



# Broward County

## Legislation Details (With Text)

<b>File #:</b>	20-2064	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
				<b>In control:</b>	Resilient Environment - Natural Resources Division
<b>On agenda:</b>	12/8/2020	<b>Final action:</b>	12/8/2020		
<b>Title:</b>	A. MOTION TO APPROVE First Amendment to Florida Department of Environmental Protection (FDEP) Agreement No. 19BO1 for cost-sharing of the Segment II Shore Protection Project, providing for \$81,113 in 2018-2019 legislative appropriations and for a no-cost, 12-month extension in grant period from October 2, 2020 through October 1, 2021, and authorizing the Mayor and Clerk to execute same. (Commission District 4)				
	ACTION: (T-10:32 AM) Approved.				
	VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.				
	B. MOTION TO APPROVE Florida Department of Environmental Protection (FDEP) Agreement No. 21BO1 for cost-sharing of the Segment II Shore Protection Project Mitigation Reef, providing for \$1,259,960 in 2020-2021 legislative appropriations, and authorizing the Mayor and Clerk to execute same. (Commission District 4)				
	ACTION: (T-10:32 AM) Approved.				
	VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.				
<b>Sponsors:</b>					
<b>Indexes:</b>	Established Commission Goals				
<b>Code sections:</b>					
<b>Attachments:</b>	1. Exhibit 1 - 19BO1 Agreement Summary, 2. Exhibit 2 - First Amendment 19BO1, 3. Exhibit 3 - 21BO1 Agreement Summary, 4. Exhibit 4 - 21BO1 Agreement				

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director's Name:** Leonard Vialpando

**Department:** Environmental Protection

**Division:** Environmental Planning & Comm. Resilience

### Information

#### Requested Action

A. MOTION TO APPROVE First Amendment to Florida Department of Environmental Protection (FDEP) Agreement No. 19BO1 for cost-sharing of the Segment II Shore Protection Project, providing for \$81,113 in 2018-2019 legislative appropriations and for a no-cost, 12-month extension in grant period from October 2, 2020 through October 1, 2021, and authorizing the Mayor and Clerk to execute same. **(Commission District 4)**

**ACTION: (T-10:32 AM) Approved.**

**VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.**

B. MOTION TO APPROVE Florida Department of Environmental Protection (FDEP) Agreement No. 21BO1 for cost-sharing of the Segment II Shore Protection Project Mitigation Reef, providing for \$1,259,960 in 2020-2021 legislative appropriations, and authorizing the Mayor and Clerk to execute same. **(Commission District 4)**

**ACTION: (T-10:32 AM) Approved.**

**VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.**

**Why Action is Necessary**

A. Chapter 161.101(4), Florida Statutes, provides for local governments and the FDEP to enter into cooperative agreements for the purpose of improving, furthering, and expediting the state's beach management program. Board action is necessary to approve the amended grant agreement providing additional time for project completion and subsequent reimbursement of funds.

B. Chapter 161.101(4), Florida Statutes, provides for local governments and the FDEP to enter into cooperative agreements for the purpose of improving, furthering, and expediting the state's beach management program.

**What Action Accomplishes**

A. The action approves a 12-month extension in grant agreement with the Florida Department of Environmental Protection to allow reimbursement. Grant agreement authorizes reimbursement of \$81,113 from FDEP Beach Management Funding Assistance Program.

B. Authorizes reimbursement of \$1,259,960 from FDEP Beach Management Funding Assistance Program.

**Is this Action Goal Related**

Yes

**Previous Action Taken**

None taken.

**Summary Explanation/Background**

THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT AND THE ENVIRONMENTAL PLANNING AND COMMUNITY RESILIENCE DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTIONS.

This item supports the Board's Value of "Encouraging investment in renewable energy, sustainable practices and environmental protection" and Goal 2: Proactively lead in the planning, design and construction of projects to support community resilience and climate adaptation by ensuring that publicly accessible beaches are sufficient in dimension (i.e. >75 feet in width) to provide storm protection, recreational opportunities, and sea turtle nesting habitat.

The Segment II Shore Protection Project is located along the central portion of the Broward County shoreline located between Hillsboro Inlet and Port Everglades along the Atlantic Ocean. The project is 4.9 miles in length and fronts the Town of Lauderdale-By-The-Sea, the City of Pompano Beach, and the City of Fort Lauderdale Beach. The project was constructed in 2016 with the placement of

750,000 cubic yards of sand and the construction of 1.5 miles of additional dune habitat. The project also involves the construction of 6.8 acres of artificial reef as mitigation for predicted impacts to nearshore hardbottom. Post-construction monitoring is also being performed to assess project performance.

Agreement Number 19BO1 provides \$81,113 in State funds for the Florida Department of Environmental Protection (FDEP) share of the costs for post-construction monitoring activities. The State will reimburse 40.72% of the non-federal costs of monitoring for the Segment II Shore Protection Project which will be 18.3% of the total project cost. The federal cost share will be 55.1% of the total project cost. The monitoring data has been collected and reported to the FDEP. Reimbursement will be requested after the FDEP reviews and approves the deliverable. The original grant agreement expired in October 2020 before reimbursement could be requested. The First Amendment to Agreement Number 19BO1 provides for a 12-month extension to the grant period to accommodate state review of the deliverable and reimbursement request.

Agreement Number 21BO1 provides \$1,259,960 in State funds for the remaining FDEP share of costs in the construction of the Segment II Shore Protection Project Mitigation Reef. The State will reimburse 40.72% of the non-federal construction costs for the Segment II Shore Protection Project which will be 18.3% of the total project cost. The federal cost share will be 55.1%. The final cost of the mitigation reef was higher than the original in FDEP Agreement Number 18BO1 (Agenda No. 41, November 13, 2018) and Agreement Number 21BO1 is necessary to provide the full state cost-share of the mitigation reef.

Receipt of the grant funds required the use of the Florida Department of Environmental Protection's (FDEP) form agreements, which do not contain Broward County's standard contract terms. FDEP previously rejected edits and contract modifications requested by the Office of the County Attorney when the agreements were originally considered by the Board (Item No. 12, 2/26/19).

The agreements contain terms and requirements that must be satisfied by Broward County and its contractors both to receive and keep the grant award money, including but not limited to procurement, reporting, conflict of interest, and audit requirements. The agreements may be terminated for convenience by FDEP, but not by the County. The Agreements also allocate the local share of the estimated project costs.

The grants have been reviewed and approved by Grants Administration. The Office of the County Attorney has provided final legal review and approval as to form.

### **Source of Additional Information**

Dr. Jennifer Jurado, Chief Resilience Officer and Deputy Director, Environmental Protection and Growth Management Department, 954-519-1464

### **Fiscal Impact**

#### **Fiscal Impact/Cost Summary**

Motion A: The total project cost is not to exceed \$443,649 for which funds are allocated within the Beach Renourishment Capital Fund. Per the grant agreement, FDEP will reimburse \$81,113 for project tasks to the County.

Motion B: The total project cost is not to exceed \$6,891,321 from the Beach Renourishment Capital

Fund. Per grant agreement, FDEP will reimburse \$1,259,960 for project tasks to the County.