



Broward County

Legislation Details (With Text)

File #: 23-895 **Version:** 1

Status: Agenda Ready

In control: County Administration - Parks And Recreation Division

On agenda: 6/6/2023 **Final action:** 6/6/2023

Title: A. MOTION TO APPROVE Standard Grant Agreement (“Grant Agreement”) between Broward County and the State of Florida Department of Environmental Protection (“FDEP”) in the amount of \$18,000,000 to be used for the hardening of seawalls at Hollywood North Beach; to authorize Mayor and Clerk to execute same; to authorize the County Administrator to execute any subsequent change order(s) and amendment(s) to the Grant Agreement that impose no additional financial obligations on the County and any certifications requested by FDEP relating to the Grant Agreement, subject to review for legal sufficiency by the Office of the County Attorney; and authorize the County Administrator to take the necessary administrative and budgetary actions to implement and administer the Grant Agreement. (Commission District 6)

ACTION: (T-10:54 AM) Approved.

VOTE: 9-0.

B. MOTION TO ADOPT budget Resolution within the Parks Federal Grants fund for the Parks and Recreation Division in the amount of \$18,000,000 for the hardening of seawalls at Hollywood North Beach.

ACTION: (T-10:54 AM) Approved Resolution No. 2023-260.

VOTE: 9-0.

Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 1 - Seawalls Grant Hollywood NB, 2. Exhibit 2 - Budget Resolution

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

Director's Name: Monica Cepero

Department: County Administration

Division: Parks & Recreation

Information

Requested Action

A. MOTION TO APPROVE Standard Grant Agreement (“Grant Agreement”) between Broward County and the State of Florida Department of Environmental Protection (“FDEP”) in the amount of \$18,000,000 to be used for the hardening of seawalls at Hollywood North Beach; to authorize Mayor and Clerk to execute same; to authorize the County Administrator to execute any subsequent change order(s) and amendment(s) to the Grant Agreement that impose no additional financial obligations on the County and any certifications requested by FDEP relating to the Grant Agreement, subject to review for legal sufficiency by the Office of the County Attorney; and authorize the County

Administrator to take the necessary administrative and budgetary actions to implement and administer the Grant Agreement. **(Commission District 6)**

ACTION: (T-10:54 AM) Approved.

VOTE: 9-0.

B. MOTION TO ADOPT budget Resolution within the Parks Federal Grants fund for the Parks and Recreation Division in the amount of \$18,000,000 for the hardening of seawalls at Hollywood North Beach.

ACTION: (T-10:54 AM) Approved Resolution No. 2023-260.

VOTE: 9-0.

Why Action is Necessary

Pursuant to Section 20.31(b)(3) of the Broward County Administrative Code, grant agreements to be executed by Broward County must be submitted to the Board of County Commissioners for approval. F.S. 129.06 (d) requires Board approval to recognize grant funding not anticipated in the current budget.

What Action Accomplishes

Approves the \$18,000,000 Grant Agreement for the hardening of seawalls at Hollywood North Beach and authorizes the County Administrator to approve and execute subsequent change orders and amendments, and to take administrative and budgetary actions to implement the Grant Agreement.

Is this Action Goal Related

Yes

Previous Action Taken

None

Summary Explanation/Background

THE PARKS AND RECREATION DIVISION RECOMMENDS APPROVAL OF THE ABOVE MOTIONS.

The requested action supports the Board's goal of ensuring accessible, seamlessly integrated investments in renewable energy, sustainable practices, manufacturing, resilient infrastructure, and environmental protection.

As part of the Resilient Florida Grant Program for Fiscal Year 2021-2022, on February 11, 2022, the FDEP awarded the Broward County an \$18 million grant to be used for the hardening of seawalls at Hollywood North Beach (the "Project"). The funding for the Grant Agreement comes from federal dollars appropriated to Florida under the American Rescue Plan Act.

If this item is approved and the Grant Agreement executed, Broward County, as grantee, will commence work on the Project. The Project is intended to harden properties adjacent to Hollywood North Beach Park along the eastern shoreline of the Intracoastal Waterway with either seawall structures or lime rock boulder rip rap embankments to mitigate for flooding that occurs along these

properties and adjacent State Road A1A. The Project also includes the construction of shoreline elevations to a level that exceeds the projected 50-year intermediate-high tide elevation as determined by procedures specified in Chapter 62S-7.012 of the Florida Administrative Code. The Project is intended to compensate for impacts to natural resources by creating living shorelines with intertidal zones for mangroves and near shore sea grasses. The Grant Agreement and work on the Project will be managed by the Broward County Parks and Recreation Division.

The Grant Agreement is on a state-provided form utilized by FDEP and includes clauses that deviate from the County's standard terms and conditions, including as follows:

- All funding under the Grant Agreement is provided to the County on a reimbursement basis. The County will be required to appropriate funding for the Project and make payments in advance of receiving reimbursement. The County may submit for reimbursement at the end of each phase of the Project. Additionally, the County may submit quarterly requests for interim payments which may be made by FDEP in their sole discretion.
- FDEP may terminate the agreement for convenience at any time with 30 days' notice to the County. If FDEP terminates, the County will be responsible for funding completion of the Project (or portion thereof) should it wish to continue. The County may only submit for reimbursement for work performed before the effective date of the termination, and all invoices must be submitted within 30 days after the effective date of termination. While the County may be reimbursed for work satisfactorily performed before termination, it will not be eligible to recover cancellation charges.
- Except as otherwise required under Florida law, any claim against FDEP arising from the Grant Agreement is limited to compensatory damages of no more than \$100,000.
- All funds awarded under the Grant Agreement must be obligated by the County on or before December 31, 2024, and all work on the Project must be completed and deliverables submitted to the State on or before June 30, 2026. For any deliverable submitted to FDEP after the June 30, 2026, deliverable deadline, the corresponding invoice will be reduced by 1% for each day the deliverable is late.
- County must comply with all federal grant terms applicable to funding under the American Rescue Plan Act and must ensure all procurement solicitations and resulting contracts comply with the Grant Agreement and applicable federal and state requirements.
- Venue for any disputes related to the Grant Agreement is in Leon County.

Source of Additional Information

Dan West, Director, Parks and Recreation, 954-357-8106

Fiscal Impact

Fiscal Impact/Cost Summary

This \$18 million grant is funded by the United States Department of Treasury, through the Florida Department of Environmental Protection, utilizing American Rescue Plan Act funding, on a cost-reimbursement basis. There is no County match required.