



Broward County

Legislation Text

File #: 22-1351, Version: 1

Broward County Commission Regular Meeting

Director's Name: Leonard Vialpando

Department: Resilient Environment **Division:** Choose a Division.

Information

Requested Action

A. MOTION TO APPROVE Florida Department of Environmental Protection (FDEP) Agreement No. 22BO1 for cost-sharing of the Segment III Shore Protection Project, providing for \$567,101 in 2021-2022 legislative appropriations, and authorizing the Mayor and Clerk to execute same. **(Commission District 6)**

ACTION: (T-10:42 AM) Approved. (Scrivener's Error - See County Administrator's Memorandum:

Currently Reads:

...providing for \$567,101 in 2021-2022 legislative appropriations...

Should Read:

...providing for \$567,102 in 2021-2022 legislation appropriations...

VOTE: 8-0.

B. MOTION TO APPROVE retroactively Second Amendment to Florida Department of Environmental Protection (FDEP) Agreement No. 18BO1 for cost-sharing of the Segment II Shore Protection Project, providing for \$1,554,605 in 2017-2018 legislative appropriations and for a no-cost, 12-month extension of the grant agreement from July 2, 2022, to July 1, 2023, and authorizing the Mayor and Clerk to execute same. **(Commission District 4)**

ACTION: (T-10:42 AM) Approved.

VOTE: 8-0.

C. MOTION TO APPROVE retroactively First Amendment to the Florida Department of Environmental Protection (FDEP) Agreement No. 19BO2 for cost sharing in the Port Everglades Sand Bypass Project, providing for \$19,238,099 in 2017-2018 and 2018-2019 legislative appropriations and for a no-cost, 24-month extension of the grant agreement from July 1, 2022, to June 30, 2024, and authorizing the Mayor and Clerk to execute same. **(Commission Districts 4 and 6)**

ACTION: (T-10:42 AM) Approved.

VOTE: 8-0.

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.

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. Board action is necessary to approve the amended grant agreement providing additional time for project completion and subsequent reimbursement of funds.

C. 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.

What Action Accomplishes

A. The action authorizes reimbursement of \$567,101 from FDEP Beach Management Funding Assistance Program.

B. The action retroactively approves a 12-month extension in grant agreement with the Florida Department of Environmental Protection to allow reimbursement. Grant agreement authorizes reimbursement of \$1,554,605 from FDEP Beach Management Funding Assistance Program.

C. The action retroactively approves a 24-month extension in grant agreement with the Florida Department of Environmental Protection to allow reimbursement. Grant agreement authorizes reimbursement of \$19,238,099 from FDEP Beach Management Funding Assistance Program.

Is this Action Goal Related

Yes

Previous Action Taken

None taken.

Summary Explanation/Background

THE RESILIENT ENVIRONMENT DEPARTMENT RECOMMENDS 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, including coordination with other entities to foster resilient design as part of local and regional projects, especially shore protection efforts" 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.

Motion A. Agreement Number 22BO1 provides for \$567,101 (49.75%) in State funds as the Florida Department of Environmental Protection (FDEP) share of non-federal costs for design and permitting of the federally funded Segment III beach restoration work implemented by the U.S. Army Corps of Engineers' (Corps) Flood Control and Coastal Emergencies (FCCE) Program. This FCCE project is the result of impacts to Segment III related to Hurricane Irma. The project began on November 1, 2021, and is expected to be completed by April 30, 2024, with an estimated 850,000 cubic yards of sand placed between the Port Everglades Inlet and the south County line.

Because the County is a recipient of funds from the FDEP under Agreement 22BO1, the County's standard terms and conditions are not included; however, this Agreement was approved as to form by the Office of the County Attorney.

Motion B. On November 13, 2018 (Item 41), the Board approved Agreement 18BO1 with the FDEP which provides \$1,554,605 in State funds as the FDEP share of non-federal costs for construction of the Segment II mitigation reef and construction monitoring activities associated with the 2016 Shore Protection Nourishment Project; the State determined that 81.44 % of the non-federal cost of this project is eligible for state cost sharing. Under this Agreement, the FDEP will reimburse 40.72% of the non-federal portion of eligible project costs, or 18.3% of total estimated mitigation reef construction and construction monitoring costs. Staff will intend to pursue additional cost share reimbursement in accordance actual project costs. The First Amendment (18BO1_A1), approved by the Board on April 6, 2021 (Item 26), provided for a 25-month retroactive extension of the agreement commencement date to accommodate costs incurred and not sought under the previous reimbursement agreement, and a 12-month extension to the grant period to accommodate state review of deliverables and the forthcoming reimbursement request. As construction of the mitigation reef has not been completed, this Second Amendment, 18BO1_A2, provides for an additional 12-month extension to July 1, 2023, and is retroactively effective. The Corps (federal share) has historically provided for 55% of eligible project costs on a reimbursable basis and Department staff will begin the reimbursement request process upon completion of the mitigation reef.

This Amendment has been provided final legal review and approval as to form by the Office of the County Attorney.

Motion C. On February 26, 2019 (Item 12), the Board approved Agreement 19BO2 with the FDEP, which provides for \$19,238,099 in State funds as the FDEP share of non-federal costs related to construction and monitoring for the Port Everglades Sand Bypass Project. Construction has been delayed due to an unsuccessful bid solicitation and Department staff are revising the project scope of work for a rebid, which is expected to happen in late 2022 or early 2023. This First Amendment, 19BO2_A1 provides for a 24-month time extension to June 30, 2024, and is retroactively effective.

This Amendment has been provided final legal review and approval as to form by the Office of the County Attorney.

Source of Additional Information

Dr. Jennifer Jurado, Chief Resilience Officer and Deputy Director
Resilient Environment Department, 954-519-1464

Fiscal Impact

Fiscal Impact/Cost Summary

Motion A: The total project cost is a not-to-exceed amount of \$7,306,735 for which funds are allocated within the Beach Renourishment Capital Fund. Per the grant agreement, FDEP will reimburse \$567,101 in appropriations for eligible project tasks to the County.

Motion B: The total project cost is a not-to-exceed amount of \$8,502,876 for which funds are allocated within the Beach Renourishment Capital Fund. Per the grant agreement, FDEP will reimburse \$1,554,605 in appropriations for eligible project tasks to the County.

Motion C: The current fiscal impact is a not-to-exceed amount of \$25,650,798 from the Beach Renourishment Capital Program. Per the grant agreement, \$19,238,099 in appropriations will reimburse the remaining cost of project tasks.