



Broward County

Legislation Details (With Text)

File #: 20-2209 **Version:** 1

Status: Agenda Ready

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

On agenda: 1/12/2021 **Final action:** 1/12/2021

Title: A. MOTION TO RETROACTIVELY APPROVE Interlocal Agreement between Broward, Palm Beach, Miami-Dade, and Monroe Counties for cost-share support of services for the Southeast Florida Regional Climate Change Compact (Compact) and contract management by Broward County, for the period retroactively from January 1, 2021, through January 1, 2024, in the amount of \$1,100,000 (\$275,000 Broward County cost share); to authorize the Office of County Attorney to make minor non-substantive edits to the subject agreement with review and approval as to form, in case minor edits or clarifications become necessary; and to authorize the County Administrator to take any and all necessary actions to execute the subject amendment upon joint execution by each of the Compact Counties.

ACTION: (T-10:38 AM) Approved.

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

B. MOTION TO APPROVE Agreement with the Institute for Sustainable Communities (ISC) providing for staffing and support services by ISC for the Southeast Florida Regional Climate Change Compact, for the period retroactively from January 1, 2021, through January 31, 2024, in the amount of \$1,100,000; to authorize the Office of County Attorney to make minor non-substantive edits to the subject Agreement with review and approval as to form, in case minor edits or clarifications become necessary; and to authorize the County Administrator to execute the subject amendment, contingent upon joint execution of the First Amendment to the Interlocal Agreement by the four Compact Counties, and execution of the amendment by ISC.

ACTION: (T-10:38 AM) Approved.

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

C. MOTION TO ADOPT budget Resolution No. 2021-012 in the amount of \$225,000 to recognize revenue within the Division's Contract Fund for costs associated with the Interlocal Agreement in Fiscal Year 2021.

ACTION: (T-10:38 AM) Approved.

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

D. MOTION TO ADOPT budget Resolution No. 2021-013 in the amount of \$75,000 to recognize revenue within the General Fund for costs associated with the previously-approved First Amendment to the 2018-2020 interlocal agreement for coordination and facilitation services for the Compact.

ACTION: (T-10:38 AM) Approved.

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

Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 1 - ILA Agreement Summary, 2. Exhibit 2 - Interlocal Agreement, 3. Exhibit 3 - ISC Agreement Summary, 4. Exhibit 4 - ISC Agreement, 5. Exhibit 5 - Budget Resolution_Motion C, 6. Exhibit 6 - Budget Resolution_Motion D

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 RETROACTIVELY APPROVE Interlocal Agreement between Broward, Palm Beach, Miami-Dade, and Monroe Counties for cost-share support of services for the Southeast Florida Regional Climate Change Compact (Compact) and contract management by Broward County, for the period retroactively from January 1, 2021, through January 1, 2024, in the amount of \$1,100,000 (\$275,000 Broward County cost share); to authorize the Office of County Attorney to make minor non-substantive edits to the subject agreement with review and approval as to form, in case minor edits or clarifications become necessary; and to authorize the County Administrator to take any and all necessary actions to execute the subject amendment upon joint execution by each of the Compact Counties.

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

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ACTION: (T-10:38 AM) Approved.

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

Why Action is Necessary

Motion A. Pursuant to Section 163.01, Florida Statutes, action is required by the Board to approve interlocal agreements between Broward County and another local government. Board action is required to authorize the Office of the County Attorney to make and review minor edits to the Agreement, if necessary. Delegation of authority by the Board of County Commissioners is required for the County Administrator to execute the Agreement on behalf of the Broward County Board of County Commissioners.

Motion B. In accordance with the Broward County Procurement Code, Section 21.31.b.2, the Board is required to approve agreements exceeding \$100,000 annually or \$200,000 in a multi-year period. Board action is required to authorize the Office of the County Attorney to make and review minor edits to the Agreement, if necessary. Board action is required to approve the service agreement and to delegate award authority to the County Administrator.

Motions C and D. Budgetary actions which recognize additional revenue require the approval of the Broward County Board of County Commissioners.

What Action Accomplishes

Motion A. Provides for continued cost-share support by the Compact Counties to maintain Compact coordination and facilitation services provided by the Institute for Sustainable Communities through September 2023; provides authority for the Office of the County Attorney to make minor edits to the Agreement, if and when necessary; and provides authority for the County Administrator to execute the Agreement.

Motion B. Provides for continuation of centralized staffing and delivery of coordination and facilitation of services by ISC in support of the Compact through September 2023; provides authority for the Office of the County Attorney to make minor edits to the Agreement, if and when necessary; and provides authority for the County Administrator to execute the Agreement.

Motion C. Recognizes revenues provided under the Interlocal Agreement in cost-share support of the agreement with ISC for services rendered to the Compact.

Motion D. Recognizes revenues provided under the previously-approved First Amendment (Agenda Item 27, March 10, 2020) to the 2018-2020 interlocal agreement in cost-share support of the agreement with ISC for services rendered to the Compact.

Is this Action Goal Related

Yes

Previous Action Taken

None.

Summary Explanation/Background

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

This item supports the County Commission's Value: Encouraging investments in renewable energy, sustainable practices and environmental protection; and the goals: Seek funding for, implement policies and pursue projects promoting, the use of alternative energies and sustainable practices; and proactively lead in the planning, design and construction of projects supporting resilience and climate adaptation, including coordination with other entities to foster resilient design as part of local and regional projects, especially shore protection efforts, through continued support for collaboration and advancement of shared efforts as part of the Compact.

This item allows the four Compact Counties to maintain the continued engagement of the Institute for Sustainable Communities (ISC) in facilitating and coordinating Compact activities, renews the arrangement under which Broward County acts on behalf of all the Compact Counties in contracting with ISC for these services, and recognizes the additional revenues to be collected from the other Compact Counties under the ILA.

It also recognizes additional revenues from the other Compact Counties generated as a result of the First Amendment to the 2018-2020 interlocal agreement and additional costs incurred as a result of the First Amendment to the 2018-2020 agreement between Broward County and ISC (both approved by the Board on March 10, 2020, Agenda Item 27).

ISC support of Compact activities was delivered from 2013 through 2015 under a \$975,000 grant from the Kresge Foundation. The four Compact Counties then agreed in 2015 to each contribute up to \$60,000 annually for Compact activities, and those sums were allocated in each County's budget in the succeeding Fiscal Years. A first interlocal agreement (covering calendar years 2016 and 2017) formalizing this joint support for ISC's services was approved by the Commission (Agenda Item 34; June 7, 2016), providing for a total of \$200,000 in joint Compact County funding to ISC per calendar year. In 2016 and 2017, therefore, ISC's services were retained through the \$200,000 contributed jointly each year by the Compact Counties under the Interlocal Agreement and \$200,000 contributed each year by the Kresge Foundation, for a total of \$400,000.

In 2018, the Compact Counties executed a new interlocal agreement for calendar years 2018-2020 providing for a continuation of \$200,000 per calendar year in joint Compact County funding to ISC, along with a corresponding agreement between Broward County and ISC (Agenda Item 17; March 20, 2018). Later in 2018, as expected, the Kresge Foundation committed to a final round of funding of Compact support via ISC: \$200,000 each year in 2018 and 2019 and \$100,000 in 2020. This again yielded a total of \$400,000 in funding for ISC in 2018 and 2019.

However, due to the reduction in Kresge Foundation funding for calendar year 2020 from \$200,000 to \$100,000, maintenance of the \$400,000 annual budget for Compact activities required a commensurate increase of joint Compact County funding from \$200,000 to \$300,000. This was

accomplished via the First Agreement to the 2018-2020 interlocal agreement, executed by the Compact Counties in June 2020, under which the Compact Counties agreed to increase their individual contributions for calendar year 2020 by \$25,000 each, from \$50,000 to \$75,000 (i.e., from \$200,000 total to \$300,000 total). At the same time, Broward County and ISC executed a corresponding First Amendment to their 2018-2020 agreement, increasing the contract amount from \$200,000 to \$300,000 for calendar year 2020. (Both amendments were approved by the County Commission via Agenda Item 27 on March 10, 2020.) The budget resolution referenced in Motion D (Exhibit 7) is required to recognize the additional \$75,000 in revenue from the other Compact Counties and corresponding \$75,000 in additional expenditure to ISC for calendar year 2020 pursuant to these First Amendments.

As Kresge Foundation funding of ISC for Compact support has now ended, continued funding of ISC at the level of \$400,000 per year requires each Compact County to contribute \$100,000 per year under this Interlocal Agreement to maintain the same level of ISC support. The new Agreement between Broward County and ISC correspondingly establishes a yearly contract amount of \$400,000.

However, since the previous interlocal agreement and Broward-ISC agreement were based on calendar years and therefore extend through the first quarter of Fiscal Year 2021 (i.e., the fourth quarter of calendar year 2020), the Interlocal Agreement and Broward-ISC Agreement begin with the second quarter of Fiscal Year 2021. Accordingly, Fiscal Year 2021 totals will amount to \$300,000, not \$400,000. The total three-year cost of the Broward-ISC agreement will therefore be \$1.1 million.

All three Compact County Commissions have approved the ILA (Exhibit 2) as of December 15, 2020. During the term of the ILA, each County Partner will contribute an equal amount of \$100,000 per year. However, the total amount contributed by each County is \$275,000 because the term of this agreement only covers 2.75 years.

The budget resolution referenced in Motion C (Exhibit 6) recognizes the \$825,000 in total contributions from the other three Compact Counties (\$275,000 each) due over the term of the ILA.

These agreements have been reviewed by the County Attorney's Office, with final legal review to be provided prior to the County's execution.

Source of Additional Information

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

Fiscal Impact

Fiscal Impact/Cost Summary

Motions A, B, and C: Broward County's total share of costs is \$275,000. The County has historically budgeted \$75,000 per year for Compact implementation, totaling \$225,000 over three years. Thus, approval of this item has a fiscal impact of \$50,000, requiring an additional \$25,000 in County funds in Fiscal Years 22 and 23. Compact County partners will jointly provide Broward County with \$825,000 over three-years under the terms of the ILA to cover their cost share toward the ISC agreement.

Motion D: There is no additional fiscal impact to Broward County associated with approval of this item. Broward County's total cost-share of \$75,000 for calendar year 2020 was included in the Environmental Planning and Community Resilience Division's (EPCRD) portion of the Fiscal Year 2020 General Fund budget. This action recognizes the additional \$75,000 received by Broward County under the existing ILA for calendar year 2020 to administer the ISC agreement and the contributions provided by Palm Beach, Miami-Dade, and Monroe Counties.