

BOARD OF COUNTY COMMISSIONERS

GULF COUNTY, FLORIDA

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BOARD OF COUNTY COMMISSIONERS GULF COUNTY, FLORIDA

1000 CECIL G. COSTIN, SR. BLVD., ROOM 302, PORT ST. JOE, FLORIDA 32456
PHONE: (850) 229-6106/639-6700 • FAX: (850) 229-9252 • EMAIL: bccc@gulfcounty-fl.gov
WEBSITE: www.gulfcounty-fl.gov

DATE AND TIME OF MEETINGS: SECOND AND FOURTH TUESDAYS AT 6:00 P.M., E.T.

January 4, 2011

The Honorable Bill Nelson
United States Senate
Washington, DC 20510

Re: **Assistance Requested – FEMA Appeals Review**
FEMA 1806 DR FL (Hurricane Gustav)
PW 14 - St. Joseph Peninsula Beach
Gulf County, Florida

FILED FOR RECORD
REBECCA L. NORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA
2011 JAN -6 AM 10:36

Dear Senator Nelson:

We write this letter to you today on a matter of great importance to your constituents, the citizens of Gulf County, Florida. On July 6, 2010, the Florida Division of Emergency Management forwarded a recommendation letter to FEMA supporting Gulf County's Stafford Act appeal of FEMA's denial of a \$15.1 million claim for the reimbursement of disaster costs stemming from the Hurricane Gustav event of 2008. Specifically, the claim at issue dealt with FEMA's determination that the replacement of approximately 4 miles of destroyed shoreline and over 300,000 sea oats plants was ineligible for reimbursement under the Stafford Act.¹

While the citizens of Gulf County certainly desire a favorable determination on this appeal, we write this letter not to attempt to influence the forthcoming decision on the merits of the appeal, but instead we ask that you use the influence of your office to encourage FEMA to simply rule on the merits in accordance with the laws as established by Congress. Under the provisions of the Stafford Act, FEMA has 90 days following the receipt of an appeal in which to either reach a determination on the merits of the appeal, or in which to request additional information from the appellant (see Section 423 of the Stafford Act; also 44 CFR § 206.206(c)(3)). Unfortunately, this provision seems to be a mere "paper tiger," in that no penalty attaches to FEMA for non-compliance with this provision of the Stafford Act. This is why we now turn to your office for any help that you might be able to provide: as of the date of this correspondence, FEMA has had the appeal in their possession for approximately 120 days, which Gulf County believes should be a long enough timeframe to allow for such a determination on the merits to be made and returned.

Once again we thank you for your consideration of our plea to prod FEMA forward towards a determination with whatever influence your office may bring to bear. In these days when county governments in Florida are typically constrained in their expenditures, we wish to ensure

¹ In FEMA's terminology, the appeal was of project: DR-1806: PW-14

to our taxpayers that we are taking all prudent measures in settling this matter consistent with reasonable timeframes that have been established by law.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren Yeager". The signature is written in a cursive style with a large, prominent initial "W".

Commissioner Warren Yeager, Chairman
Gulf County Board of Commissioners
Gulf County, Florida

Cc: Craig Fugate, FEMA
Evan Rosenberg, Florida DEM

BOARD OF COUNTY COMMISSIONERS GULF COUNTY, FLORIDA

3

1000 CECIL G. COSTIN, SR. BLVD., ROOM 302, PORT ST. JOE, FLORIDA 32456
PHONE: (850) 229-6106/639-6700 • FAX: (850) 229-9252 • EMAIL: bccc@gulfcounty-fl.gov
WEBSITE: www.gulfcounty-fl.gov

DATE AND TIME OF MEETINGS: SECOND AND FOURTH TUESDAYS AT 6:00 P.M., E.T.

January 4, 2011

The Honorable Steve Southerland
United States House of Representatives
Washington, DC 20515

Re: **Assistance Requested – FEMA Appeals Review**
FEMA 1806 DR FL (Hurricane Gustav)
PW 14 - St. Joseph Peninsula Beach
Gulf County, Florida

FILED FOR RECORD
REBECCA L. MORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA
2011 JAN - 6 AM 10:36

Dear Mr. Sutherland:

We write this letter to you today on a matter of great importance to your constituents, the citizens of Gulf County, Florida. On July 6, 2010, the Florida Division of Emergency Management forwarded a recommendation letter to FEMA supporting Gulf County's Stafford Act appeal of FEMA's denial of a \$15.1 million claim for the reimbursement of disaster costs stemming from the Hurricane Gustav event of 2008. Specifically, the claim at issue dealt with FEMA's determination that the replacement of approximately 4 miles of destroyed shoreline and over 300,000 sea oats plants was ineligible for reimbursement under the Stafford Act.¹

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3

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A handwritten signature in black ink, appearing to read "Warren Yeager". The signature is fluid and cursive, with a large initial "W" and a long, sweeping tail.

Commissioner Warren Yeager, Chairman
Gulf County Board of Commissioners
Gulf County, Florida

Cc: Craig Fugate, FEMA
Evan Rosenberg, Florida DEM

NOTICE TO RECEIVE SEALED BIDS
BID #1011-09

The Gulf County Board of County Commissioners will receive sealed bids from any qualified person, company, or corporation interested in purchasing the following with a minimum bid of \$500.00.

1977 Ford LT-9000 Lowboy Truck

Please place **YOUR COMPANY NAME, SEALED BID**, and the **BID NUMBER** on the outside of your envelope, and provide three copies of your proposal.

Bids must be submitted to the Gulf County Clerk's Office at 1000 Cecil G. Costin, Sr. Blvd., Room 148, Port St. Joe, Florida 32456, **by 4:30 p.m., E.T., on Friday, January 28, 2011**. Bids will be opened at this same location on **Monday, January 31, 2011** at 10:00 a.m., E.T.

Any questions concerning this bid or to view the vehicle, contact Public Works Director Bobby Knee at (850) 227-1401.

BOARD OF COUNTY COMMISSIONERS
GULF COUNTY, FLORIDA
/s/ Warren J. Yeager, Jr., Chairman

Attest:

/s/ Rebecca L. Norris, Clerk

Ad Dates: January 20 & 27, 2011
Ad #2011-01
Publish In: Legals
Invoice: Gulf County BCC

PUBLIC NOTICE

The Gulf County Enterprise Zone Development Agency will meet Thursday, January 20, 2010, at 12:00 noon, E.T., 1000 Cecil G. Costin Sr., Blvd., of the Robert M. Moore Administration Building, Gulf County Courthouse Complex in Room 307.

The public is welcome to attend.

Ad #2011-03

Publication Date: January 20, 2010

Invoice: Gulf County Board of County Commissioners

Size: Classified

FILED FOR RECORD
REBECCA L. NORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA
2011 JAN 12 PM 3:31

GULF COUNTY BOARD OF COUNTY COMMISSIONERS
Request For Proposals: 1011-10

The Gulf County Board of County Commissioners is seeking proposals from qualified firms or individuals for the following:

Unified Voice and Data Communications System

Sealed proposals for a Unified Voice and Data Communications implementation will be received at the Gulf County Clerk of Courts office, Gulf County Courthouse, 1000 Cecil G. Costin, Sr. Blvd, Room 148, Port St. Joe, FL 32456 until 4:30 p.m. on **Friday, February 11, 2011**. Proposals will be opened on **Monday, February 14, 2011 at 10:00 a.m.** at the same location.

Gulf County seeks a solution that integrates its communications system with a Voice over Internet Protocol (VoIP) integrated voice and data system. All existing telephones should be replaced with either equivalent new analog or IP phones that support basic telephony features. Also, any system proposed should be able to accommodate a failover option to POTS lines and PSTN failover capabilities should the WAN experience an interruption.

Gulf County seeks "A Single Vendor Managed Services Solution and requires the Vendor to provide turnkey responsibility for all voice and data WAN connectivity, and to provide a single monthly billing statement and dispute resolution for all related telephony services.

Gulf County requires that any system have the capability to service remote locations with the same features and functionality as the main office should the need arise. Each location should be able to access all the features and functionality available at the main site even in the event of a service interruption. The vendor must verify that any premise equipment required to support that connectivity is already in place or must quote the additional equipment required.

A Pre-bid conference and tour of facilities will be held Monday, January 24th, 2010 at 9:00 AM. The conference will begin at the Robert M. Moore Administration Building, Board Room, 1000 Cecil G. Costin, Sr. Blvd, Port St. Joe, FL 32456.

Bidders may acquire Bid Packages from the Gulf County Clerk's Office, 1000 Cecil G. Costin, Sr. Blvd, Port St. Joe, FL 32456 or they may acquire the RFP document from the Gulf County Website www.gulfcounty-fl.gov. Proposals shall be submitted in a sealed envelope, shall contain the full name of the person, agency or company submitting the proposal, and shall be signed by an official authorized to execute a contract. Bid envelopes shall be marked: Unified Communications Bid, RFP #1011-10. Further information can be obtained from or any questions in regard to this RFP need to be addressed to Chuck Edwards, Bluemanta Technology Group, (850) 229-2555.

The Board of County Commissioners reserves the right to reject any or all bids.
Gulf County is an Equal Opportunity Employer and a Drug-Free Workplace.

/s/ WARREN J. YEAGER, JR., Chairman

Attest: /s/ Rebecca L. Norris, Clerk
Publish: Star: 2t (January 20th and 27th, 2011)
Bill: Gulf County Board of County Commissioners
Ad No: 2011-02

SUNGARD PENTAMATION, INC.
 DATE: 01/06/2011
 TIME: 16:35:14
 SELECTION CRITERIA: orgn.fund='120'
 ACCOUNTING PERIOD: 3/11

BAY COUNTY BOARD OF COUNTY COMMISSIONERS
 EXPENDITURE STATUS REPORT

December 2010

SORTED BY: FUND,DEPT TOTAL,1ST SUBTOTAL,ACCOUNT
 TOTALED ON: FUND,DEPT TOTAL,1ST SUBTOTAL
 PAGE BREAKS ON: FUND,DEPT TOTAL

ACCOUNT	TITLE	BUDGET	PERIOD EXPENDITURES	ENCUMBRANCES OUTSTANDING	YEAR TO DATE EXP	AVAILABLE BALANCE	YTD/ BUD
FUND-120 LIBRARY							
DEPT TOTAL-0361 GULF COUNTY LIBRARY							
1ST SUBTOTAL-5100000 PERSONAL SERVICES							
5101200	SALARIES & WAGES-REGULAR	92,006.00	12,475.93	.00	25,209.16	66,796.84	27.40
5101400	SALARIES & WAGES-OVERTIM	11,077.00	.00	.00	.00	11,077.00	.00
5102100	FICA TAXES-MATCHING	7,886.00	944.36	.00	1,903.30	5,982.70	24.14
5102200	RETIREMENT CONTRIBUTIONS	11,102.00	1,343.67	.00	2,715.04	8,386.96	24.46
5102300	LIFE & HEALTH INSURANCE	3,568.00	299.04	.00	1,045.80	2,522.20	29.31
5102400	WORKERS COMP. PREMIUMS	377.00	94.00	.00	94.00	283.00	24.93
	TOTAL PERSONAL SERVICES	126,016.00	15,157.00	.00	30,967.30	95,048.70	24.57
1ST SUBTOTAL-5300000 OPERATING EXPENSES							
5304101	COMMUNICATIONS SERVICES	1,050.00	76.55	.00	313.97	736.03	29.90
5304125	POSTAGE/TRANSP/FREIGHT	125.00	.00	.00	.00	125.00	.00
5304301	UTILITY SERVICES	22,000.00	1,217.46	.00	2,798.29	19,201.71	12.72
5304501	INSURANCE & BONDS	992.00	248.00	.00	248.00	744.00	25.00
5304605	REPAIR/MAINT-BLDG & GRND	450.00	32.00	.00	96.00	354.00	21.33
5304615	REPAIR/MAINT-EQUIPMENT	450.00	35.81	.00	107.43	342.57	23.87
5304990	MISCELLANEOUS EXPENSES	100.00	.00	.00	20.00	-20.00	.00
5305101	OFFICE SUPPLIES	100.00	5.98	.00	21.79	78.21	21.79
5305202	OPER SUPPLIES-JANITORIAL	75.00	.00	.00	.00	75.00	.00
5305401	BOOKS/RESOURCE MATR/SUBS	.00	.00	.00	.00	-5,798.42	.00
	TOTAL OPERATING EXPENSES	25,242.00	1,615.80	.00	9,403.90	15,838.10	37.25
1ST SUBTOTAL-5600000 CAPITAL OUTLAY							
5606623	BOOKS - LOCAL	.00	43.94	.00	64.17	-64.17	.00
	TOTAL CAPITAL OUTLAY	.00	43.94	.00	64.17	-64.17	.00
1ST SUBTOTAL-5900000 NON-OPERATING EXPENSES							
5909910	RESERVE FOR CONTINGENCIE	15,150.00	.00	.00	.00	15,150.00	.00
	TOTAL NON-OPERATING EXPENSES	15,150.00	.00	.00	.00	15,150.00	.00
	TOTAL GULF COUNTY LIBRARY	166,408.00	16,816.74	.00	40,435.37	125,972.63	24.30

91:11 AM 31 NOV 1102

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All About Florida

MEMORANDUM

TO : County Managers, County Attorneys, County Lobbyists
and County Public Information Officers

FROM: Chris Holley, FAC Executive Director

DATE: January 5, 2011

RE: FAC Annual Report

LENE LIEBERMAN
PRESIDENT
BROWARD

DOUG SMITH
PRESIDENT ELECT
MARTIN

BILL WILLIAMS
FIRST VICE PRESIDENT
GULF

BRYAN DESLOGE
SECOND VICE PRESIDENT
LEON

RODNEY J. LONG
IMMEDIATE PAST PRESIDENT
ALACHUA

CHRISTOPHER L. HOLLEY
EXECUTIVE DIRECTOR

Happy New Year! FAC is proud to kick off the new year with many goals in front of us and accomplishments to be proud of.

Enclosed is FAC's Annual Report. FAC, like you, has been impacted by the economy yet following your example we continue to do more with less. Last year, FAC kept dues at 2006 levels while adding webinars, regional educational opportunities and additional Enterprise programs. In addition, FAC was overwhelmingly successful with our legislative agenda. TABOR was defeated for the third year and more than \$1.2 BILLION in unfunded mandates were repealed – saving your taxpayer dollars.

As a member driven organization FAC depends on each of you and thanks you for your support of FAC and our priorities.

FILED FOR RECORD
REBECCA L. MORRIS
CLERK OF CIRCUIT COURT
DEEP COUNTY, FLORIDA
2011 JAN 19 AM 11:25

JAN 19 PM 1:19

INFORMATION
DATE: 1-25-11 LL

* Complete Report on file with Clerk *



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

December 29, 2010

2011 JAN - 9 AM 11:35
DEPARTMENT OF COMMUNITY AFFAIRS

The Honorable Carmen L. McLemore
Chairman, Gulf County Commission
Board of County Commissioners
1000 Cecil G. Costin, Sr. Boulevard
Port St. Joe, Florida 32456

Dear Chairman McLemore:

The Department of Community Affairs has completed its review of the Gulf County Comprehensive Plan Amendment (DCA Number 10-CIE1) adopted by County Ordinance Number 2010-03 on November 9, 2010, and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes, for compliance, as defined in Subsection 163.3184(1)(b), Florida Statutes. The Department is issuing a Notice of Intent to find the plan amendment In Compliance. The Notice of Intent has been sent to *The Panama City News Herald* for publication on December 30, 2010.

The Department's Notice of Intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the Notice of Intent pursuant to Section 163.3184(9), Florida Statutes. No development orders, or permits for a development, dependent on the amendment may be issued or commence before the plan amendment takes effect. Please be advised that Section 163.3184(8)(c)2, Florida Statutes, requires a local government that has an Internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the agency's Notice of Intent.

Please note that a copy of the adopted Gulf County Comprehensive Plan Amendment and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Gulf County Board of County Commissioners Administration Building, 1000 Cecil G. Costin, Sr. Boulevard, Port St. Joe, Florida 32456.

2011 JAN 19 AM 11:25
FILED FOR RECORD
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

- COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
- HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

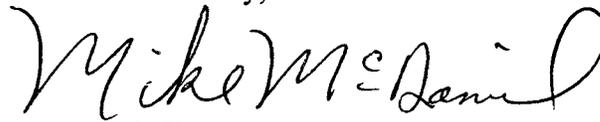
1-25-11 LL

The Honorable Carmen L. McLemore
December 29, 2010
Page 2 of 2

If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), Florida Statutes. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation will not affect the right of any party to an administrative hearing.

If you have any questions, please contact Mark Yelland, AICP, Principal Planner, at (850) 922-1790.

Sincerely,



Mike McDaniel, Chief
Office of Comprehensive Planning

MM/myb

Enclosure: Notice of Intent

cc: David Richardson, Gulf County Planner
Charles Blume, Executive Director, Apalachee Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND THE
GULF COUNTY
COMPREHENSIVE PLAN AMENDMENT(S) IN COMPLIANCE
DOCKET NO. 10-CIE1-NOI-2301-(A)-(I)

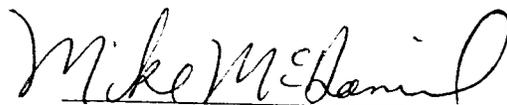
The Department gives notice of its intent to find the Amendment(s) to the Comprehensive Plan for Gulf County, adopted by Ordinance No. 2010-03 on November 9, 2010, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Gulf County Comprehensive Plan Amendment(s) and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Gulf County BOCC, Administration B, 1000 Cecil G. Costin Sr., Blvd., Room 3, Port St. Joe, Florida 32456.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment(s) to the Gulf County Comprehensive Plan are In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.



Mike McDaniel, Chief
Office of Comprehensive Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100



Florida Department of Environmental Protection

Northwest District
160 Governmental Center
Pensacola, FL 32502

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Mimi A. Drew
Secretary

January 10, 2011

BY ELECTRONIC MAIL
(mmagidson@fairpoint.net)

City of Port St. Joe
Honorable Melvin C. Magidson, Jr., Mayor
Post Office Box 278
Port St. Joe, FL 32457

Dear Mayor Magidson:

We received your request (file number FL0020206-009-DWF/MM) from Lynn Todd, Pretreatment Coordinator for the City of Port St. Joe on January 4, 2011 for minor revision to inactivate the City of Port St. Joe wastewater treatment facility's pretreatment program authorized by Condition VII of permit FL0020206-001-DW1S/NR (issued on December 5, 2007). This letter is to advise you that the request is hereby approved pursuant to Rule 62-620.325(2)(a), Florida Administrative Code.

Specifically, this action inactivates the industrial pretreatment program for the City of Port St. Joe. The pretreatment program is hereby placed on "inactive" status.

The City's industrial pretreatment program requirements, FL0020206, Condition VII are revised as follows:

VII. INDUSTRIAL PRETREATMENT PROGRAM REQUIREMENTS *(permit pages 20, 21 & 22)*

Inactivate conditions VII.1 through 5 as revised by revisions 005 and 006 on February 26 and May 15, 2008, respectively. Add the following new active conditions VII.6 thru 8:

6. The permittee shall conduct an annual industrial waste survey (IWS) in accordance with Rule 62-625.500(2)(b), F.A.C. This survey shall be submitted to the Department on August 1 of each year, along with a statement certifying that there are no significant industrial users discharging, or having the reasonable potential to discharge, process wastewater or slug loads to the city's collection and treatment system. The survey shall be submitted to the following address:

Florida Department of Environmental Protection
Domestic Wastewater Section, MS # 3540
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

"More Protection. Less Process"
www.dep.state.fl.us

FILED FOR RECORD
REBECCA L. MORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA
2011 JAN 19 AM 11:26

City of Port St. Joe
 Permit No. FL0020206
 PA File No. FL0020206-009-DWF/MM
 Page 2 of 2

7. Upon issuance of this permit revision the existing approved pretreatment program shall be declared inactive. If the IWS identifies significant industrial users discharging to the permittee's wastewater facilities (WWTP), or the Department determines there is a justifiable need for a pretreatment program, this shall cause the approved pretreatment program to be reactivated in full compliance with the requirements Chapter 62-625, F.A.C. If at any time it is determined that a significant industrial user is discharging to the permittee's WWTP, the permittee shall notify the Department, in writing, within ten (10) days of the determination.
8. Upon reactivation of the pretreatment program the Department will issue a minor permit revision reinstating the specific permit conditions pursuant to the requirements of the Industrial Pretreatment Program. The revision will include the Discharge Monitoring Reports (DMRs) forms required for compliance with Rule 62-625.600(8)(e), F.A.C., requiring annual submission of analytical results for influent, effluent, and residuals for those pollutants listed on the DMRs (Monitoring Group Numbers PRT-I, PRT-E, and PRT-R)

The expiration date and all other terms and conditions of the permit FL0020206 remain in effect. Attach this notice to other documents required to be kept as a part of this permit.

If you have any questions, please contact Jonathan May, at 850-595-0609 or by email at jonathan.may@dep.state.fl.us.

Sincerely,



David P. Morres
 Program Administrator

- c: Lynn Todd, Pretreatment Coordinator, City of Post St. Joe (ltodd@psj.fl.gov)
 Charles W. Weston, City Manager, City of Port St. Joe (cweston@psj.fl.gov)
 Glenn Davis, Wastewater/Water Plant Manager, City of Port St. Joe (gdavis@psj.fl.gov)
 Environmental Health Director, Gulf County Health Department
 (douglas_kent@doh.state.fl.us)
 Chair, Gulf County Board of County Commissioners, Nathan Peters, Jr.
 (commissioner4@gulfcounty-fl.gov) (bocc@gulfcounty-fl.gov)
 Tom Shiflett, Pretreatment Coordinator, DEP (tom.shiflett@dep.state.fl.us)
 Toni Edwards, Compliance/Enforcement Supervisor, DEP (toni.edwards@dep.state.fl.us)
 NWD Panama Office, DEP



Florida Department of Environmental Protection

Northwest District
160 Governmental Center
Pensacola, FL 32502

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Mimi A. Drew
Secretary

January 18, 2011

BY ELECTRONIC MAIL
mmagidson@fairpoint.net

Honorable Mel C. Magidson, Jr., Mayor
City of Port St. Joe
Post Office Box 278
Port St. Joe, Florida 32457

Subject: Proposed Settlement of DEP vs. City of Port St. Joe; City of Port St. Joe WWTF
Permit # FL0020206; OGC File No. 06-0326D-23-IW; Gulf County

Dear Mayor Magidson:

Enclosed is the proposed Third Amendment to Consent Order (OGC File No. 06-0326D-23-IW) to resolve domestic wastewater issues related to the City of Port St. Joe WWTF (Permit # FL0020206), located in Gulf County.

Please review the document, and if acceptable, sign and return it within 15 days for final execution. A copy of the executed Third Amendment Consent Order will be forwarded to you for your records. If the document is not acceptable, please contact the Department within 15 days of your receipt of the document, regarding your objections.

Your cooperation in resolving this matter is greatly appreciated. If you have any questions, please contact Dana Vestal at 850/595-0659, or Dana.Vestal@dep.state.fl.us.

Sincerely,

Emile D. Hamilton
Assistant District Director

EDH/dev

Enclosures

2011 JAN 19 AM 11:26
RECEIVED
GULF COUNTY
CITY OF PORT ST. JOE
2011 JAN 19 AM 11:26

Honorable Mel C. Magidson, Jr., Mayor
City of Port St. Joe, City of Port St. Joe WWTF
OGC File No. 06-0326D-23-IW
Page 2 of 2

c: DEP Northwest District Panama City Office
DEP Wastewater Compliance Evaluation Section
Glenn Davis, City of Port St. Joe WWTF (gdavis@psj.fl.gov)
Philip Jones, P.E., Preble-Rish, Inc. (jonesp@preble-rish.com)
Charles Weston, City of Port St. Joe (cweston@psj.fl.gov)
Nathan Peters, Jr., Gulf County Board of County Commissioners
(commissioner4@gulfcounty-fl.gov) (bocc@gulfcounty-fl.gov)

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	NORTHWEST DISTRICT
)	
vs.)	OGC FILE NO. 06-0326D-23-IW
)	
CITY OF PORT ST. JOE)	
_____)	

THIRD AMENDED CONSENT ORDER

The State of Florida Department of Environmental Protection ("Department") and the City of Port St. Joe ("Respondent") entered into Consent Order OGC File No. 06-0326-23-IW ("Original Order") on June 11, 2007; a First Amendment to the Original Order ("First Amendment") on May 2, 2008; and a Second Amendment to the Original Order ("Second Amendment") on April 27, 2009. It is hereby agreed between the parties that this Third Amendment to the Original Order ("Third Amendment") shall amend the Original Order and First Amendment, only to the extent specifically stated herein, and that all provisions of the Original Order and First Amendment, not addressed herein shall remain in full force and effect. The Second Amendment is superseded and replaced by this Third Amendment.

The Department finds and the Respondent admits the following:

1. Respondent issued a letter to the Department dated May 18, 2010, which requested an extension for the date by which Respondent shall modify the method and location of discharge so that all discharge of reclaimed water from the Facility will be completely removed from surface water, Gulf County Canal and St. Joseph Bay, and applied to land. The Respondent requested the extension due to additional funding issues for the project. The Respondent was awarded necessary funding in October 2010.
2. The Sprayfield Project ("Sprayfield Project") shall include construction necessary to enable the Facility to remove its discharge from surface water to a sprayfield and percolation pond. The Sprayfield Project will allow the Facility to cease its intermittent surface water discharge. As part of the Sprayfield Project, modifications to the Facility will provide high level disinfection through the addition of dual effluent filters and dual chlorine contact

chambers and a pump station with a pipeline, utilizing an existing pipeline beneath the Gulf County Canal, to a new 155-acre eight zone sprayfield of 2.63million gallon per day (MGD) capacity and 16-acre dual rapid infiltration basins (0.60 MGD capacity) for a total land application capacity of 3.23 MGD. The Department is adding the Headworks Project, detailed below, to the planned construction as part of this Third Amendment. The Headworks Project ("Headworks Project") shall include construction of a new headworks consisting of the a new Mill Site master lift station, single influent screen with backup bar screen, Parshall flume for influent flow measurement, dual grit removal units and the influent pump station at the Facility. The Headworks Project is necessary to reduce potential future sanitary sewer overflows adjacent to Class II shellfish harvesting waters and to protect human health and the environment. The Headworks Project will also prevent inflow and infiltration issues along the terminus portion of the Facility's collection system.

3. Therefore, paragraphs 9 and 12 of the Original Order shall be amended as follows:

9. Respondent shall begin construction of the Headworks Project and Sprayfield Project by January 31, 2011. Respondent shall complete construction of the Headworks Project and Sprayfield Project no later than August 1, 2012.

a. Respondent shall submit a Certification of Completion of Construction to the Department within 30 days following the completion of construction, but no later than September 1, 2012.

12. Commencing on the effective date of this Third Amendment and continuing until Facility ceases the discharge to surface water or August 1, 2012, whichever comes first, discharge of wastewater from Outfall #D-001 to Gulf County Canal and St. Joseph Bay, shall on an interim basis comply with all permit conditions and effluent limits of the existing Permit, except for the interim discharge limits listed in Enclosure #1, enclosed with this Third Amendment.

4. Persons who are not parties to this Third Amendment, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Third Amendment means that the Department's final action may be different from the position it has taken in the Third Amendment.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Third Amendment;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Third Amendment;
- d) A statement of when and how the petitioner received notice of the Third Amendment;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Third Amendment;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Third Amendment; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Third Amendment.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the Florida Department of Environmental Protection, Northwest District, 160 Governmental Center, Suite 308, Pensacola, Florida 32502-5794. Failure to file a petition within the 21-day

period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Third Amendment may choose to pursue mediation as an alternative remedy under Section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in Section 120.573, Florida Statutes and Rule 62-110.106(12), F.A.C.

5. Respondent acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this Third Amendment. Respondent acknowledges its right to appeal the terms of this Third Amendment pursuant to Section 120.68, F.S., and waives that right upon signing this Third Amendment.

6. This Third Amendment is a final order of the Department pursuant to Section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition this Third Amendment will not be effective until further order of the Department.

FOR THE RESPONDENT:

Mel C. Magidson, Jr.
Mayor

DATE

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this ____ day of _____, _____, in Escambia County,
Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Emile D. Hamilton
Assistant District Director

Filed, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk,
receipt of which is hereby acknowledged.

Clerk

DATE

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35

Enclosure # 1 - Interim Limits D-001

		Effluent Limitations					Monitoring Requirements				
Parameter	Units	Max/Min	Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number	Notes	
Flow	MGD	Maximum	1.25	Report	-	-	Continuous	Recording flow meters and totalizers	FLW-04	See Cond.I.A.4	
pH	SI	Range	-	-	-	6.0 to 8.5	Continuous	Meter	EFF-01	See Cond.I.A.3	
Dissolved Oxygen	MG/L	Minimum				4	Daily	Grab	EFF-01		
BOD, Carbonaceous 5 day, 20C	MG/L	Maximum	20	30	40	60	Weekly	16-hour flow proportioned composite	EFF-01		
Solids, Total Suspended	MG/L	Maximum	20	30	45	60	Weekly	16-hour flow proportioned composite	EFF-01		
TKN (mg/l as N)	MG/L	Maximum		Report		Report	Weekly	16-hour flow proportioned composite	EFF-01		
Nitrate-Nitrite (mg/l as N)	MG/L	Maximum		Report		Report	Weekly	16-hour flow proportioned composite	EFF-01		
Total Nitrogen (mg/l as N)	MG/L	Maximum		Report		Report	Weekly	16-hour flow proportioned composite	EFF-01		
Ortho-Phosphate (mg/l as P)	MG/L	Maximum		Report		Report	Weekly	16-hour flow proportioned composite	EFF-01		
Total Phosphorus (mg/l as P)	MG/L	Maximum		Report		Report	Weekly	16-hour flow proportioned composite	EFF-01		
Coliform, Fecal	#/100ML	Maximum		Report GeoMean		Report	5/month	Grab	EFF-01		
Enterococci	#/100ML	Maximum		Report GeoMean		Report	5/month	Grab	EFF-01		
Whole Effluent Toxicity						Report	See paragraphs 10 and 12 of Consent Order No. 06-0326		EFF-01		
Color	Pt-Co Units	Maximum				Report	Weekly	16-hour flow proportioned composite	EFF-01		
Total Recoverable Copper	µg/L	Maximum				13	Quarterly	16-hour flow proportioned composite	EFF-01		
Total Recoverable Iron	MG/L	Maximum				0.7	Quarterly	16-hour flow proportioned composite	EFF-01		



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

1074 Highway 90
Chipley, Florida 32428

STEPHANIE C. KOPELOUSOS
SECRETARY

January 3, 2011

Carmen McLemore, Chairman
Gulf County Commissioners
1000 Cecil G. Coslin, Sr. Blvd.
Port St. Joe, Florida 32456

2011 JAN 19 AM 11:05
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA

Dear Chairman McLemore,

On December 1, 2010, the Department of Transportation held a Public Hearing covering Bay, Calhoun, Gulf, Holmes, Jackson, and Washington counties and presented the Tentative Work Program for fiscal years 2012 through 2016. Following the Public Hearing, the Department has completed the Tentative Work Program.

According to Florida Statute 339.135, the Department of Transportation must provide written justification to the Planning Organization/County of any project that is a part of the Transportation Improvement Program (TIP) and in the last four years of the previously adopted Work Program (Fiscal Years 2012-2015) that has been proposed to be rescheduled or deleted.

The enclosed list shows all projects that have been rescheduled or deleted in Gulf County. The changes made after the Public Hearing are printed in red. Objections are due to the District by Tuesday, January 18, 2011.

If you have any questions, please contact Program Development Manager, Regina Battles (850-415-9270), at your earliest convenience.

Sincerely,

James T. Barfield, P.E.
District Secretary

dmc
enclosures

cc: Renae Jenkins, FDOT
Regina Battles, FDOT
file

FILED FOR RECORD
REBECCA L. NORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA
2011 JAN 19 AM 11:26

Florida Department of Transportation
 District Three

ITEM	ACTION	DESCRIPTION	COMMENTS
410981-4	Change	GULF COUNTY GULF COAST PARKWAY FROM EAST OF OVERSTREET TO SR 22	Design FY12 \$8,558 deferred to FY13 pending the completion o Environmental Impact Statement



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1074 Highway 90 East
Chipley, FL 32428

STEPHANIE C. KOPELOUSOS
SECRETARY

January 4, 2011

The Honorable Carmen L. McLemore, Chairman
Gulf County Commission District 1
1000 Cecil G. Costin Sr. Boulevard
Port St. Joe, FL 32456

GULF COUNTY
2011 JAN 19 AM 8:17
GULF COUNTY
COMMISSIONERS

RE: Resurfacing of S.R. 22 (Wewa Highway) from Wetappo Creek to S.R. 71 (Main Street)
Financial Project Identification Number: 421641-1-32-01
Gulf County

Dear Commissioner McLemore:

The Florida Department of Transportation (FDOT) retained the services of Baskerville-Donovan, Inc. as design engineers for the above referenced roadway improvement project to include, milling and resurfacing of the existing roadway, ADA upgrades, minor drainage improvements, and signing and pavement markings. The project is scheduled to let for construction April 2012.

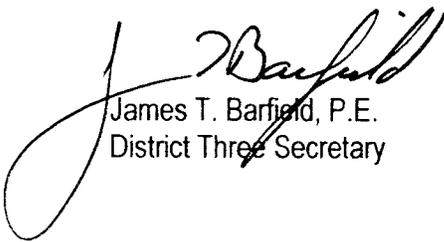
FDOT provided a 100% phase plan set to Don Butler, County Administrator, 1000 Cecil G. Costin Sr. Boulevard, Port St. Joe, FL 32456, (850) 229-6111.

Each County Commissioner is being notified that the plans are in Mr. Butler's possession. Please feel free to review and provide any comments about this project to him by January 31, 2011.

Should you have any questions, please feel free to contact Cleve Dryden, P.E. at (850) 656-1212, cdryden@baskervilledonovan.com or Ryan Patterson, P.E., FDOT Project Manager at (850) 415-9547, ryan.patterson@dot.state.fl.us.

Thank you for your attention to this matter.

Sincerely,


James T. Barfield, P.E.
District Three Secretary

FILED FOR RECORD
REBECCA L. NORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA
2011 JAN 19 AM 11:26

Julie L. Jones
Executive Director

2900 Apalachee Parkway
Tallahassee, Florida 32399-0500
www.flhsmv.gov



26
Rick Scott
Governor

Pam Bondi
Attorney General

Jeff Atwater
Chief Financial Officer

Adam Putnam
Commissioner of Agriculture

January 12, 2011

Dear Specialty License Plate Recipient:

The Department of Highway Safety and Motor Vehicles has revised the Annual Choose Life Specialty License Plate Affidavit. Now, when you complete the affidavit on the department's website, the totals will calculate automatically. Our goal is to help streamline the process and make it less cumbersome for your organization.

Effective immediately, please begin using the revised affidavit as required by the Department. Failure to use the correct online form will result in the affidavit being returned to the organization. The revised affidavit is conveniently located on the Department of Highway Safety and Motor Vehicle website at www.flhsmv.gov. Please follow the links below to access the Choose Life Affidavit.

- About Us
- Division of Motor Vehicles
- License Plates (Tags)
- Specialty License Plates
- Specialty License Plate Auditing
- Annual Choose Life Specialty License Plate Affidavit (blank form)

If you have any questions, please feel free to contact us at (850) 617-3870. We appreciate your help and cooperation in this matter.

Department of Motor Vehicles
Attn: Specialty License Plate Unit
2900 Apalachee Parkway
Room A334 MS 68
Tallahassee, FL 32399

2011 JAN 19 AM 8:25
COMMISSIONERS

2011 JAN 19 AM 11:26
FILED FOR RECORD
REBECCA L. MORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA

Prison Policy Initiative

27

PO Box 127
Northampton MA 01061

pwagner@prisonpolicy.org
www.prisonpolicy.org

Phone: 413/527-0845

January 3, 2011

Advisory Board*

Andrew Beveridge,
Sociology,
Queens College
Nils Christie,
Criminology,
University of Oslo,
Norway
Alec Ewald,
Political Science,
University of Vermont
Barbara Fedders, UNC
School of Law
Joseph "Jazz" Hayden,
plaintiff, *Hayden v.*
Pataki
Daniel Jenkins,
democracy activist,
plaintiff, *Longway v.*
Jefferson
Annette Johnson
Pamela S. Karlan,
Stanford Law School
Eric Lotke
David Pepyne, Senior
Research Fellow,
University of
Massachusetts Amherst
Bruce Reilly, Direct
Action for Rights and
Equality
Brigette Sarabi,
Partnership for Safety
and Justice
Janice Thompson,
Common Cause
Oregon
Sarah Walker,
Minnesota Second
Chance Coalition
Angela Wessels
Brenda Wright, Dēmos
Rebecca Young,
Attorney
Jon E. Yount, organizer
of *Mixon v.*
Commonwealth of
Pennsylvania

*Organizations for
identification purposes
only.

Commissioner Carmen McLemore
Board of County Commissioners
1000 Cecil G. Costin, Sr. Blvd.
Port St. Joe, FL, 32456

Dear Commissioner McLemore;

The 2010 redistricting cycle has begun, and I wanted to commend you and your county for how you handled a critical issue after the last Census. As you are probably aware, the Census Bureau counts people incarcerated in your county as residents of the county, but after the last Census your county kept this fact from distorting your County Commissioner districts.

A decade ago, when redrawing your County Commissioner districts, your county chose to ignore the prison populations. Had your county based its districts on the Census Bureau's prison count, it would have granted substantially more representation to the county's residents that live near the prison to the detriment of all other residents in the county.

I am the Executive Director of the Prison Policy Initiative, which has been working to convince the Census Bureau to change its method of counting prisoners in the Census. I recently wrote to the other counties in Georgia because **many counties are not aware that they have the legal and technical ability to correct the Census Bureau's counts prior to redistricting.** We highlighted the fact that counties like yours — and more than 100 counties around the country — excluded the prison population from redistricting calculations. The Census may be counting incarcerated people in the wrong place, but you showed that your districts need not be based on the flawed data. Enclosed please find a copy of a fact sheet we sent to the other counties.

The next round of redistricting will begin soon, and we urge you to again draw districts that are not skewed by the prison population. In this way, your county will ensure that *all* of residents of Gulf County have the same access to the Board of County Commissioners.

FILED FOR RECORD
REBECCA L. MORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA
2011 JAN 19 AM 11:23

INFORMATION
DATE: 1-25-11

Lastly, this is a technical point, but I wanted to share that the Census Bureau has made one change intended to help counties such as yours. While the Census Bureau will be counting people in prison at the facility as in years past, for the first time, the Census Bureau will make it easier to identify prison populations in the redistricting data. In May 2011 the Bureau will publish an advanced Group Quarters File with the block level counts of prisons and other types of group quarters. Your redistricting consultants will likely have this file, and we'll be making several easy-to-use versions of the file available on our website.

I hope that you find this summary helpful as you prepare for the redistricting process. Feel free to contact us at (413) 527-0845 or pwagner@prisonpolicy.org with any questions you may have about our research or for technical help.

Sincerely,

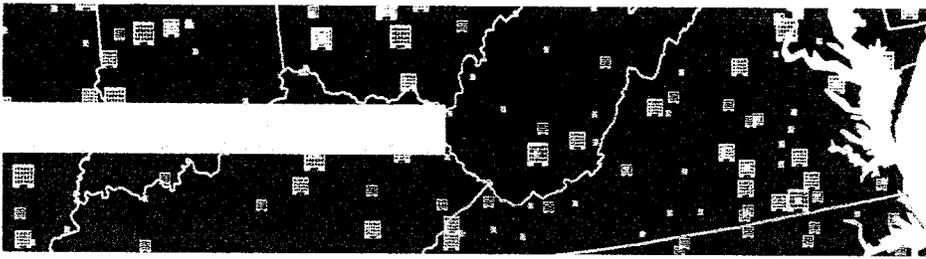


Peter Wagner
Executive Director

PW/sg

Enclosure: Prison-Based Gerrymandering in Florida Counties

CC: All Gulf County Commissioners; Gulf County Administrator



For more information about prison-based gerrymandering, see our website and weekly newsletter at <http://www.prisonersofthecensus.org>

Prison-Based Gerrymandering in Florida Counties

The Supreme Court requires counties to update their commission districts once per decade so that each district contains the same population, giving each resident equal representation in county government. The U.S. Census Bureau counts people where they are incarcerated, not where they are from, and when the Census figures do not reflect the county's actual population, democracy suffers.

The problem

The Census Bureau counts incarcerated people as residents of the prison, but people in prison can't vote and are not residents of the surrounding community. The practice of including prisons in local districting plans leads to serious distortions of political power in county governments. For example:

- In **Baker County**, 25% of the people in District 1 are incarcerated in a correctional facility, and are not residents of the county. As a result, each group of 75 actual residents of District 1 is given as much political clout as 100 people elsewhere in the county.
- In **Calhoun County**, 48% of the people in District 4 are incarcerated at the Calhoun Correctional Institution. As a result, the actual residents of District 4 are given almost twice as much political clout as people elsewhere in the county.
- In **Hardee County**, 20% of the people in District 2 are incarcerated in a correctional facility, and are not residents of the county. As a result, each group of 80 actual residents of District 2 is given as much political clout as 100 people elsewhere in the county.
- In **Jefferson County**, 29% of the people in District 3 are incarcerated in a correctional facility, and are not residents of the county. As a result, each group of 71 residents of District 3 is given as much political clout as 100 people elsewhere in the county.
- In **Wakulla County**, 18% of the people in District 1 are incarcerated in a correctional facility, and are not residents of the county. As a result, each group of 82 actual residents of District 1 is given as much political clout as 100 people elsewhere in the county.

Some Florida counties and a hundred counties elsewhere have solution

Ideally, the Census Bureau would not include prison populations in county population counts. But counties can fix the problem themselves by removing the prison populations prior to redistricting. At least 5 Florida counties and more than 100 counties around the country ignored prison populations when drawing county districts after the last Census. In Florida, the counties of Columbia, Gulf, Hamilton, Holmes and Madison all ignored the prison populations when drawing their county commissioner districts.

In 2001, Gulf County requested the advice of the Florida Attorney General. They asked whether they had to include the prison population in redistricting; the Attorney General replied that, in his legal opinion, they did. Gulf County, however, was not willing to create a district where the prison would make up 80% of the population. In such a district, each voter would have 5 times the influence of voters in other county districts. By ignoring the Attorney General's advice, Gulf County stood up for common sense, and the constitutional principle of "one person, one vote."

Prison Policy Initiative

[Home Page](#) > [PPI In the News](#) > [Minority Prison Inmates Skew Local Populations as States Redistrict](#)

Minority Prison Inmates Skew Local Populations as States Redistrict

by Jonathan Tilove, Newhouse News Service. March 12, 2002



Nearly half of New York state's prisons are located in the overwhelmingly white, rural upstate districts represented by four Republican state senators. While the inmates cannot vote, their numbers count as population for redistricting and augment the leverage of the senators in whose districts they are incarcerated. The Auburn Correctional Facility is in the 53rd Senate District of Michael F. Nozzolio. (File photo by Dick Blume)

The inmates at Attica prison in western New York state are represented in Albany by state Sen. Dale Volker, a conservative Republican who says it's a good thing his captive constituents can't vote, because if they could, "They would never vote for me."

Even so, the very presence of the more than 11,000 inmates at Attica and seven other correctional facilities in Volker's vast rural district buttresses his incumbency as New York redraws its legislative and congressional lines in accordance with the 2000 Census.

Prisons can be a coveted prize in this process, swelling a district's population with constituents who cannot vote. Most of America's huge prison population is black or brown, and many of America's prisons are located in very white rural areas, so counting prisoners where they are incarcerated effectively redistributes power away from urban communities of color.

The beneficiaries are often legislators like Volker, a former police officer who chairs the New York state Senate committee that has overseen get-tough-on-crime and prison policies that have made corrections such a lucrative growth industry in remote districts.

The issue hasn't gained much serious attention or debate at the national or state levels. But growing numbers of local officials are confronting the distorting effects of drawing town or county district lines in sparsely populated communities with big prisons.

Officials in a couple of Cajun parishes in Louisiana have obtained the state's OK not to count their local prison numbers in drawing school board district lines. A bill sailing through the Colorado Legislature would remove the prison population from the census numbers used by counties in their internal redistricting. And county commission members in the Florida Panhandle's Gulf County have ignored an opinion by the state attorney general that they must count inmates at the large Gulf County Correctional Institution and a nearby work camp in redrawing districts.

"They don't pay taxes, they don't have the right to vote, there is no reason to count them," said Nathan Peters Jr., a longtime Gulf County commissioner who lives in Port St. Joe.

The phenomenon also raises fundamental questions of fairness: Is it right that America's prison population, now mostly black and brown, should be counted in a manner that augments the power of communities with which they have no real connection or common interests?

"Allowing white, rural districts to claim urban black prisoners as residents for purposes of representation resembles the old three-fifths clause (of the Constitution) that allowed the South extra representation for its slaves -- extra representation that kept the North from abolishing slavery long before the Civil War," said Peter Wagner, who has researched the issue as a law student at Western New England College in Springfield, Mass., and as a founder of the Prison Policy Initiative. The initiative analyzes prison issues and advocates reforms.

As a case study, Wagner looked at New York. Since 1982, all new prisons there have been built upstate. Almost half the state's prisons are in the state Senate districts of four upstate Republicans who, if they could not count inmates, would have to stretch their district lines to encompass more people, setting in motion a ripple effect that eventually would reduce the Republican electorate in competitive districts closer to New York City.

And if those same prison inmates were instead counted in the communities whence they came, the population of urban districts would swell, setting in motion reciprocal ripples that would increase the Democratic electorate in those same competitive districts. Wagner estimates the net effect of changing how prisoners are counted could gain urban Democrats two seats in both the New York House and Senate.

In New York state, just over half the prison population is black. Another third is Hispanic. Of the 2 million Americans now behind bars in local, state and federal facilities across the nation, nearly half are black and 16 percent are Hispanic.

Even as Wagner studied the issue in New York, Taren Stinebrickner-Kauffman, a Duke University math major, independently researched the same question, examining data in Florida. She found that most of that state's inmates were sent to prison from counties that voted for Vice President Al Gore in 2000 and are serving time in counties that voted for George W. Bush.

Stinebrickner-Kauffman found that Gulf County, population 13,332 and solid Bush country, had sent only 81 home folks to prison, but had prisons housing 2,574 inmates. The entire 7th state

representative district, of which Gulf County is a part, has nine prisons or work camps and 8,443 inmates better than 5 percent of its total population.

"We worked hard to get these facilities here in our district," said Bev Kilmer, the Republican who represents the county in the Florida House. "I represent a very rural part of Florida and the economy is very slow here. A lot of businesses don't want to move their operations to this part of Florida."

Kilmer thinks it's fair to count the prisoners as population. Her district already stretches across four complete counties and parts of four more, and without the inmates, she said, it would grow even more ungainly.

But she is also sympathetic with the folks in Gulf County who decided that counting the inmates would skew representation there in undemocratic ways, and she may file legislation to let counties disregard prison populations in their own redistricting.

Not everyone in Gulf County was happy with the decision to ignore the prison population. Commissioner Billy E. Traylor, whose district includes the prison, wanted inmates counted. He said the opposition was led by Commissioner Peters, the only black on the five-member commission. Traylor said Peters didn't want the prison numbers to swell Traylor's district to the point where some white voters would spill over into his own.

Peters called that dead wrong, saying Traylor simply preferred keeping a prison constituency to which he didn't have to answer.

In Evangeline Parish, La., attorney I. Jackson Burson went to court to block counting the prison population in drawing the school board district for the little town of Basile, where he went to high school. If prisoners were counted, many parents who send their children to schools there would have been pushed out of that district.

"We felt like it didn't make common horse sense," said Burson, citing a 1966 Supreme Court decision and a 2000 federal Fifth Circuit Court of Appeals ruling.

School board members agreed, using a state law allowing a "special census" for redistricting which they interpreted to include the regular census minus inmates.

Nearby Iberville Parish did the same. Had it not, said Baton Rouge-based redistricting consultant William Boone, it would have ended up with a school board district with only two eligible voters, both Asian.

In eastern Colorado's Crowley County, commissioners are elected by the countywide electorate but must run from and live in a particular district. Counting inmates there, according to commissioner T.E. "Tobe" Allumbaugh, would have created a "prison" district without possibility of representation.

"It's a little bit of a joke," Allumbaugh said. "(The inmates) can't vote. If they complain forever there's a good chance I will never hear about it. There is a reason why they are in there, a reason why they don't vote, a reason why they don't pay taxes."

Volker in New York and Kilmer in Florida say they do get letters from inmates with a variety of complaints, but that their real attention is directed toward corrections workers, with whom both have forged strong relationships.

Wagner contends that just as important as the shift of power out of New York's urban districts is the shift upstate toward policies that perpetuate prisons and large inmate populations.

Volker's district extending 75 miles from the Finger Lakes to Lake Erie is 95 percent white. More than half the prison population is black and nearly 80 percent of the district's black population is inmates.

Volker believes it is fair to count the inmates as population because the prisons are where they are, and because, he believes, the 2000 census so terribly undercounted the population upstate. He is sure that his home county, Wyoming, gained more than 917 people in the 1990s, though he acknowledges it remains a part of New York with "more cows than people" and that between the cows and the inmates, he would sooner trust his electoral fate to the cows.

"I'd take my chances with them," Volker said. "They would be more likely to vote for me."

Jonathan Tilove can be contacted at jonathan.tilove@newhouse.com

Prison Policy Initiative, PO Box 127, Northampton Mass. 01061

MEMORANDUM:

TO: Fiscally Constrained County Property Appraisers and County Officers
FROM: James McAdams, Director
 Property Tax Oversight

SUBJECT: Fiscal Year 2010-11 Fiscally Constrained County Proposed Distribution
DATE: December 23, 2010

The proposed distributions to fiscally constrained counties for fiscal year 2010-11 are now available for review at: <http://dor.myflorida.com/dor/property/cofficials/fiscal/>

The 2010 Legislature appropriated \$25.15 million for distribution to fiscally constrained counties to offset reductions in property tax resulting from the Amendment 1 revisions to Article VII of the State Constitution and \$2.79 million for the impact of conservation lands. These provisions include the \$25,000 additional homestead exemption, the \$25,000 tangible personal property exemption, homestead portability, and the 10% assessment increase limitation on non-homestead property. See section 218.12, F.S., and the above website for further information.

Distribution amounts are based on the Legislature's appropriated sum and the applications previously submitted by each county. Distributions are scheduled to be made in early January 2011. Please review the proposed distributions and the application data at the above website and contact the Department with any questions or concerns by close of business on Wednesday January 5, 2011.

If you have any questions, please contact the Department at PTOResearch&Analysis@dor.state.fl.us or call Andrew Collins at 850.617.8854.

2011 JAN -7 AM 10: 09

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STATE OF FLORIDA

**PAM BONDI
ATTORNEY GENERAL**

January 14, 2010

Chair, Gulf County Commission
1000 Fifth Street
Port St. Joe, Florida 32456

Dear Chair:

A copy of the 2011 edition of the *Government-in-the-Sunshine Manual* which was prepared by this office and published as a public service by the First Amendment Foundation, is enclosed. We hope it will serve as a useful reference on the Sunshine and Public Records Laws.

The 2011 edition of the manual has been updated to include key Attorney General Opinions and court interpretations in place as of October 1, 2010.

Additional copies of the manual may be obtained by contacting the First Amendment Foundation, 336 East College Avenue, Suite 101, Tallahassee, Florida 32301, telephone (850) 224-4555. If you have any questions about the open government laws, feel free to contact my office for assistance.

Sincerely,

Pam Bondi

2011 JAN 19 AM 9:32
BRIAN J. HARRIS
CLERK OF COUNTY COMMISSIONERS

2011 JAN 19 AM 11:26

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REBECCA L. MORRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA

PB/ap

Enclosure

Available in Administration

INFORMATION
DATE 1-25-11 LL