



# Broward County

## Legislation Details (With Text)

**File #:** 21-478      **Version:** 1

**Status:** Agenda Ready

**In control:** Public Works and Environmental Services - Natural Resources Division

**On agenda:** 4/6/2021      **Final action:** 4/6/2021

**Title:** MOTION TO APPROVE First 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 to the grant agreement termination date from July 1, 2021, to July 1, 2022, and retroactive amendment of the Agreement Begin Date from January 1, 2018 to December 1, 2015 to enable reimbursement of early project costs, and authorizing the Mayor and Clerk to execute same. (Commission District 4)

**Sponsors:**

**Indexes:** Established Commission Goals

**Code sections:**

**Attachments:** 1. Exhibit 1 - 18BO1 First Amendment, 2. Exhibit 2 - 18BO1 Agreement

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

**Director's Name:** Leonard Vialpando

**Department:** Environmental Protection Resilience

**Division:** Environmental Planning & Comm.

### Information

#### Requested Action

MOTION TO APPROVE First 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 to the grant agreement termination date from July 1, 2021, to July 1, 2022, and retroactive amendment of the Agreement Begin Date from January 1, 2018 to December 1, 2015 to enable reimbursement of early project costs, and authorizing the Mayor and Clerk to execute same. (**Commission District 4**)

#### Why Action is Necessary

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

Authorizes reimbursement of \$1,554,605 from FDEP Beach Management Funding Assistance Program and an extension of agreement period.

#### 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 MOTION.

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.

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 not only supports tourism and the local economy, it also protects upland property and provides critical habitat to marine life. 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. The project was constructed in 2016 and placed approximately 750,000 cubic yards of sand in addition to creating over 1.5 miles of additional dune habitat. The project required the construction of 6.8 acres of artificial reef as mitigation to predicted impacts to nearshore hardbottom. Post-construction monitoring is required by state and federal permits to assess project performance.

The Agreement Number 18BO1 provides \$1,554,605 in State funds as the Florida Department of Environmental Protection (FDEP) share of non-federal costs for construction of the mitigation reef and construction monitoring activities (Agenda Item No. 41, 11/13/2018). The Corps of Engineers (federal) has historically provided for 55% of eligible project costs on a reimbursable basis. The State will reimburse 40.72% of the non-federal portion of eligible project costs of construction and monitoring for the Segment II Shore Protection Project which will be 18.3% of the total project cost. The First Amendment to Agreement Number 18BO1 provides for a 25-month retroactive extension of the Agreement Begin Date to accommodate costs incurred and not sought under previous reimbursement requests, and a 12-month extension to the grant period to accommodate State review of deliverables and the forthcoming reimbursement request.

Receipt of the grant funds requires the use of the Florida Department of Environmental Protection's (FDEP) form agreement, which does not contain Broward County's standard contract terms. The agreement, as amended, contains 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 agreement may be terminated for convenience by FDEP, but not by the County, and venue for any disputes is in Second Judicial Circuit of Florida. The agreement also allocates the local share of the estimated project

costs.

The grant amendment has 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**

The total project cost is not to exceed \$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.