

White Paper on Authority Related to Tolling Alligator Drive, Franklin County

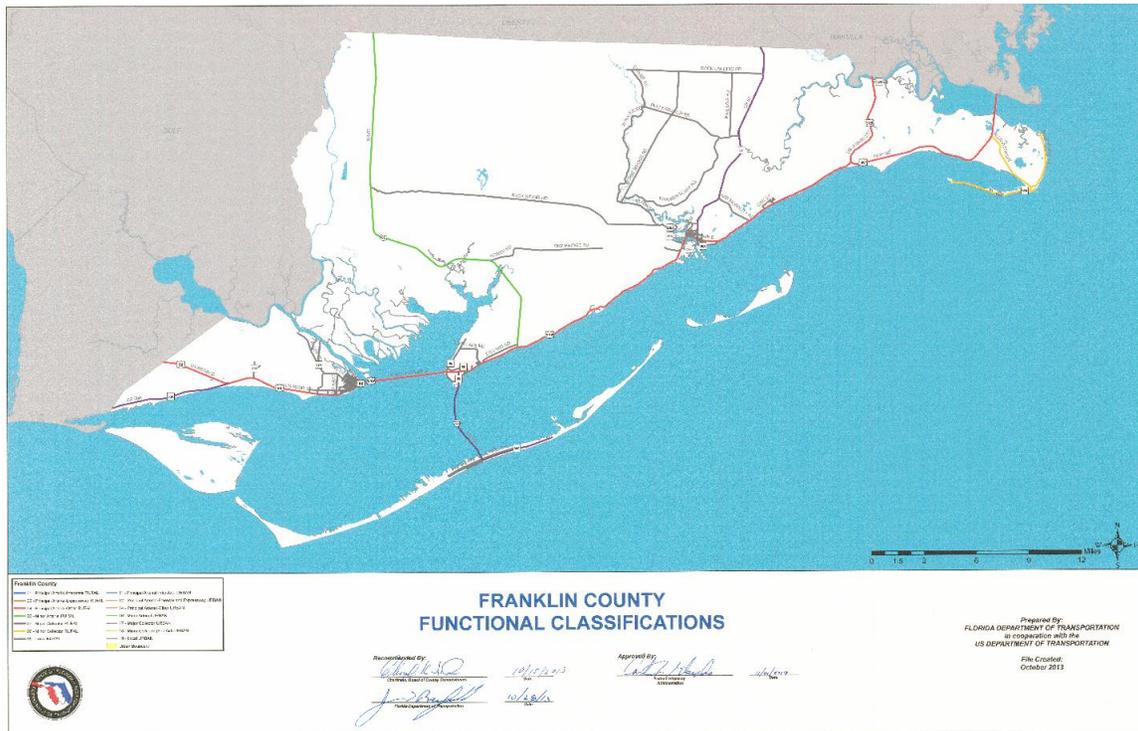


Table of Contents

Background/Purpose:	4
Review of Tolling Authority:	5
Pros and Cons of Tolling Alligator Drive:	7
Initial Design and Infrastructure Needs:	9
Potential Revenue Generation Capability:	9
Cost of Operations:	10
Tolling Organizational Structure:	10
Summary of Review	12
Attachment I – Engagement Letter.....	13
Attachment II – January 3, 2017 Franklin County Commission Meeting Minutes	14
Attachment III – Applicable Florida Statutes.....	20
Attachment IV – FDOT Highway Classifications.....	28
Attachment V – FDOT Traffic Map.....	30

Executive Summary

Clary Consulting Company was retained by the Alligator Point Taxpayers Association, Inc., to develop a White Paper evaluating the authority for consideration of tolling Alligator Drive (CR370) located within Franklin County Florida.

Alligator Drive (CR370) is a County Road owned by Franklin County, classified as a Minor Collector – Rural located in southern Franklin County, Florida. The road connects with US-98 and provides the primary access for the entire land area of Alligator Point.

Focus Areas detailed in the report included the following”

Key legal authority with respect to tolling – Based on our research, the county has the authority to toll the road and to utilize the toll revenues to preserve and protect the road. (FS 125.01(1)(m))

Project pros and cons – Pros: Tolling can provide desired revenues to preserve and protect the roadway. Frequent user discounts can be established. Revenues can be used to preserve and protect the roadway from future storm damage. All electronic tolling is proposed. Cons: The road has never been tolled, toll rate setting is critical, and the project will require county approval.

High level initial requirements – The cost to construct this facility is estimated at \$1,400,000, including the toll equipment. (Not verified by engineering estimates)

Infrastructure needs and potential costs to build – For purposes of this paper it is assumed that all costs to construct would be fully and totally financed by the toll revenues generated by the facility. The annual cost for the toll facility financed over 30 years would be approximately \$75,000 a year.

Estimated costs to operate and maintain the facility – Transactional costs assumed utilization of the Florida SUNPASS system with a cost per transaction of \$.08, with an annual estimated at \$31,536. Facility maintenance and utilities costs estimated at \$140,000 annually.

Proposed financial structure for the facility – Project debt repaid solely from toll revenues. Supported by a trust indenture detailing uses of toll revenues, decision process to use revenues.

Suggested next steps-Meet with project sponsors followed by initial meeting with Franklin County.

Alligator Drive, Franklin County

White Paper on Legal Provisions Related to Tolling

Background/Purpose:

Clary Consulting Company has been retained by the Alligator Point Taxpayers Association, Inc., to develop a White Paper evaluating the authority for consideration of tolling Alligator Drive (CR370) located within Franklin County Florida. (See Attachment I)

Alligator Drive (CR370) is a County Road owned by Franklin County, classified as a Minor Collector – Rural located in southern Franklin County, Florida. The road connects with US-98 and provides the primary access for the entire land area of Alligator Point. The roadway follows a North/South alignment from US-98 out to Bald Point where it turns and follows an East/West alignment to the end of Alligator Point. The East/West segment of Alligator Drive has a long history of storm related damage and repair as portions of the roadway are adjacent to Apalachee Bay. Franklin County estimated \$3.7 million in repairs have been made to restore the roadway due to storm damage over a 30-year period (1985 to 2015 - See Attachment II).

A portion of the East/West segment was operating as a one-lane gravel road controlled by a temporary signal system as of January 2018 and has been since damage from Hurricane Hermine in September 2016. The State of Florida and Franklin County have abandoned a segment of the original East/West roadway due to continual storm impacts and are now using an inner roadway for this segment to connect further East/West to the Western end of Alligator Point.

Franklin County has limited funds to operate and maintain Alligator Drive and has relied heavily on FEMA and state funding to repair and restore the roadway after storm related damage events.

A question has been raised as to whether Alligator Drive could be tolled to provide funds for the County to operate and maintain the roadway and to assist with periodic repairs and long-term roadway preservation efforts. As envisioned a single one-way electronic tolling gantry would be placed on Alligator Drive at a point (Yet to be determined) east of the damaged roadway.

This paper is focused on the authority and alternative approaches to establish a toll that would be used to restore and protect the remaining segments of Alligator Drive that are subject to periodic storm damage. This includes key legal authority with respect to tolling, details project pros and cons, at a high level describes initial requirements, infrastructure needs and potential costs to build, operate and maintain the facility, proposes a financial structure for the facility and summarizes next steps for the County to consider tolling Alligator Drive. This paper is not a legal opinion and all cost estimated, revenue estimated are subject to change depending on the ultimate approaches selected by local officials should the decision be made to move forward with this as one of the alternative approaches for tolling Alligator Drive.

Review of Legal Authority for Tolling as of January 2018:

State Provisions Related to Tolling

Alligator Drive (CR 370) is a County owned roadway. The Florida Transportation Code from Section 334.03, Florida Statutes includes the definitions for the various key roadways and ownership of these roadways in the State of Florida as shown below:

(3) “City street system” means all local roads within a municipality, and all collector roads inside that municipality, which are not in the county road system.

(8) “County road system” means all collector roads in the unincorporated areas of a county and all extensions of such collector roads into and through any incorporated areas, all local roads in the unincorporated areas, and all urban minor arterial roads not in the State Highway System.

(11) “Governmental entity” means a unit of government, or any officially designated public agency or authority of a unit of government, that has the responsibility for planning, construction, operation, or maintenance or jurisdiction over transportation facilities; the term includes the Federal Government, the state government, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.

(13) “Local governmental entity” means a unit of government with less than statewide jurisdiction, or any officially designated public agency or authority of such a unit of government, that has the responsibility for planning, construction, operation, or maintenance of, or jurisdiction over, a transportation facility; the term includes, but is not limited to, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.

(24) “State Highway System” means the interstate system and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, and roads constructed by an agency of the state for the State Highway System, plus roads transferred to the state’s jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state’s jurisdiction. These facilities shall be facilities to which access is regulated.

Based on reviewing the definitions outlined above and the roadway classification designated by the Florida Department of Transportation for Alligator Drive (CR 370) as a roadway owned by Franklin County designed as “CR 370” on the FDOT Functional Classification and Urban Boundary Maps shown in Attachment III this review focused on State of Florida laws governing a county.

To ensure there were no “prohibitions” related to tolls a review of Florida Statutes was performed related to tolls on highways/bridges. We did not find any specific prohibitions related to the authority for a county to toll a facility owned by that entity. Further, to support the authority, notice the laws related to powers of counties is outlined in detail in Section 125.01, (1)(m), Florida Statutes, provides authority for a county to toll roads, bridges or tunnels that are part of the county road system (See Attachment III for entire Chapter)

Section 125.01 (1), Florida Statutes, governing the authority of counties:

“(m) Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; regulate the placement of signs, lights, and other structures within the right-of-way limits of the county road system; provide and regulate parking facilities; and develop and enforce plans for the control of traffic and parking. Revenues derived from the operation of toll roads, bridges, tunnels, and related facilities may, after provision has been made for the payment of operation and maintenance expenses of such toll facilities and any debt service on indebtedness incurred with respect thereto, be utilized for the payment of costs related to any other transportation facilities within the county, including the purchase of rights-of-way; the construction, reconstruction, operation, maintenance, and repair of such transportation facilities; and the payment of indebtedness incurred with respect to such transportation facilities.”

In 2016, this authority was utilized by Leon County to authorize a new toll facility, Orchard Pond Parkway (CR 0344). This authority has also been used by various other Counties such as Escambia, Lee, and Miami-Dade, to toll roadways and bridges within their jurisdiction. The toll revenues in those jurisdictions were primarily utilized to build, operate, maintain and improve those various toll facilities, which reduces the draw on County general revenue sources for

facilities that can be challenging to fund. It is interesting to note that most of these facilities are also in areas subject to storm damage such as coastal bridges and causeways.

Tolling Pros and Cons:

The establishment of a toll on an existing roadway is not an easy decision. Selected areas around the United States have done so for issues very similar to the challenges facing Franklin County for a coastal roadway. The City of Treasure Island had a toll on a series of bridges/causeway for the main road that runs East/West through the City. This toll was taken off and the City is limited in their resources to operate and maintain the bridges/causeway. The City has been in discussions about re-establishing the toll on the bridges/causeway. In the State of Washington, there are bridges that were at their service life and needed to be replaced. The original bridges (Tacoma Narrows and SR-520) were tolled and once the bonds were paid off the tolls were eliminated. The State desired to rebuild these bridges and re-established the tolls to help fund the bridge replacement projects. For more information please see the following links:

<http://www.wsdot.wa.gov/Tolling/tolllocations.htm>

https://en.wikipedia.org/wiki/Treasure_Island_Causeway

<http://www.tampabay.com/news/localgovernment/citing-financial-shortfall-treasure-island-may-put-tolls-on-causeway/2267410>

The challenges facing Alligator Drive from periodic storm damage are likely to continue in the future based on past experience. The abandonment of the short segment of Alligator Drive and relocating this segment of Alligator Drive to the inland roadway helps the situation. However, there continues to be a segment of Alligator Drive that will be subject to coastal flooding and washouts that is adjacent to Apalachee Bay. The options are to continue to same approach as the past to pursue FEMA assistance to repair the roadway, which requires local matching funds and due to the complicated processes and limited funds it takes an extended time to accomplish (January 2018 – currently at over 15 months since Hurricane Hermine in September 2016) or to consider a different approach such as tolling Alligator Drive that can generate funds to “harden” the sections of Alligator Drive most subject to coastal flooding and washout and then to help repair these segments in a more timely manner to keep the roadway open

Pros of Establishing a Toll on Alligator Drive:

At toll on Alligator Drive at an adequate toll rate will generate funds above the cost to collect the toll that can be used to match or fund hardening of Alligator Drive, and later for repairs, rehabilitation and road preservation efforts for Alligator Drive. The toll rate can be set so that

frequent users such as residents receive a significant discount and a set toll rate would apply to visitors that make infrequent trips.

The toll structure would be “all-electronic” with no toll booths. This would involve putting a “gantry” that spans the roadway and has toll collection equipment (electronic readers) on the gantry that reads the “SunPass transponder” in each car and if the car does not have SunPass a picture will be taken of their vehicle registration tag and then the toll will be collected via “Toll-by-Plate” post billing. SunPass is the state designated electronic toll system that is managed and operated by FDOT, Florida’s Turnpike Enterprise.

A key element of this approach is that users of Alligator Drive help harden, maintain, repair and preserve the roadway that they use. Further, that having funds available in a timely manner allows preservation efforts routinely that help reduce the likelihood of minimal storm damages to the roadway and can be used to match FEMA funds in the event of major storm damage.

Cons of Establishing a Toll on Alligator Drive:

The bottom line is you are tolling a roadway that has never had a toll before. This will impose a fee on all residents that live on Alligator Point beyond the toll point that previously did not have a user fee to drive on the roadway. This can create public concern and should be addressed with the residents to determine their concerns. In the event of major concerns there is the option of a significantly reduced toll for frequent users that is currently utilized in Miami-Dade County on the Rickenbacker Causeway and Venetian Causeway. It is important to note that these toll facilities have a large number of users and the resident and business “passes” are very low because the number of infrequent visitors help generate tolls to a level to help support the toll facilities. This may be a larger challenge for Alligator Drive due to the mix of traffic that uses Alligator Drive. This challenge needs to be carefully evaluated to determine the best mix of frequent user discounts and the toll for infrequent users to help ensure adequate toll revenues are generated. This back and forth on the toll rate may show that some concerns of residents may be fully addressed.

The amount of toll revenue generated will depend greatly on the toll rate and discount rate and it may not guarantee adequate funds to support the needs of Alligator Drive. This may still require assistance from the Federal, state and local governments. This is important as the decision to toll Alligator Drive should help ensure the goal of hardening, maintaining, and repairs when needed can be accomplished.

The establishment of a toll on Alligator Drive requires the approval of the Frankly County Commission, which takes time and can be challenging depending on the concerns that may be expressed for establishing a toll on Alligator Drive. It will be critical that this is discussed with residents and interested businesses in public forums to best help Franklin County Commissioners in their deliberations should this approach be pursued further.

Initial Design and Infrastructure Needs for “A Toll Facility”:

As previously discussed the toll facility would be very minimalistic in its design and application. The approach would call for a single one-way electronic tolling gantry located at the eastern end of Alligator Drive (Exact location has not been determined at this time).

The gantry would be located within existing right of way boundaries and would include a toll equipment hut as well as an emergency power source. There would need to be some form of barrier system extending to the right of way boundary to prevent toll evasion. The cost to construct this facility is estimated at approximately \$1,400,000, including the toll equipment. **The cost to construct has not been verified through engineering analysis and our estimate is based solely on a comparison with another standalone electronic tolling gantry located in Leon County.**

There are multiple funding approaches which can be evaluated to construct this facility. For purposes of this paper it is assumed that all costs to construct would be fully and totally financed by the toll revenues generated by the facility. The annual cost for the toll facility financed over 30 years would be approximately \$75,000 a year.

Potential Revenue Generation Capability:

The FDOT on-line traffic mapping information for Alligator Drive (Attachment V) the average annual daily traffic (AADT) is identified as 1,100 cars per day and 100 trucks per day. A traffic and revenue study is required to forecast toll revenues and this has not be performed at this time.

Clary Consulting was asked to provide high level revenue generated capability for tolling Alligator Drive. It is important to note that the toll revenue generated depends on the assumptions used for toll rates, discounts for frequent users, rates for trucks and other related information. For discussion purposes only, the following revenue assumptions will be used:

- After implementation of tolls, traffic will be reduced by 10% to an AADT of 900 cars and 90 trucks.
- Assuming an average toll of \$1.25 per transaction for cars and \$2.25 for trucks.

Using these assumptions, the daily revenue potential is estimated at \$1,237 for autos and \$202.5 for trucks, with an annual estimated potential annual revenue of \$525,600.

(1) The estimated revenues are raw data estimates which have not been verified or validated through any formal Traffic and Revenue analysis or modeling and are provided only as a reference point of the potential to generate revenues. The impact of seasonal traffic flows can materially impact the revenue projections.

Cost of Operations:

There will be two primary costs associated with the operation and maintenance of the toll facility. These include:

- Transactional costs to collect and process the electronic tolling information. For purposes of this analysis we have assumed utilization of the Florida SUNPASS system with a cost per transaction of \$.08, with an annual estimated at \$39,420.
- Facility maintenance and utilities costs. We have utilized the costs associated with another standalone gantry located in Northern Florida to estimate an annual maintenance cost of \$140,000.

Design of Organizational Structure:

As stated earlier in this paper, the primary purpose of this facility is to generate revenues to be utilized to assist in the performance of roadway repair, rehabilitation and preservation projects to Alligator Drive. It important that toll revenues generated by the roadway are designated for use on the roadway.

It appears a financing would be required to pay for the toll collection equipment and during this process we would suggest the creation of a trust indenture and trust funds to manage the use of the toll revenues and support the deposit of the toll revenues dedicated to the roadway. The indenture would define and memorialize the intent and proposed uses of funds to pay for all financing, operations, maintenance and rehabilitation of the roadway and toll collection facility, and to design and construct projects to enhance, preserve and protect the roadway from storm damage in the future.

Next Steps

- Clary Consulting will provide an overview for the Alligator Point Taxpayers Association, Inc., of this paper and be available for questions and discussion.
- Based on the decision of the Alligator Point Taxpayers Association, Inc., follow up with Franklin County officials to discuss the option of tolling Alligator Drive.
- Clary Consulting will provide additional information and detail as requested by Franklin County officials within the scope of the original contract.

Summary of Review

In summary, based on a review of appropriate legal authority, it appears that Franklin County may move forward with establishing a toll on Alligator Drive, use the toll revenues for: the operations and maintenance of the roadway and toll collection facility, and future roadway repair, rehabilitation and preservation efforts.

Key assumptions for the calculation of Excess Revenues and this paper include the following:

- Infrastructure costs will remain at or near estimated amounts as included in the White Paper.
- Operations and Maintenance costs will remain at or near the estimated amounts as included in the White Paper.
- Toll rates will average \$1.25 for cars and \$2.25 for trucks.
- Traffic volumes will remain at or near estimated counts, which included a reduction of 10% from existing FDOT counts for both cars and trucks with tolling implemented.
- Uncollectable tolls will remain in the estimated 5% range.
- Financing costs will remain at or near current market values as of this report.

Potential Excess Revenues: (3)	
Total Annual Revenues	\$525,600.00
Less Allowance for uncollectable tolls (5%)	\$26,280.00
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Available Revenues for Operations:	\$499,320.00
Cost to Operate:	
Annual Debt Service	\$75,000.00
Transaction Costs	\$39,420.00
Annual Operations and Maintenance Costs	\$140,000.00
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Total Cost to Operate	\$254,420.00
Potential for Excess Annual Revenues:	\$244,900.00

- (3) The calculation for potential excess revenues is based on non-certified traffic and costing information and is provided only for information purposes. Additional financing structuring and final cost and revenue estimation can significantly alter the amounts shown above.

Attachment I – Engagement Letter



November 20, 2017

Paul Parker
Harbor Point Reality
127 Harbor Circle
Alligator Point, Florida 32346

Subject: Alligator Drive Road Preservation Concept

Paul, thank you for taking the time today to meet with Lowell and I and outline the current situation related to preservation of the Alligator Drive access road.

Clary Consulting Company is a specialist in looking at innovative financing solutions to deliver infrastructure projects such as the Alligator Drive preservation effort. This project will take some out of the box thinking to address a long standing recurring issue with road preservation.

As we discussed our initial approach will center on development of a Project White Paper designed to outline the following key issues:

- Analysis of related Florida Statutes and County Ordinances to determine legality of approach.
- Outlining the project purpose and pros and cons.
- Investigation of initial design and infrastructure needs and costs.
- Analysis of potential revenue generation capability.
- Design of an initial financial structure and dedication of revenues.
- High level analysis of associated cost to operate.

We will also work with the project sponsor to present the paper and be available for up to two meetings as needed to present the concept and respond to any questions related to the paper.

The paper is not intended, or designed to be utilized for project financing but will be useful to present the project concepts and generate future actions that will be required to move the project forward.

We would propose a flat lump sum fee of \$5,000.00 for the effort to be paid upon delivery of the final paper to the project sponsor.

We look forward to working with you on this project.

Sincerely,


Eugene A. Branagan, Executive Vice President
Clary Consulting Company
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Tallahassee, Florida 32309
850-545-0113
gbranagan@claryconsulting.com

Attachment II – January 3, 2017 Franklin County Commission
Meeting Minutes

**FRANKLIN COUNTY BOARD OF COUNTY
COMMISSIONERS REGULAR MEETING
COURTHOUSE ANNEX – COMMISSION MEETING
ROOM JANUARY 3, 2017**

**9:00 AM
MINUTES**

Commissioners Present: Joseph Parrish – Chairman, Noah Lockley-Vice-Chairman, Cheryl Sanders, William Massey, Ricky Jones

Others Present: Marcia M. Johnson-Clerk of Court, Alan Pierce-Director of Administrative Services, Michael Morón – County Coordinator, Michael Shuler – County Attorney, Lori P. Hines-Deputy Clerk to the Board.

Call to Order

Chairman Parrish called the meeting to Order.

Prayer and Pledge

There was a prayer followed by the Pledge of Allegiance.

Oath of Office Ceremony – Constitutional Officers

Judge Van Russell, County Judge, administered the Oath of Office to the following Constitutional Officers:

Anthony J. Smith-Sheriff
Heather Crum Riley-Supervisor of Elections
Marcia M. Johnson-Clerk of Court
Rhonda Skipper-Property Appraiser
James A. Harris, Jr.-Tax Collector

Mrs. Doris Gibbs, former Supervisor of Elections, invited everyone to attend a reception at the Supervisor of Elections' Office.

Approval of Minutes

On motion by Commissioner Massey, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to approve the minutes from the meeting held on December 20, 2017

Payment of County Bills

On motion by Commissioner Massey, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to approve payment of the County's bills.

Mike Cooper-Weems-Request

Mr. Cooper asked if the Board had any questions regarding wage increases for the employees. Chairman Parrish inquired about the total amount. Mr. Cooper said the difference is about \$70,000. Commissioner Lockley asked how the Hospital is doing since the raises have been taken back and if they have needed any more money. Mr. Cooper reported they have not requested any more money from the County. He said collections have been historic for the Hospital and they have done a good job of collecting. Mr. Cooper stated there is still a major concern about what the state will do with their portion of the indigent care monies. He commented the Hospital still has a reserve they created about 3 months ago that they have touched but there is still over \$300,000 in reserves outside of the operating account.

Commissioner Lockley asked if the Hospital can handle the increases. Mr. Cooper stated if the LIP and DISH funding are not fixed then he does not know. He said the LIP and DISH funding represents \$1.2 million in their budget this year. He explained the State is seven months in arrears with payments and owes the Hospital about \$700,000. Commissioner Lockley said the Hospital cannot count on this money until they receive it. Mr. Cooper reported the Hospital is running pretty well and last month the collections were almost \$500,000. Mr. Cooper stated when the Hospital completed the computer conversion; the collections were averaging about \$370,000 a month and went as low as \$220,000. Commissioner Sanders invited Mr. Cooper to attend the Legislative Delegation meeting on Thursday and express his opinion about the LIP and DISH funding and see if they can help. Mr. Cooper stated he has been in contact with the Florida Hospital Association (FHA) and they have asked him to be a representative to the Legislation for the Rural Hospital Contingent so he will probably be speaking with the legislators. Chairman Parrish reported there are projects that the City of Apalachicola had approved at the last legislative session and the money has not been sent so it is not just the Hospital money that has been delayed. **Commissioner Lockley made a motion to approve the**

request as it was set up. Commissioner Jones seconded the motion. Chairman Parrish said this matter was discussed at the last meeting and this proposal is considerably less than the original proposal. **Motion carried; 5-0.**

Victor Ayala-Emerald Warrior Exercise-Request

Mr. Ayala reported he is present on behalf of the United States Special Operations Command in Tampa that controls all the special operation forces. He requested the County's support to conduct a military training exercise within the County and city area. He explained Emerald Warrior started this kind of exercise about 5-6 years ago and has been conducting exercises in Mississippi. He stated they would like to return to Franklin County but on a smaller scale than they did in the past. He reported the requested exercise will take place February 28th-March 2nd with about 20 Air Force Special Operations men. He stated they will be conducting airfield surveys and there will be limited aviation with possibly one helicopter. He said they will be at the Apalachicola Airport and to the north. He explained there will be additional aircraft but they will be flying above 10,000 feet so there will be minimal impacts. He explained they will complete an official survey to enter into the air force records of what kind of aircraft the airfield will support. Mr. Ayala stated they hope to do more operations in the County in the future with the Board's permission. He said the impact will not be as large as it was in the past. Mr. Ayala reported they will be using civilian vehicles and wearing civilian uniforms. He informed the Board he met the Sheriff this morning and hopefully will have a briefing with him today. He said they also have constant contact with the community. He listed the Special Forces groups that will be participating in the operation. He reported they are slowly trying to come back to this area. He said it will bring a little economic impact to the area. Mr. Ayala presented a sample letter for support of this exercise. He explained these special operations men when deployed are the keys to successful operations. Commissioner Massey asked Attorney Shuler if this is okay. Attorney Shuler agreed this letter is fine. Mr. Pierce stated there was an official airfield survey done 3-4 years ago by the Department of Defense. Mr. Ayala said he was part of this analysis but the cycle has already run so they will renew the survey. Mr.

Pierce reported they were surprised the survey revealed the airport could not support some aircraft. Mr. Ayala said they were also surprised also as it had to do with the thickness of the concrete on the runways. Commissioner Sanders asked if they will provide proper notification to the surrounding neighborhoods. Mr. Ayala reported they go to the surrounding areas and knock on the doors or leave notices if no one is home. He agreed they will continue to notify the surrounding neighborhoods. **On motion by Commissioner Lockley, seconded by Commissioner Massey, and by unanimous vote of the Board present, it was agreed to approve the request and allow them to conduct the military training operation.**

Alan Pierce – RESTORE Coordinator – Report

Mr. Pierce presented the following report:

1- Inform Board that I was on a FEMA conference call Dec. 21 discussing Gulf Shore Blvd and Alligator Drive. Gulf Shore Blvd is continuing to go through the Environmental Assessment process. I provided FEMA with the names and addresses of some 25 property owners on

Gulf Shore Blvd who will be contacted by FEMA about the county's proposed relocation of Gulf Shore Blvd. Even those these 25 property owners are not affected by the relocation FEMA is going to notify them anyway.

Regarding Alligator Drive, FEMA asked me to provide a history of public dollars spent repairing Alligator Drive. I had prepared a history in 2005 and so I have updated it. Provide Board with updated history. From 1985 through 2015, a 30 year period, \$3.7M has been spent on repairing storm damage in one section of Alligator Drive.

The cost estimates to repair the road from damages incurred by Hurricane Hermine are approximately \$3M. FEMA staff indicated they are evaluating the trends on Alligator Point to see if there is some other proposal that should be considered so that public dollars are not continually spent on the same section of road. The following is the history Mr. Pierce provided to the Board:

History of Public Funds Spent Repairing Alligator Point
Drive (CR 370)

Below is a history compiled from records of the Franklin County and FEMA from 1985 to 2015. The non-declared events represent expenditures of county funds.

<u>YEAR</u>	<u>FUNDS SPENT</u>
1985 – Hurricane Juan	\$100,000
1985- Hurricane Elena	\$100,000
1985- Tropical Storm Kate	\$250,000
1987- August 26-28- non-declared event	\$ 50,000
1987- Sept. 21-23- non-declared event	\$ 50,000
1988- Sept. 9- non-declared event	\$ 10,000
1989- June 27-29- non-declared event	\$ 25,000
1991- January 7-12- non-declared event	\$ 50,000
1991- March 4-6- non-declared event	\$ 50,000
1991- April 1-4- non-declared event	\$ 25,000
1992- July 27-30- non-declared event	\$ 25,000
1992- Hurricane Andrew	\$ 25,000
1992- October 3-8- non-declared event	\$ 25,000

1993 – March Winter Storm	\$150,000
1993- October 30- non-declared event	\$ 5,000
1994- Tropical Storm Alberto	\$900,000
1994- Tropical Storm Beryl	\$ 60,000
1995- Hurricane Opal	\$100,000
1996 Tropical Storm Josephine	\$ 10,000
1998- Hurricane Earl	\$ 25,000
1998 –Hurricane Georges	\$ 10,000

1999-2003 Data incomplete (County estimate)	\$200,000
2004- February- non-declared event	\$ 5,000
2004- June- non-declared event	\$ 10,000
2004- Hurricane Ivan	\$300,000
2005- Hurricane Dennis	\$1,000,000

2006-2011- There are no identified expenditures on Alligator Drive. There was a lull in severe weather activity, and the most vulnerable section of the road was relocated. Once the road was relocated the frequency of repairs dropped dramatically.

2012 Tropical Storm Debbie	\$142,000
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2013-2015- There are no identified expenditures on Alligator Drive. The most vulnerable section of the road had been relocated, and the second most vulnerable section of the road was protected by an enhanced rock revetment.

Total Expenditure of Public Funds (1985-2015)	\$3,707,000
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***** 2016

Estimated Cost of Repairing Road From Hurricane Hermine	\$3,000,000
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(The repair costs include the consideration of vertical sheet pile seawall to replace the rock revetment, as erosion

has caused the toe of the revetment to be below mean high tide and a revetment is not as protective as a vertical seawall.)

(Erosion continues to work on Alligator Point and it is possible additional sections of Alligator Drive will suffer damage in the future.)

Compiled by Alan Pierce
RESTORE Coordinator
Dec. 28, 2016

Attachment III – Applicable Florida Statutes

Review of Florida Statutes: (Highlights added for reference purposes)

Title XI

COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(a) Adopt its own rules of procedure, select its officers, and set the time and place of its official meetings.

(b) Provide for the prosecution and defense of legal causes in behalf of the county or state and retain counsel and set their compensation.

(c) Provide and maintain county buildings.

(d) Provide fire protection, including the enforcement of the Florida Fire Prevention Code, as provided in ss. 633.206 and 633.208, and adopt and enforce local technical amendments to the Florida Fire Prevention Code as provided in those sections and pursuant to s. 633.202.

(e) Provide hospitals, ambulance service, and health and welfare programs.

(f) Provide parks, preserves, playgrounds, recreation areas, libraries, museums, historical commissions, and other recreation and cultural facilities and programs.

(g) Prepare and enforce comprehensive plans for the development of the county.

(h) Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.

(i) Adopt, by reference or in full, and enforce housing and related technical codes and regulations.

(j) Establish and administer programs of housing, slum clearance, community redevelopment, conservation, flood and beach erosion control, air pollution control, and navigation and drainage and cooperate with governmental agencies and private enterprises in the development and operation of such programs.

(k)1. Provide and regulate waste and sewage collection and disposal, water and alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems, and conservation programs.

2. The governing body of a county may require that any person within the county demonstrate the existence of some arrangement or contract by which such person will dispose of solid waste in a manner consistent with county ordinance or state or federal law. For any person who will produce special wastes or biomedical waste, as the same may be defined by state or federal law or county ordinance, the county may require satisfactory proof of a contract or similar arrangement by which such special or biomedical wastes will be collected by a qualified and duly licensed collector and disposed of in accordance with the laws of Florida or the Federal Government.

(l) Provide and operate air, water, rail, and bus terminals; port facilities; and public transportation systems.

(m) Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; regulate the placement of signs, lights, and other structures within the right-of-way limits of the county road system; provide and regulate parking facilities; and develop and enforce plans for the control of traffic and parking. Revenues derived from the operation of toll roads, bridges, tunnels, and related facilities may, after provision has been made for the payment of operation and maintenance expenses of such toll facilities and any debt service on indebtedness incurred with respect thereto, be utilized for the payment of costs related to any other transportation facilities within the county, including the purchase of rights-of-way; the construction, reconstruction, operation, maintenance, and repair of such transportation facilities; and the payment of indebtedness incurred with respect to such transportation facilities.

(n) License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county; except that any constitutional charter county as defined in s. 125.011(1) shall on July 1, 1988, have been authorized to have issued a number of permits to operate taxis which is no less than the ratio of one permit for each 1,000 residents of said county, and any such new permits issued after June 4, 1988, shall be issued by lottery among individuals with such experience as a taxi driver as the county may determine.

(o) Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas of the county pursuant to general law.

(p) Enter into agreements with other governmental agencies within or outside the boundaries of the county for joint performance, or performance by one unit in behalf of the other, of any of either agency's authorized functions.

(q) Establish, and subsequently merge or abolish those created hereunder, municipal service taxing or benefit units for any part or all of the unincorporated area of the county, within which may be provided fire protection; law enforcement; beach erosion control; recreation service and facilities; water; alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems; streets; sidewalks; street lighting; garbage and trash collection and disposal; waste and sewage collection and disposal; drainage; transportation; indigent health care services; mental health care services; and other essential facilities and municipal services from funds derived from service charges, special assessments, or taxes within such unit only. Subject to the consent by ordinance of the governing body of the affected municipality given either annually or for a term of years, the boundaries of a municipal service taxing or benefit unit may include all or part of the boundaries of a municipality. If ad valorem taxes are levied to provide essential facilities and municipal services within the unit, the millage levied on any parcel of property for municipal purposes by all municipal service taxing units and the municipality may not exceed 10 mills. This paragraph authorizes all counties to levy additional taxes, within the limits fixed for municipal purposes, within such municipal service taxing units under the authority of the second sentence of s. 9(b), Art. VII of the State Constitution.

(r) Levy and collect taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit, and special assessments; borrow and expend money; and issue bonds, revenue certificates, and other obligations of indebtedness, which power shall be exercised in such manner, and subject to such limitations, as may be provided by general law. There shall be no referendum required for the levy by a county of ad valorem taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit. Notwithstanding any other provision of law, a county may not levy special assessments for the provision of fire protection services on lands classified as agricultural lands under s. 193.461 unless the land contains a residential dwelling or nonresidential farm building, with the exception of an agricultural pole barn, provided the nonresidential farm building exceeds a just value of \$10,000. Such special assessments must be based solely on the special benefit accruing to that portion of the land consisting of the residential dwelling and curtilage, and qualifying nonresidential farm buildings. As used in this paragraph, the term “agricultural pole barn” means a nonresidential farm building in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress.

(s) Make investigations of county affairs; inquire into accounts, records, and transactions of any county department, office, or officer; and, for these purposes, require reports from any county officer or employee and the production of official records.

(t) Adopt ordinances and resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law.

- (u) Create civil service systems and boards.
- (v) Require every county official to submit to it annually, at such time as it may specify, a copy of the official's operating budget for the succeeding fiscal year.
- (w) Perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law.
- (x) Employ an independent certified public accounting firm to audit any funds, accounts, and financial records of the county and its agencies and governmental subdivisions. Entities that are funded wholly or in part by the county, at the discretion of the county, may be required by the county to conduct a performance audit paid for by the county. An entity shall not be considered as funded by the county by virtue of the fact that such entity utilizes the county to collect taxes, assessments, fees, or other revenue. If an independent special district receives county funds pursuant to a contract or interlocal agreement for the purposes of funding, in whole or in part, a discrete program of the district, only that program may be required by the county to undergo a performance audit. Not fewer than five copies of each complete audit report, with accompanying documents, shall be filed with the clerk of the circuit court and maintained there for public inspection. The clerk shall thereupon forward one complete copy of the audit report with accompanying documents to the Auditor General.
- (y) Place questions or propositions on the ballot at any primary election, general election, or otherwise called special election, when agreed to by a majority vote of the total membership of the legislative and governing body, so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. No special election may be called for the purpose of conducting a straw ballot. Any election costs, as defined in s. 97.021, associated with any ballot question or election called specifically at the request of a district or for the creation of a district shall be paid by the district either in whole or in part as the case may warrant.
- (z) Approve or disapprove the issuance of industrial development bonds authorized by law for entities within its geographic jurisdiction.
- (aa) Use ad valorem tax revenues to purchase any or all interests in land for the protection of natural floodplains, marshes, or estuaries; for use as wilderness or wildlife management areas; for restoration of altered ecosystems; or for preservation of significant archaeological or historic sites.
- (bb) Enforce the Florida Building Code, as provided in s. 553.80, and adopt and enforce local technical amendments to the Florida Building Code, pursuant to s. 553.73(4)(b) and (c).
- (cc) Prohibit a business entity, other than a county tourism promotion agency, from using names as specified in s. 125.0104(9)(e) when representing itself to the public as an entity representing tourism interests of the county levying the local option tourist development tax under s. 125.0104.

(2) The board of county commissioners shall be the governing body of any municipal service taxing or benefit unit created pursuant to paragraph (1)(q).

(3)(a) The enumeration of powers herein may not be deemed exclusive or restrictive, but is deemed to incorporate all implied powers necessary or incident to carrying out such powers enumerated, including, specifically, authority to employ personnel, expend funds, enter into contractual obligations, and purchase or lease and sell or exchange real or personal property. The authority to employ personnel includes, but is not limited to, the authority to determine benefits available to different types of personnel. Such benefits may include, but are not limited to, insurance coverage and paid leave. The provisions of chapter 121 govern the participation of county employees in the Florida Retirement System.

(b) The provisions of this section shall be liberally construed in order to effectively carry out the purpose of this section and to secure for the counties the broad exercise of home rule powers authorized by the State Constitution.

(4) The legislative and governing body of a county shall not have the power to regulate the taking or possession of saltwater fish, as defined in s. 379.101, with respect to the method of taking, size, number, season, or species. However, this subsection does not prohibit a county from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that county, nor does it prohibit the imposition of excise taxes by county ordinance.

(5)(a) To an extent not inconsistent with general or special law, the governing body of a county shall have the power to establish, and subsequently merge or abolish those created hereunder, special districts to include both incorporated and unincorporated areas subject to the approval of the governing body of the incorporated area affected, within which may be provided municipal services and facilities from funds derived from service charges, special assessments, or taxes within such district only. Such ordinance may be subsequently amended by the same procedure as the original enactment.

(b) The governing body of such special district shall be composed of county commissioners and may include elected officials of the governing body of an incorporated area included in the boundaries of the special district, with the basis of apportionment being set forth in the ordinance creating the special district.

(c) It is declared to be the intent of the Legislature that this subsection is the authorization for the levy by a special district of any millage designated in the ordinance creating such a special district or amendment thereto and approved by vote of the electors under the authority of the first sentence of s. 9(b), Art. VII of the State Constitution. It is the further intent of the Legislature that a special district created under this subsection include both unincorporated and incorporated areas

of a county and that such special district may not be used to provide services in the unincorporated area only.

(6)(a) The governing body of a municipality or municipalities by resolution, or the citizens of a municipality or county by petition of 10 percent of the qualified electors of such unit, may identify a service or program rendered specially for the benefit of the property or residents in unincorporated areas and financed from countywide revenues and petition the board of county commissioners to develop an appropriate mechanism to finance such activity for the ensuing fiscal year, which may be by taxes, special assessments, or service charges levied or imposed solely upon residents or property in the unincorporated area, by the establishment of a municipal service taxing or benefit unit pursuant to paragraph (1)(q), or by remitting the identified cost of service paid from revenues required to be expended on a countywide basis to the municipality or municipalities, within 6 months of the adoption of the county budget, in the proportion that the amount of county ad valorem taxes collected within such municipality or municipalities bears to the total amount of countywide ad valorem taxes collected by the county, or by any other method prescribed by state law.

(b) The board of county commissioners shall, within 90 days, file a response to such petition, which response shall either reflect action to develop appropriate mechanisms or shall reject such petition and state findings of fact demonstrating that the service does not specially benefit the property or residents of the unincorporated areas.

(7) No county revenues, except those derived specifically from or on behalf of a municipal service taxing unit, special district, unincorporated area, service area, or program area, shall be used to fund any service or project provided by the county when no real and substantial benefit accrues to the property or residents within a municipality or municipalities.

History.—s. 1, ch. 1882, 1872; s. 1, ch. 3039, 1877; RS 578; GS 769; s. 1, ch. 6842, 1915; RGS 1475; CGL 2153; s. 1, ch. 59-436; s. 1, ch. 69-265; ss. 1, 2, 6, ch. 71-14; s. 2, ch. 73-208; s. 1, ch. 73-272; s. 1, ch. 74-150; ss. 1, 2, 4, ch. 74-191; s. 1, ch. 75-63; s. 1, ch. 77-33; s. 1, ch. 79-87; s. 1, ch. 80-407; s. 1, ch. 83-1; s. 17, ch. 83-271; s. 12, ch. 84-330; s. 2, ch. 87-92; s. 1, ch. 87-263; s. 9, ch. 87-363; s. 2, ch. 88-163; s. 18, ch. 88-286; s. 2, ch. 89-273; s. 1, ch. 90-175; s. 1, ch. 90-332; s. 1, ch. 91-238; s. 1, ch. 92-90; s. 1, ch. 93-207; s. 41, ch. 94-224; s. 31, ch. 94-237; s. 1, ch. 94-332; s. 1433, ch. 95-147; s. 1, ch. 95-323; s. 41, ch. 96-397; s. 42, ch. 97-13; s. 2, ch. 2000-141; s. 34, ch. 2001-186; s. 36, ch. 2001-266; s. 3, ch. 2001-372; s. 20, ch. 2002-281; s. 1, ch. 2003-78; ss. 27, 28, ch. 2003-415; s. 184, ch. 2008-247; s. 2, ch. 2011-143; s. 122, ch. 2013-183; s. 1, ch. 2014-7; s. 1, ch. 2016-89.

TITLE XICOUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS

159 Bond Financing

159.10 Revenues of projects.—

(1) The governing body shall fix and revise from time to time rates, fees, rentals, tolls or other charges for the use of each project or for the services and facilities furnished thereby and charge and collect the same. Such rates, fees, rentals, tolls, or other charges shall be so fixed and adjusted, in respect of the aggregate of rates, fees, rentals, tolls, or other charges from the project or projects for which a single issue of bonds is issued, as to provide a fund sufficient, together with any other special funds pledged therefor as provided in this part, to pay the cost of maintaining, repairing and operating such project or projects and the principal of and interest on the revenue bonds as the same shall become due and reserves for such purposes and all such other payments required by the proceedings authorizing the issuance of such revenue bonds. Such rates, fees, rentals, tolls and other charges shall not be subject to supervision or regulation by any state commission, board, bureau or agency.

(2) All or a sufficient amount of the revenues derived from a project or projects for which revenue bonds have been issued shall be set aside at such regular intervals as may be provided in the ordinance or resolution authorizing the issuance of the bonds or in the trust agreement securing the same, in a sinking fund which is hereby pledged to and charged with the payment of the principal and interest upon such bonds as the same shall become due, any premium upon bonds retired by call or purchase as herein provided, and for reserves therefor, and to pay the cost of maintaining, repairing and operating the project or projects and reserves therefor, all in the order of priority and manner as shall be provided in such ordinance or resolution or trust agreement. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the ordinance or resolution authorizing the issuance of the bonds or in such trust agreement, but, except as may otherwise be provided in such ordinance or resolution or such trust agreement, such sinking fund shall be a fund for the benefit of all bonds without distinction or priority of one over another.

(3) If any county, city or town or any department, agency or instrumentality thereof elects to avail itself of the services and facilities afforded by a project financed by it under the provisions of this part, it shall pay for the same at the established rates as the charges therefor accrue, and the revenues so received shall be deemed to be a part of the revenues of such project.

History.—s. 10, ch. 28045, 1953; s. 6, ch. 67-550.

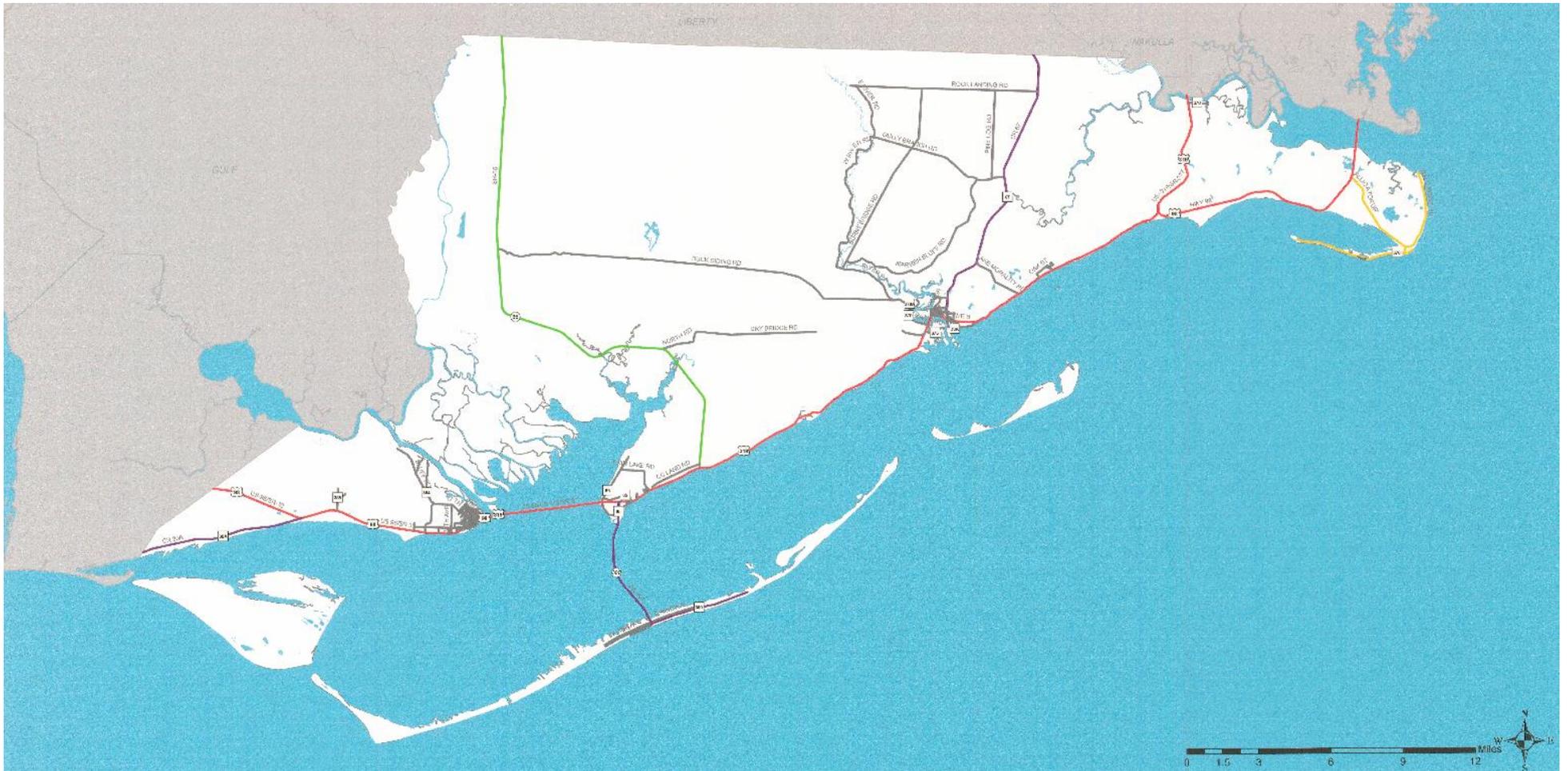
County Road System Responsibility:

336.02 Responsibility for county road system; approval of maps of reservation.—

(1)(a) The commissioners are invested with the general superintendence and control of the county roads and structures within their respective counties, and they may establish new roads, change and discontinue old roads, and keep the roads in good repair in the manner herein provided. They are responsible for establishing the width and grade of such roads and structures in their respective counties.

Attachment IV – FDOT Highway Classifications

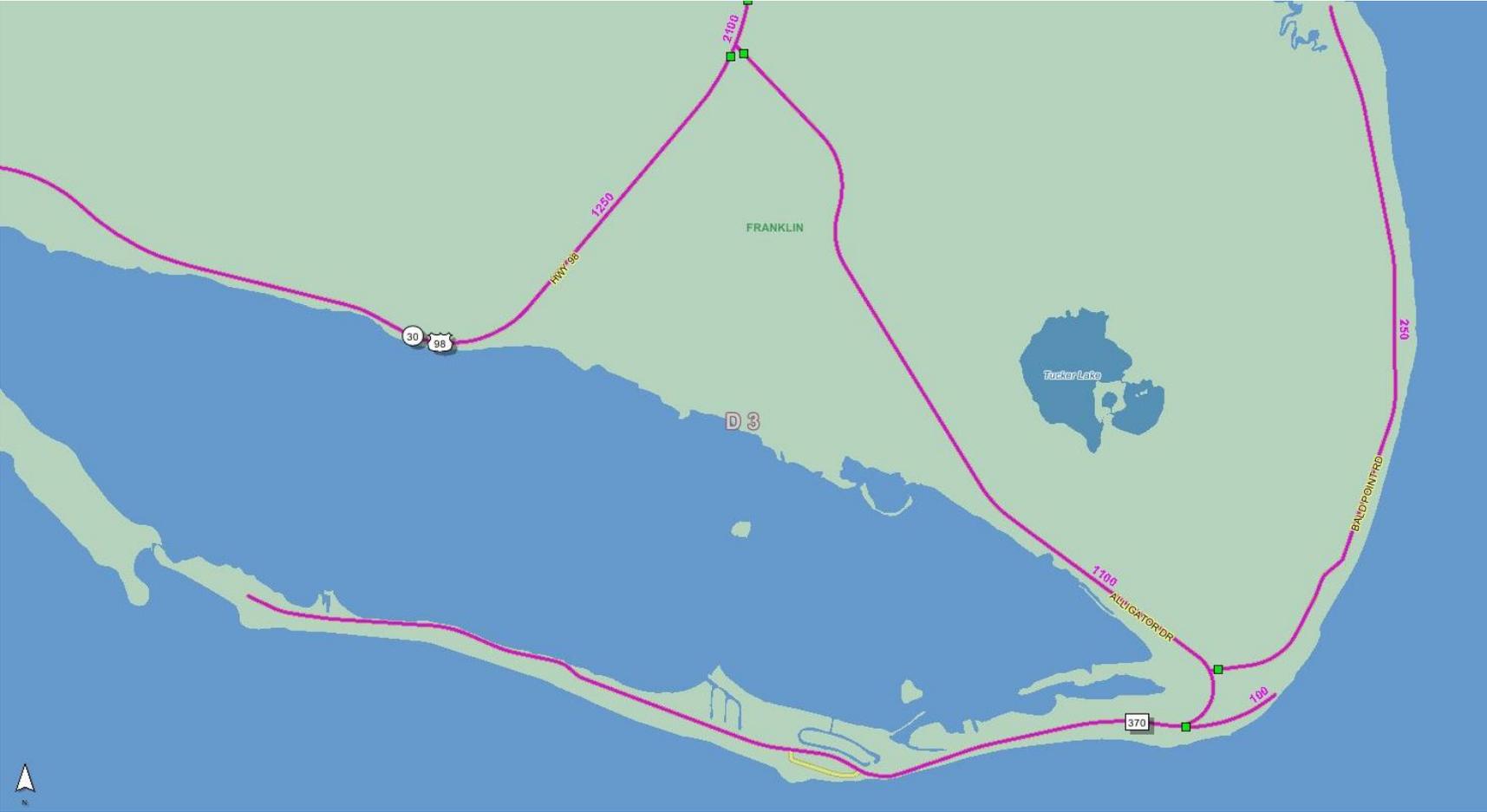
Functional Classification and Urban Boundary Maps



Franklin County	
01 - Principal Arterial-Interstate RURAL	11 - Principal Arterial-Interstate URBAN
02 - Principal Arterial-Expressway RURAL	12 - Principal Arterial-Freeway and Expressway URBAN
04 - Principal Arterial-Other RURAL	14 - Principal Arterial-Other URBAN
06 - Minor Arterial RURAL	16 - Minor Arterial URBAN
07 - Major Collector RURAL	17 - Major Collector URBAN
08 - Minor Collector RURAL	18 - Minor Collector (Fed Aid) URBAN
09 - Local RURAL	19 - Local URBAN
	Urban Boundary



Attachment V – FDOT Traffic Map



FDOT Florida Traffic Online Map:

This map was printed from the FDOT Florida Traffic Online ArcIMS mapping application - (<http://flt.dot.state.fl.us/website/FloridaTrafficOnline/>).