggested to add this item on the next meeting agenda. The Chairman asked to receive the draft before the next meeting to review.

7. Adjournment

Before adjournment, Vice Chairwoman Hill recalled the Board voted and approved to provide a written notice to Mr. Kaufman and his attorney that reflected 60-days additional employment and severance per the contract. The Board did not make the corresponding amendment to the budget. There was no acknowledgment from Mr. Kaufman or his lawyer. She reminded that both the latter parties were adamant about having everything in writing. She asked for their consent in writing and apply the corresponding budget amendment. Mr. Krechowski offered to contact Mr. Kaufman's attorney for an acknowledgement, if the Board consented. Mr. LaPorte will provide an amendment to the budget at the next meeting for Board approval.

The Chairman recognized and introduced Greg Haehl, Vice President/Transportation Infrastructure Partners. Mr. Haehl replaced Butch

Gilbert as the new Port Operator. He is based out of Utah and is available for inquiries. Mr. Haehl addressed some of Commissioner Nelson's inquiries. He confirmed receipt of the list of Port repairs and cost estimates. He assured the Board he will review and proceed with the maintenance. Vice Chairwoman requested a reply before the next meeting on November 8th. She emphasized the urgency of the matter citing a fatal crane incident at the Port in the past. Mr. Haehl assured that Savage has safety procedures in place. Commissioner Nelson explained he had seen some operational activities at the Port that are contrary to Mr. Haehl's statement. Mr. Haehl reassured that safety is their priority.

Chairman Fullwood added that he, Mr. Kaufman, and Mr. Haehl met with Director Bradshaw, Customs and Border Protection, and Steve Parrott, Port Manager. The Chairman promised a positive report about the future of the Customs House. Mr. Kaufman confirmed a grant was approved for \$25K from the Florida Seaport Security Committee for the initial design of the Customs House. It will be matched by the Operator. The agreement will be presented to the Board early January 2024 for approval. As a result, Director Bradshaw confirmed to consider extending, on a year-to-year basis, the expiration date of the lease agreement. Mr. Kaufman will coordinate the hiring of an architect with the execution of the grant. Chairman Fullwood confirmed Director Bradshaw's approval of the actions OHPA is taking toward resolving the Customs House matter.

Lastly, Mr. Krechowski requested a shade meeting on November 8th at 4:30 pm prior to the OHPA public meeting to discuss the PILOT matter. The Board agreed.

Commissioner Nelson thanked Mrs. Hebron for the new audio systems.

With no other questions brought before the Board, the meeting was adjourned at 7:11 PM.

Date



Port Attorney Report

TO: OCEAN HIGHWAY AND PORT AUTHORITY

FROM: PATRICK W. KRECHOWSKI, PORT ATTORNEY

RE: ATTORNEY'S REPORT

DATE: October 31, 2023

Nassau County Property Appraiser

Hickox v. OHPA & OHPA v. Hickox

Current cases remains pending. Discovery initiated.

Cases consolidated by Order of the Court on March 1, 2023.

Port Operator has issued tender of indemnity and defense, under a reservation of rights.

Active litigation is subject to attorney-client confidentiality privilege.

COFB v. OHPA

Case remains pending and will not be consolidated with *Hickox* cases.

OHPA "Shade Meeting" scheduled for November 8, 2023.

Active litigation is subject to attorney-client confidentiality privilege.

Miscellaneous

Real Estate Broker RFQ and selection.

OHPA Investment Account.

RFQ/RFP for architectural services.

OHPA Advisory Board draft Charter red-line provided.

Remaining OHPA assigned tasks actively being worked on.



Port Accountant Report

NASSAU COUNTY OCEAN HIGHWAY & PORT AUTHORITY

Monthly Financial Report - October 2023

	October	YTD ACTUAL	BUDGET 2023-2024
Revenues			
Quarterly Fee	0.00	0.00	308,897.68
Misc Income	0.00	0.00	2,000.00
ARPA Reimbursement	0.00	0.00	150,000.00
Port Revenue - Harbor Admin	0.00	0.00	14,500.00
Port Revenue- Admin & Bunkering	0.00	0.00	7,500.00
TOTAL REVENUES	0.00	0.00	482,897.68
EXPENSES			
COMMISSION DIRECT			
Salaries - Commissioners	8,000.00	8,000.00	120,000.00
Payroll Taxes	4,957.98	4,957.98	11,361.00
Unemployment	69.08	69.08	75.00
Conferences & Travel	0.00	0.00	1,000.00
Insurance	0.00	0.00	1,134.00
WC-Insurance	0.00	0.00	5,102.00
Unpaid Legal Fees	9,920.00	70,065.90	80,000.00
Salaries - Board Attorney	21,045.50	21,045.50	60,000.00
TOTAL COMMISSION DIRECT	43,992.56	104,138.46	278,672.00
COMMISSION OPERATION			
Salaries - Exec Director	10,833.33	10,833.33	0.00
Bus Dev Expenses	0.00	0.00	5,000.00
Travel	0.00	0.00	1,000.00
Salaries- Accountant	1,900.00	1,900.00	22,800.00
Salaries - Office Administrator	4,674.90	4,674.90	63,600.00
Expenses - Office	1,835.43	1,835.43	4,000.00
Ports Council Representative	0.00	0.00	10,000.00
Travel - Office Admin	0.00	0.00	100.00
Rent-Peck Center	281.74	281.74	3,401.67
TOTAL COMMISSION OPERATION	19,525.40	19,525.40	109,901.67
COMMISSION DISCRETIONARY			
Dept. of Revenue (Special Dist. Fee)	0.00	0.00	225.00
TPO. - Membership	1,497.00	1,497.00	1,497.00
Greater Nassau Chamber of Commerce	0.00	0.00	325.00
Advertisement	0.00	0.00	600.00
Web Site	15.99	15.99	500.00
Awards & Presentations	0.00	0.00	120.00
Discretionary	0.00	0.00	720.00
TOTAL COMMISSION DISCRETIONARY	1,512.99	1,512.99	3,987.00
PORT OPERATIONS			
CSX Right of Way Fee	0.00	0.00	750.00
Insurance	0.00	0.00	18,206.00
Audit	0.00	0.00	28,000.00
FL Ports Council Dues	0.00	0.00	15,500.00
Nassau Cty Economic Dev Board	0.00	0.00	1,000.00
TOTAL PORT OPERATIONS	0.00	0.00	63,456.00
TOTAL EXPENSES	65,030.95	125,176.85	456,016.67
Excess Revenues over Expenditures	-65,030.95	-125,176.85	26,881.01

NASSAU COUNTY OCEAN HIGHWAY & PORT AUTHORITY

Customs House

Monthly Financial Report - October 2023

	<u>October</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u> <u>2023-2024</u>
INCOME			
GSA - Customs House - RENTAL INCOME	0.00	0.00	0.00
Reimbursements	447.55	447.55	0.00
Miscellaneous	0.00	0.00	0.00
TOTAL INCOME	447.55	447.55	0.00
CUSTOMS HOUSE			
Bug Out Pest Control	0.00		0.00
River Pest Control Termite Bond	0.00	0.00	0.00
Bug Out Termite Bond	0.00	0.00	0.00
Cleaning Service	0.00	0.00	0.00
City of Fernandina Beach (Water)	186.86	186.86	0.00
Florida Public Utilities (Electric)	341.14	341.16	0.00
Maintenance	0.00	0.00	0.00
TOTAL CUSTOMS HOUSE	528.00	528.02	0.00
<u>Net Increase(decrease) in Funds</u>	<u>-80.45</u>	<u>-80.47</u>	<u>0.00</u>

NASSAU COUNTY OCEAN HIGHWAY & PORT AUTHORITY

Account Balances - October 31, 2023

Account Name	Acct Num	31-Oct	29-Sep
Operating	x3328	111,756.59	157,437.56
Other - Admin Acct	x6714	11.07	217.60
Maintenance	x4519	120,691.52	115,691.52

Nassau County, Florida

Ocean Highway & Port Authority

FINANCIAL STATEMENTS

for the

Quarter ended September 30, 2023

and

Four quarters ended September 30, 2023



To the Board of Commissioners of
The Ocean Highway and Port Authority
of Nassau County, Florida

Management is responsible for the accompanying financial statements of the Ocean Highway and Port Authority of Nassau County (a not for profit Special District chartered by the Legislature of the State of Florida), which comprise the balance sheet- cash basis as of September 30, 2023, and September 30, 2022 and the related statement of operations- cash basis for one quarter ended September 30, 2023 and one quarter ended September 30, 2022 and four quarters ended September 30, 2023, and four quarters ended September 30, 2022 and The financial statements will not include a statement of cash flows.

We conducted the engagement in accordance with Statements on Standards for Accounting and Review Services (SSARS) promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

Management has elected to omit substantially all of the disclosures required by generally accepted accounting principles. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Ocean Highway and Port Authority's financial position. Accordingly, these financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to the Ocean Highway and Port Authority of Nassau County.

Courson and Stam LLC

November 6, 2023

OCEAN HIGHWAY & PORT AUTHORITY

Balance Sheet - *Cash Basis*

As of September 30, 2023 and September 30, 2022

	As of Sep 30, 2023	As of Sep 30, 2022
ASSETS		
Current Assets		
Bank Accounts		
1010 Petty Cash	150.	150.
First Federal - Operating	157,643.	78,947.
First Federal -MMA	0.	602.
First Federal Maintenance Fund	115,692.	50,111.
First Federal-Admin	218.	57.
Total Bank Accounts	\$ 273,702	\$ 129,868
Accounts Receivable		
1061 A Worldwide Terminal - Quarterly	0.	0.
1061 B Worldwide Terminal - Maintenance	0.	0.
1061 C WorldWide Terminals-Security	0.	0.
Total Accounts Receivable	\$ 0	\$ 0
Other Current Assets		
1060 Accounts Receivable	0.	0.
1062 Pilot Pmt. In Lieu of Taxes	100,000.	100,000.
Total Other Current Assets	\$ 100,000	\$ 100,000
Total Current Assets	\$ 373,702	\$ 229,868
Fixed Assets		
2010 Land - Port	3,183,736.	3,183,736.
2020 Buildings	772,000.	772,000.
2025 1997,1998,1999 - Warehouse	2,060,166.	2,060,166.
2026 1997,1998,1999 - Bulk Pier	191,099.	191,099.
2027 Warehouse #1 - Refurbish	918,328.	918,328.
2028 Road Project	347,151.	347,151.
2030 Equipment	1,103,909.	1,103,909.
2031 Leibherr Crane	1,923,698.	1,923,698.
2040 Port Improvements	24,678,448.	24,678,448.
2043 Tradeplex Improvements	1,013,339.	1,013,339.
2045 Dredge Project	929,084.	929,084.
2046 Gate Entry/Storage Yard	251,710.	251,710.
2047 New Pier - 2003	611,546.	611,546.
2048 Tugboat Purchase 2021	1,015,190.	1,015,190.
2050 Security	762,117.	762,117.
2051 WIP NC Cranes	5,308,807.	5,308,807.
WIP 2020 Warehouse	297,984.	297,984.
2100 Accumulated Depreciation	-30,457,835.	-29,932,835.
Total Fixed Assets	\$ 14,910,478	\$ 15,435,478
TOTAL ASSETS	\$ 15,284,180	\$ 15,665,346

OCEAN HIGHWAY & PORT AUTHORITY

Balance Sheet - *Cash Basis*

As of September 30, 2023 and September 30, 2022

	As of Sep 30, 2023	As of Sep 30, 2022
LIABILITIES AND EQUITY		
Liabilities		
Current Liabilities		
Accounts Payable		
20000 *Accounts Payable	26,621.	232,913.
Total Accounts Payable	\$ 26,621	\$ 232,913
Other Current Liabilities		
3022 Annual Fee Payable	100,000.	100,000.
3030 Accrued Payroll	12,349.	12,349.
3040 Payroll Taxes Payable	-731.	-1,093.
3042 Unemployment Taxes Payable	35.	35.
3509 Unearned Revenue	60.	60.
Due to WWT	0.	103,640.
Total Other Current Liabilities	\$ 111,713	\$ 214,991
Total Current Liabilities	\$ 138,334	\$ 447,904
Equity		
5006 Contrib. Capital - Audit 9/98	442,681.	442,681.
5007 Contrib. Capital - Audit 9/97	8,813.	8,813.
5008 Contrib. Capital - Audit 9/96	59,665.	59,665.
5009 Contrib. Capital - Audit 9/95	854,456.	854,456.
5010 Contrib. Capital - Dot 2012	389,750.	389,750.
5020 Beginning Fund Deficit	-9,270,843.	-9,270,843.
5025 YTD Fund (Deficit)/Excess	12,303,837.	11,003,849.
6500 Contributed Capital-operator	6,085,089.	6,085,089.
6501 Operator Contrib - Nov 2018	4,555,986.	4,555,986.
Net Income	-283,588.	1,087,996.
Total Equity	\$ 15,145,845	\$ 15,217,441
TOTAL LIABILITIES AND EQUITY	\$ 15,284,180	\$ 15,665,346

OCEAN HIGHWAY & PORT AUTHORITY
Statement of Operations- Cash Basis

For the One Quarter Ended Sept 30, 2023 and the One Quarter ended Sept 30, 2022

	Jul - Sep, 2023	Jul - Sep 2022
Income		
6022 Port Revenue-Admin & Bunkering Fee	5,269	0
6023 Port Security Reimbursement	69,013	59,747
6024 Port reimbursement-Custom House Monthly Utilities	1,865	0
6028 Annual Fee	73,904	62,919
6031 Maintenance Contrib	15,000	15,000
6035 State of Florida - DOT Funds	34,523	355,805
6037 ZION Bank Trustee Annual Fee Income	6,000	0
6050 Miscellaneous Income	0	20,459
6900 WWT Contribution	3,768	234,570
6902 ARPA Reimbursement	73,740	64,878
Reimbursement	3,409	0
Total Income	286,492	813,377
Gross Profit	286,492	813,377
Expenses		
8020 Advertising	215	67
8050 Bank Charges	30	192
8065 Commissioners Fees	30,000	30,000
8067 Port Exec. Director Payroll	32,500	32,500
8068 Office Mngr Payroll	6,579	5,921
8069 Intuit Service Fee	37	37
8075 Depreciation	0	118,389
8080 Dues & Subscriptions		
8080A Special Disrict Fee-Dues	0	0
8080B TPO Membership-Dues	0	0
8080C Greater Nassau Chamber of Commerce-Dues	325	0
8080D Nassau County Dev. Board	1,000	1,000
8080E Florida Ports Council-Dues	0	2,065
Total Dues & Subscriptions	1,325	3,065
8091 Port Exec. Director Travel Expense	649	1,311
8092 Port Exec. Director Misc. Expense	68	0
8100 FMIT Insurance	20,079	0
8130 Office Supplies	750	395
8131 Website Expense	552	549
8132 IT Support	204	329

OCEAN HIGHWAY & PORT AUTHORITY
Statement of Operations- Cash Basis

For the One Quarter Ended Sept 30, 2023 and the One Quarter ended Sept 30, 2022

	Jul - Sep, 2023	Jul - Sep 2022
8135 Office Manager Travel	0	12
8140 Outside Services	4,078	386
8150 Payroll Taxes - Commissioner	2,295	2,295
8151 Payroll Taxes - Office Manager	503	282
8152 Payroll Taxes - Port Exec. Director	2,486	2,545
8154 State Unemployment Tax	68	36
8164 Customs House Cleaning Services	0	113
8166 Port Security	69,978	59,747
8180 Professional Fees		
8180A Accountant	5,700	4,500
8180B Port Attorney	43,766	10,245
8180C Audit	0	0
8180E Professional Fees Other	0	71,474
Total 8180 Professional Fees	49,466	86,219
8190 Rent	1,099	0
8270 Utilities		
8270A FPU	1,224	1,019
8270B City of FB Utility	169	232
Total 8270 Utilities	1,393	1,251
8280 Miscellaneous Expense	0	0
Total Expenses	224,355	345,638
Net Operating Income	62,136	467,739
Net Income	62,136	467,739

OCEAN HIGHWAY & PORT AUTHORITY
Statement of Operations- Cash Basis
For the Four Quarters Ended Sept 30, 2023 and Sept 30, 2022

	Oct 2022 - Sep 2023	Oct 2021 - Sep 2022
Income		
6015 Interest Income	0	3
6022 Port Revenue-Admin & Bunkering Fee	15,656	0
6023 Port Security Reimbursement	281,783	177,707
6024 Port Reimbursement-Customs Housee monthly utilities	4,512	0
6028 Annual Fee	350,131	251,676
6031 Maintenance Contrib	60,000	105,000
6035 State of Florida - DOT Funds	555,167	912,702
6037 ZION Bank Trustee Annual Fee Income	6,000	0
6050 Miscellaneous Income	35,258	53,969
6900 WWT Contribution	125,796	977,100
6902 ARPA Reimbursement	294,750	218,793
Reimbursement	29,348	0
Total Income	1,758,401	2,696,950
Gross Profit	1,758,401	2,696,950
Expenses		
8020 Advertising	346	870
8022 Awards & Presentations	110	0
8032 Unallowed Grant Expenditure	22,541	0
8050 Bank Charges	144	635
8065 Commissioners Fees	120,000	120,000
8067 Port Exec. Director Payroll	130,000	32,500
8068 Office Mngr Payroll	23,774	22,670
8069 Intuit Service Fee	1,066	939
8075 Depreciation	525,000	643,389
8080 Dues & Subscriptions		
8080A Special Disrict Fee-Dues	175	0
8080B TPO Membership-Dues	1,453	1,395
8080C Greater Nassau Chamber of Commerce-Dues	625	0
8080D Nassau County Dev. Board	1,000	1,000
8080E Florida Ports Council-Dues	15,500	13,690
Total Dues & Subscriptions	18,753	16,085
8090 Travel	174	1,184
8091 Port Exec. Director Travel Expense	1,330	1,311
8092 Port Exec. Misc. Expense	356	0
8100 FMIT Insurance	33,837	12,065
8127 Licenses & Permits	746	746

OCEAN HIGHWAY & PORT AUTHORITY
Statement of Operations- Cash Basis
For the Four Quarters Ended Sept 30, 2023 and Sept 30, 2022

	Oct 2022 - Sep 2023	Oct 2021 - Sep 2022
8130 Office Supplies	1,427	1,691
8131 Website Expense	819	949
8132 IT Support Expense	834	329
8135 Office Manager Travel	100	12
8140 Outside Services	422,913	521
8150 Payroll Taxes - Commissioner	9,441	9,390
8151 Payroll Taxes - Office Manager	2,032	1,605
8152 Payroll Taxes- Port Exec. Director	10,004	2,545
8154 State Unemployment Tax	273	142
8164 Custom House Cleaning Service	0	862
8165 Pest Control	600	1,121
8166 Port Security	272,991	219,698
8180 Professional Fees		
8180A Accountant	22,800	18,000
8180B Port Attorney	231,001	95,613
8180C Audit	31,800	33,800
8180D FL Ports Council	0	400
8180E Professional Fees-Other	97,346	199,056
Total 8180 Professional Fees	<u>382,947</u>	<u>346,869</u>
8190 Rent	1,099	
8200 Repairs & Maintenance	33,374	166,204
8270 Utilities		
8270A FPU	3,460	3,469
8270B City of FB Utility	972	930
Total 8270 Utilities	<u>4,431</u>	<u>4,399</u>
8280 Miscellaneous Expense	20,367	221
8300 Bad Debt/Receivable Reduction	160	0
Total Expenses	<u>2,041,989</u>	<u>1,608,954</u>
Net Operating Income	<u>-283,588</u>	<u>1,087,996</u>
Net Income	<u>-283,588</u>	<u>1,087,996</u>

NASSAU COUNTY OCEAN HIGHWAY & PORT AUTHORITY

Budget 2023-2024 - AMENDMENT # 1

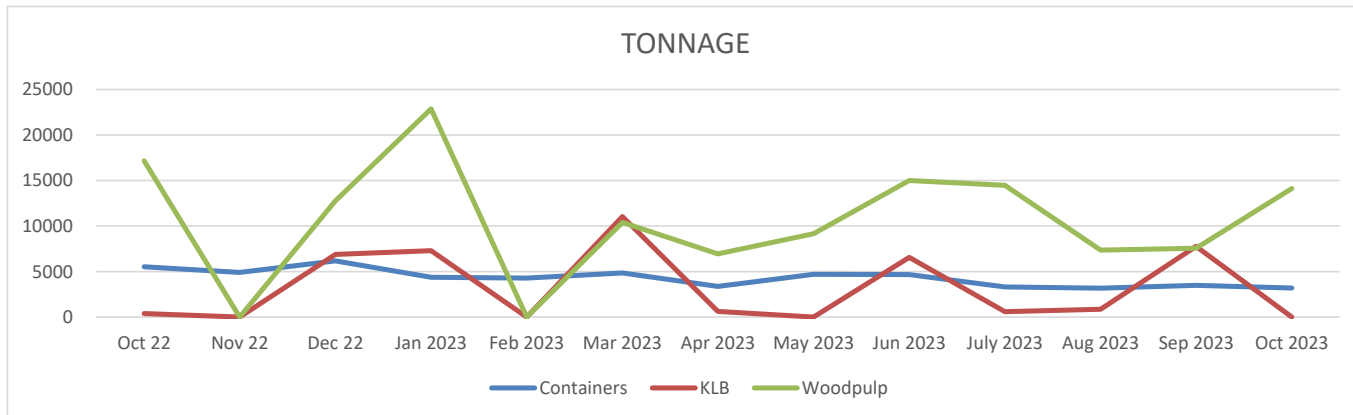
	BUDGET <u>2023-2024</u>	PROPOSED <u>AMENDMENTS</u>	AMENDED BUDGET <u>2023-2024</u>
Revenues			
Quarterly Fee	308,897.68	0.00	308,897.68
Misc Income	2,000.00	0.00	2,000.00
ARPA Reimbursement	150,000.00	69,550.35	219,550.34
FDOT Grant Reimbursement	0.00	0.00	0.00
Port Revenue - Harbor Admin	14,500.00	0.00	14,500.00
Port Revenue - Bunkering	7,500.00	0.00	7,500.00
Interest	0.00	0.00	0.00
TOTAL REVENUES	482,897.68	69,550.35	552,448.02
EXPENSES			
COMMISSION DIRECT			
Salaries - Commissioners	120,000.00	0.00	120,000.00
Payroll Taxes	11,361.00	0.00	11,361.00
Unemployment	75.00	0.00	75.00
Conferences & Travel	1,000.00	0.00	1,000.00
Insurance	1,134.00	0.00	1,134.00
WC Insurance	5,102.00	0.00	5,102.00
Unpaid Legal Fees	80,000.00	0.00	80,000.00
Board Attorney	60,000.00	0.00	60,000.00
TOTAL COMMISSION DIRECT	278,672.00	0.00	278,672.00
COMMISSION OPERATION			
Rent - Peck Center	3,401.67	0.00	3,401.67
Ports Council Representative	10,000.00	0.00	10,000.00
Salaries - Exec Director	0.00	69,550.35	69,550.35
Bus Dev Expenses	5,000.00	0.00	5,000.00
Travel	1,000.00	0.00	1,000.00
Accountant	22,800.00	0.00	22,800.00
Salaries - Office Administrator	63,600.00	0.00	63,600.00
Expenses - Office	4,000.00	0.00	4,000.00
Travel - Office Admin	100.00	0.00	100.00
TOTAL COMMISSION OPERATION	109,901.67	69,550.35	179,452.02
COMMISSION DISCRETIONARY			
Dept. of Revenue (Special Dist. Fee)	225.00	0.00	225.00
TPO. - Membership	1,497.00	0.00	1,497.00
Greater Nassau Chamber of Commerce	325.00	0.00	325.00
Advertisement	600.00	0.00	600.00
Web Site / IT Support	500.00	0.00	500.00
Awards & Presentations	120.00	0.00	120.00
Masterplan	0.00	0.00	0.00
Discretionary	720.00	0.00	720.00
TOTAL COMMISSION DISCRETIONARY	3,987.00	0.00	3,987.00
PORT OPERATIONS			
FB Annual Fee - PILOT	0.00	0.00	0.00
CSX Right of Way Fee	750.00	0.00	750.00
Insurance	18,206.00	0.00	18,206.00
Audit	28,000.00	0.00	28,000.00
FL Ports Council Dues	15,500.00	0.00	15,500.00
Nassau Cty Economic Dev Board	1,000.00	0.00	1,000.00
Sponsorships	0.00	0.00	0.00
TOTAL PORT OPERATIONS	63,456.00	0.00	63,456.00
TOTAL EXPENSES	456,016.67	69,550.35	525,567.02
Excess Revenues over Expenditures	26,881.01	0.00	26,881.00



Port Operator Report

**Worldwide Terminals
Port of Fernandina
Tonnage By Commodity
2023**

Commodity	2022 Total	2023 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2023 YTD	2022 YTD	Variance
Containers																
Throughput Number	9,623	533	568	719	668	677	953	645	620	535	641	0	0	6,559	7,916	(1,357)
Container Tons	66,111	4,372	4,275	4,832	3,372	4,685	4,656	3,312	3,173	3,485	3,193	0	0	39,355	55,040	(15,685)
Total Equivalent Units (TEUS)	11,001	615	752	974	687	800	966	650	624	540	644	0	0	7,252	9,123	(1,871)
Restow TEUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Breakbulk Cargo																
Kraft Liner Board (KLB)	83,701	7,310	0	11,041	627	0	6,560	582	851	7,756	0	0	0	34,727	76,829	(42,102)
Lumber	10,108	5,137	0	0	0	0	0	7,644	0	0	0	0	0	12,781	10,108	2,673
Plywood/Hardboard	64,190	0	0	0	3,960	3,879	0	0	0	4,655	0	0	0	12,494	55,459	(42,965)
Steel	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
Woodpulp	138,960	22,872	0	10,410	6,931	9,171	15,012	14,488	7,354	7,556	14,133	0	0	107,927	126,193	(18,266)
Breakbulk Other	7,647	63	17,221	0	0	190	0	0	0	0	0	0	0	17,474	7,647	9,827
Bulk Cargo	5,560	0	0	0	0	0	0	0	0	0	0	0	0	0	5,560	(5,560)
Total General Tons	310,165	35,382	17,221	21,451	11,518	13,240	21,572	22,714	8,205	19,967	14,133	0	0	185,403	281,796	(96,393)
Total Tons	376,276	39,754	21,496	26,283	14,890	17,925	26,228	26,026	11,378	23,452	17,326	0	0	224,758	336,836	(112,078)
Dockage Days																
Dockage Days	311	20	12	16	10	8	13	11	7	16	7	0	0	120	286	(166)
Vessel Port Calls	85	7	3	5	4	4	6	5	3	5	4	0	0	46	78	(32)
Total rail cars	1,631	107	144	153	83	109	145	162	200	154	187	0	0	1,444	1,419	25
Average trucks per day		22	33	33	27	24	28	17	27	21	19	0	0			
		22														



Maintenance Expense Funding Request



Expenditure Funding Request No.: 0001

Port of Fernandina, Florida

Nassau Terminals, LLC
315 N 2nd St
Fernandina Beach, FL 32034
(904) 430-8181

Greg Haehl
greghaehl@savageco.com
(801) 424-7217

October 31st, 2023

Maintenance Expense Details

Description:

Critical repair to security equipment at the Port of Fernandina. The Camera system, network equipment, and associated materials are aged and require a major maintenance effort. This quote covers the costs of equipment, labor, and associated materials to make the repairs and ensure the integrity of the Port's security program. Total Cost: **\$34,249.19**

Amount Requested: \$19,249.19

Agreement Reference: Section 2.3

Supporting Documents: Attached Secure Space, LLC Quote

Approval and Authorization:

Requestor's Signature: _____ Date: _____

Port Authority Approval:

Port Authority Representative: _____ Date: _____



Port Director
Pro Tem

Resiliency Plan

I continue to coordinate with HNTB on the report as they continue their efforts. A Draft Report is expected to be available for my review by .

MARAD Marine Highway Grant

The Terminal Operator is continuing to coordinate with MARAD regarding the coastal service. MARAD is in the process of reviewing the efforts and future conversations will take place in the near term. I continue to maintain communications with MARAD's Regional Administrator. I will continue to report on any progress made.

Customs and Border Protection

Chairman Fullwood, Mr. Greg Haehl, and I met with Area Port Director Bradshaw and Director Parrott to review our proposed plan for addressing their facility needs. We discussed a number of facility options that included renovating and expanding their current facility, renovating the warehouse immediately behind the current office and building a new facility immediately adjacent to the current office. We discussed our application for Seaport Security Grant Funds to pay for the initial conceptual design and cost estimating for the various options. Subsequent to this discussion, the FSTED Council did approve our request for \$25,000 for the design effort. This amount will be matched up to \$8,333 by the Operator. The FDOT will present OHPA with a Grant Agreement, probably in January, which will allow OHPA to begin incurring expenses for this project. I have developed a Draft RFQ for soliciting architects/engineers to assist with the Conceptual Designs and Cost Estimating. I am also reviewing additional procurement options and have had discussions with other Florida Ports and some professionals who have very specific experience with CBP facilities. These options will be reviewed with Mr. Krechowski and a recommendation will be brought forward to the OHPA Commission. We also discussed the need to extend the current lease with APD Bradshaw and will continue those conversations.

Other Grant Opportunities

I participated in a webinar organized by the EPA regarding future grant opportunities related to the new Clean Ports Program. This program will provide significant grant funds for conversions to zero emissions port equipment. The Notice of Funding Opportunity is expected to be issued in February. I have also had further conversations with the Operator and the North Florida TPO Staff/Clean Fuels Coalition regarding similar grant opportunities for converting port equipment to alternative fuels.

Tariff Updates

I have had a few conversations with the Terminal Operator regarding some potential edits to the existing Tariff. We will bring any proposed edits to you for your approval at a later date.

Capital Improvement Maintenance Reserve

I have had several conversations with the Operator regarding the need to make progress on several of the maintenance items that have been discussed previously. There will be a request made by the Operator to utilize the CIMR Fund to reimburse the Operator for certain improvements that need to be made to the security infrastructure and our existing storage facilities.

Covered Storage Facility

We received 3 bids in response to our RFB for the Covered Storage Facility Project. Those bids were reviewed by me and the engineering and construction staff of the Operator. A recommendation will be made at the November Commission Meeting to allow staff to negotiate a Construction Agreement with the top ranked firm and to bring the Agreement back to you for execution. We are also continuing to discuss the requirements for an agreement between the Operator and OHPA regarding the funding and project management for this Project.

Ocean Highway and Port Authority Board Submission

Item Number: BD-23-11-01

Title: Covered Storage Facility-Bid Tabulation

Background:

Three compliant bids were received in response to the Request for Bids (RFB) which was issued for the purchase and erection of a 25,000 square foot covered storage facility, with an option for a second facility of the same size and design. Bids were received from Coast to Coast Contracting, LLC, Ladson Construction, and McCall Construction Management. These proposals were reviewed and ranked based on the RFB requirements. The attached schedule details the results of the evaluation.

Recommendation:

It is recommended that the Authority authorize staff, together with the Terminal Operator, to negotiate a Construction Agreement with the top-ranked firm, Coast to Coast Contracting, LLC and to bring the Agreement back to the Commission for execution.

Submitted By:

David Kaufman

Executive Director

Board Action:

Approve:

Disapprove:

BID RECOMMENDATION

Project No.:	502633
Project Name:	Fernandina Fabric Building Installation
Package No./Name:	N/A - Building Fabrication and Installation

BASIS OF RECOMMENDATION

Lowest Evaluated Cost:	X	
Sole Source:		
Lead Time/Delivery:	X	The schedule lead time is being considered due to desire for "speed to market."
Only Technically Acceptable Supplier:		
Other (Please Explain):	X	Proposed Fabric Building Manufacturer is considered in the recommendation.
Recommended Bidder:	Coast to Coast Contracting LLC.	

PRICE CONSIDERATION

Bidder #1 (Coast to Coast) provided a complete proposal addressing all aspects of the project, while being the lowest cost. Bidder #1's proposal is inclusive of all project management and general conditions costs.

Bidder #2 did not provide civil and electrical installation costs, and is not considered a complete proposal. Bidder #2 also has significant project management and general conditions costs in excess of their base proposal figures.

Bidder #3 provided a comparable proposal to Bidder #1 addressing all aspects of the project; however, they also have project management and general conditions costs in excess of their base proposal figures.

TECHNICAL EVALUATION

Bidder #1's bid is technically acceptable. They met all the requirements per the posted proposal. They included a complete gantt chart schedule of the project. They listed all specifications of the building, electrical and civil that will be built to.

COMMERCIAL EVALUATION

Savage feels the proposed building and construction by Bidder #1 (Coast to Coast) will meet the commercial needs of our customer. They have previously installed a similar building at the Nassau Terminals site which has proven to be effective. Additionally their overall project duration is 2 weeks faster than Bidder #3, and 3 weeks faster than Bidder #2.

Bidder #2 is proposing to supply their building from the same manufacturer as Bidder #1; however, at a much higher overall cost.

Bidder #3 is proposing a building supplier that Savage does not have experience with on long term performance. To reduce potential risk we recommend using the known building manufacturer from Bidders # 1 & 2.

SUMMARY AND RECOMMENDATION

After reviewing all three proposals Savage recommends that OPHA award the work to Bidder #1, Coast to Coast Contracting LLC. Their costs are in line with what is expected for this project. Their schedule is in line with expectations. Coast to Coast has demonstrated historical success on this type of work, and they are familiar with the expectations of OPHA and Savage.

ACCEPTANCE AND APPROVAL

Savage PM Approval:	Joel Dimick	10/30/23 Date
Savage Director Approval:	Joe Lipzinski	10/30/23 Date
OPHA Board Approval:		Date
OPHA Board Approval:		Date

Project No.: 502633							
Fernandina Fabric Building Installation							
N/A Building Fabrication and Installation							
Budget:	N/A	#1	#2	#3			
	Bidder's Name-->	Coast to Coast Contracting LLC	McCall Construction	Ladson Construction			
	Bidder's Contact Information-Name-->	Ben Perry (President)	Myron McCall (President)	Jessie Ladson (President)			
	Bidder's Contact Information-Phone-->	352.460.7041; benp@ctccllc.com	904-824-6975	904-699-2931			
Base Requirements Specified		TOTAL	MHs	TOTAL	MHs	TOTAL	MHs
1-Building Design		\$ 2,500		\$ -		\$ -	
2-Building Fabrication		\$ 599,500		\$ 850,000		\$ 657,822	
3-Building Shipping		\$ 4,500		\$ -		\$ 29,275	
4-Building Erection		\$ 150,000		\$ 200,000		\$ 135,927	
5-Civil / Mechanical Installation		\$ 221,005		Not Priced		\$ 81,396	
6-Electrical Installation		\$ 36,500		Not Priced		\$ 100,000	
7-Taxes		\$ 35,995		\$ -		\$ 46,914	
	Total Base Amount	\$ 1,050,000	0.00	\$ 1,050,000	0	\$ 1,051,333	
Schedule Duration (days)							
Engineering & Fabrication		12 weeks		16 weeks		13 weeks	
Delivery and Installation		3-4 weeks		4 weeks		4-5 weeks	
Electrical Instalation		1 week		Not provided		Not Provided	
	Total Options Selected (Marked with "X")	0.00	0	0.00	0	0.00	
Commercial Adjustments							
Payment and Performance Bond & Insurance		Included above		Included above		Included above	
Permitting Fees		Included above		Included above		Included above	
Insurance		Included above		Included above		\$ 5,947	
Taxes		Included above		\$ 35,995		Included above	
	Total Post Bid Conditioning Pricing	\$ -		\$ 35,995		\$ 5,947	
Technical Adjustments							
Building Manufacturer		Big Top Shelters		Big Top Shelters		Clear Span	
Personnel Doors		4.00		8.00			
Fabric Roll-up doors		2.00		2.00			
Overhead framed door		1.00		1.00			
Louvers		4.00		4.00			
Exhaust Fans		2.00		2.00			
Light Fixures		22.00		66.00			
	Total Commercial Adjustment Amount	\$ 35		\$ 83		\$ -	
Other Pricing							
General Conditions		Included above		\$ 60,000		\$ 67,218	
Overhead & Profit		Included above		\$ 111,000		\$ 56,694	
Electrical from supply to new building panel		n/a		n/a		\$ 14,240	
Staff General Conditions \$30,000/month Start at civil const.				\$120,000			
	Total Other Pricing	\$ -		\$ 291,000		\$ 138,152	
PRICING SUMMARY							
Base Scope Value		\$ 1,050,000	0	\$ 1,050,000	0	\$ 1,051,333	0
Commercial Adjustments		\$ -		\$ 35,995		\$ 5,947	
Other Pricing		\$ -		\$ 291,000		\$ 138,152	
Anticipated Subcontract Award Value		\$ 1,050,000		\$ 1,376,995		\$ 1,195,432	
Ranking		1		3		2	

THE OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY, FLORIDA

Request for Qualifications

Introduction

The Ocean Highway and Port Authority of Nassau County, FL (OHPA) is soliciting Statements of Interest and Qualifications from Florida licensed architects to provide conceptual designs and cost estimates for satisfying the requirements for a US Customs and Border Protection (USCBP) Administrative Office Facility at the Port of Fernandina. OHPA is a State of Florida chartered government entity and the owner of the Port of Fernandina Marine Terminal situated in the City of Fernandina Beach, Florida. The terminal handles a mix of commodities including containerized, breakbulk and bulk cargoes. The terminal lies at the northern edge of the City's Historic District and is surrounded by a mix of residential homes and commercial enterprises. The Project under consideration is located adjacent to the marine terminal and within the City's designated Historic District.

U.S. Customs and Border Protection (USCBP) currently operates out of an 800 square foot single story structure, built in 1935, located at 403 North 3rd Street, on a parcel owned by OHPA. The current structure being utilized by USCBP no longer meets various requirements. OHPA is seeking assistance from a licensed architect/engineer to understand the physical, spatial and infrastructure requirements of an approved USCBP Administrative Facility. Based on information provided to OHPA by USCBP the total square footage requirements for the facility is approximately 1,300 square feet.

Services Required

OHPA seeks assistance with three elements of this Project:

- 1) Needs Assessment- This element includes an analysis of USCBP's facility requirements, including the spatial needs; adjacencies; facility construction materials, standards, and requirements; IT and Communications infrastructure. This element will require close communication and coordination with USCBP Officials.
- 2) Site Review and Analysis- This element should consider three options, the renovation and expansion of the existing facility (outside of the Secure Area of the Port), renovation of an existing warehouse (within the Secure Area of the Port), or the construction of a separate facility on the property immediately adjacent to the existing building (outside of the Secure Area of the Port).
- 3) Initial cost estimates- This element requires an initial cost estimate for the three options identified above so that OHPA can identify resource opportunities for delivering the project.

Qualifications for Selection

Respondents must be Florida Licensed Architects. This procurement will be made in accordance with the Florida Consultants Competitive Negotiation Act (CCNA) in which Proposers will be evaluated based on their experience and qualifications to provide the requested services. In particular, respondents will be ranked based on their experience with the City of Fernandina Beach Historic District Guidelines and the City's Land Development Regulations, experience with design and construction of government buildings (in particular, with the US Customs and Border Protection), knowledge and experience with both renovation and new construction, site planning, interior space design and cost estimating.

The selection of the appropriate Architect by OHPA will consider the qualifications of the firm and the individual (s) assigned to the project. Proposers should provide a brief company history and the qualifications and experience of the individuals who will be involved in this assignment. Submittals shall clearly identify a singular point person that will have responsibility for managing the assigned project and coordinating with OHPA and USCBP.

Submission of Proposals

Responses to this RFQ are due in writing no later than 3:00 PM EST,. Late submittals will not be accepted or considered by OHPA. All proposals shall be delivered to OHPA via email: ohpanc@gmail.com. All questions regarding this RFP shall be submitted via email to ohpanc@gmail.com and are due no later than . All submittals, questions and corresponding answers are subject to Florida's public records law.

All timely and responsive bidders and their responses will be listed on OHPA's website. OHPA will hold a public meeting to review and consider all timely and responsive submittals. At this meeting, OHPA will rank the Respondents in order of highest to lowest in meeting the qualifications and experience to deliver the services required. OHPA may then elect to enter into negotiations with the highest ranked respondent regarding the scope of services, terms and conditions, and associated fees. If OHPA and the top ranked firm fail to reach an approved agreement, OHPA may then elect to enter negotiations with the next highest ranked firm, and so on until OHPA either reaches an agreement or cancels the solicitation. OHPA will provide adequate notice and instructions for any public meetings related to this RFQ and OHPA's consideration of Proposer submittals.

OHPA reserves the right to modify, pause, and/or cancel this RFQ process at any time. All Respondents are solely responsible for the costs associated with responding to this RFQ. Timely and qualifying responses to this RFQ do not guarantee any contract award or otherwise obligate OHPA to enter into a contract with any of the Respondents.

Cone of Silence

Except as otherwise directed by this RFQ, upon issuance of this RFQ, Proposers may not contact individual Board Members, the Port Operator, or Port Staff (other than with questions as outlined above)

regarding any and all aspects of this RFQ until the entire submittal, evaluation and selection processes are concluded.

Public Records

OHPA is subject to Chapter 119, Florida Statutes. Any and all responsive submittals, communications, or related information, whether hard copy or electronic, are subject to Florida's public records law and will be maintained as such by OHPA.



Old Business

The Ocean Highway and Port Authority of Nassau County, FL (“OHPA”) hereby creates and establishes the Port Authority Advisory Board (“Board”). OHPA authorizes the Board to issue non-binding policy recommendations and guidance affecting OHPA’s activities in Nassau County, including the Port of Fernandina. The Board shall receive and evaluate proposals for projects or initiatives as directed by the OHPA Board of Commissioners and within OHPA’s Charter authority. The Board’s scope shall be limited to matters involving economic development and community initiatives, as directed by the OHPA Board of Commissioners and for the benefit of the Citizens of Nassau County and the State of Florida. Based upon its evaluations, the Board shall make non-binding recommendations to the OHPA Board of Commissioners regarding necessary actions or studies to guide future endeavors as well as non-binding recommendations regarding proposed initiatives.

The Board shall consist of five (5) voting members as set forth herein. Each elected OHPA Commissioner shall have the responsibility of nominating one (1) Board member, from their respective district. Persons nominated for Board service are subject to confirmation by a simple majority vote of the full OHPA Board of Commissioners. Once confirmed, members shall serve terms coextensive with the respective nominating Commissioner. All Board members serve at the pleasure of the OHPA Board of Commissioners, subject to removal at any time during their term by a simple majority vote of the OHPA Board of Commissioners.

Board members shall demonstrate experience and interest in Port-related activities and economic development. All members shall be registered voters in Nassau County and shall be full-time residents of Nassau County, as verified by a valid homestead exemption in his/her name maintained throughout the term of office.

The Board shall elect a chair and vice chair and generally follow Roberts Rules of Order for the conduct of its meetings. All Board meetings shall be properly noticed, open to the public and the Board shall provide opportunity for public comment at each meeting.

No Board member may serve more than two (2) consecutive terms as Chair or Vice Chair. The Board shall establish time and days of the month for regular meetings and/or workshops. The Board shall publish an agenda on OHPA’s website seven (7) days in advance of each meeting.

All Board members shall abide by Florida Sunshine Law, F.S. Ch. 286, Florida Public Records Law, F.S. Ch. 119, Florida Code of Ethics, F.S. Ch. 112 (including, but not limited to, financial disclosure requirements), and all other applicable local or state statutes, ordinances, or rules.

Prior to taking office, all Board members shall attend an orientation meeting conducted by the Port attorney and/or Port Office Manager.



AOM Report

**ADMINISTRATIVE OFFICE MANAGER
REPORT
October 2023**

Hours worked October 2023 – 169

- Attended October 3rd Emergency meeting. Minutes composed.
- Attended October 11th Monthly meeting. Minutes composed.
- Attended October 25th Board meeting. Minutes composed.
- Completed 3-series webinar (Public Records Management)
- Prepped for meetings (agenda, packets)
- Processed Accounts Payable/Receivables
- Assisted Mary Babiarz (Savage Financial Coordinator, FDOT reimbursements)
- Corresponded with Joanne (QB entries/transactions, bank reconciliation)
- Corresponded with Commissioners (OHPA, requests)
- Corresponded with IT support (back-up emails, Google Workspace)
- Corresponded with newspaper reporter requests
- Corresponded with Christy Gandy (FPC)
- Responded to fabric warehouse RFP inquiries
- Responded to callers for Port of Fernandina information
- Ordered AV systems for Peck auditorium (Guitar Center)
- Invoices paid and entered into QuickBooks
- Payroll entered into QuickBooks
- Check payments processed
- Bank transactions (transfers, A/R, A/P online)
- Responded to all emails, voicemails, and corresponding documents/letters, Commissioners' and Port Accountant/Attorney/Executive Director requests
- Website updates, meeting videos edited
- Electronic and hard-copy file organizing

Public Records Request Received in October 2023- 5