Memorandum

MIAMI-DADE COUNTY

Date: November 6, 2007

To: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

Agenda Item No. 8(D)(1)(B)

From: George M. Burgess
County Manager

Subject: Resolution Authorizing the Disbursement of Funds from the Biscayne Bay Environmental Enhancement Trust Fund for BAYNANZA 2008 and Authorizing the County Manager to Execute a Related Agreement between Miami-Dade County and the Florida Inland Navigation District

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Recommendation

Having received and considered a recommendation from the Director of the Department of Environmental Resources Management (DERM), it is recommended that the Board authorize the disbursement of $82,000 from the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) for BAYNANZA 2008 and authorize the County Manager to execute a related agreement between Miami-Dade County and the Florida Inland Navigation District (FIND). This agreement will facilitate the transfer of FIND funds to Miami-Dade County in connection with the 2008 BAYNANZA Biscayne Bay Cleanup Day event. Under this agreement, FIND will provide the County an amount not to exceed $20,000 in funding for the event's recycled content t-shirts, thereby reducing the overall County expenditure on the event.

Scope

The BAYNANZA 2008 events, including Bay Cleanup Day, will benefit coastal areas of County Commission Districts 3, 4, 5, 7, 8 and 9.

Fiscal Impact/Funding Source

In order to implement the educational, public awareness, and enhancement elements of BAYNANZA 2008, including Bay Cleanup Day, funding of $82,000 from the BBEETF is being requested for goods, services, commodities, and materials (see Attachment A). FIND is offering to contribute an amount not to exceed $20,000 toward the purchase of t-shirts in exchange for including their logo on the t-shirts and other materials printed for BAYNANZA. As in the past, DERM will continue to seek additional funds and services through sponsorships from private organizations. This funding would be in addition to funding received from the BBEETF and may offset the total amount of the request depending on the success of the sponsorship effort and the types of services acquired through private sponsors. Pursuant to Section 7-22.1 of the Code of Miami-Dade County, funds generated by local boat registration fees and deposited into the BBEETF may be used for water-body maintenance and enhancement activities such as BAYNANZA.

The educational and public awareness expenses that will be incurred during BAYNANZA 2008 include: the printing of a variety of materials including posters, banners, and registration forms, postage, educational resource materials, recycled content t-shirts, portable restrooms, water for volunteers, temporary staff expenses, garbage bags and garbage removal after cleanup, and other incidental costs. Also, for the 26th annual Biscayne Bay Cleanup Day, there are plans to have a special celebration at the Cleanup Day VIP site. BAYNANZA is the largest educational outreach opportunity for DERM and is designed to help the community understand the ways that individuals can protect our environment and the Bay in particular. For this reason, DERM makes a point to purchase recycled content t-shirts with the FIND funds to give to our volunteers as a token of appreciation for their hard work. The t-shirts are part of the Department's educational message.

Track Record / Monitor
The Director of the Department of Environmental Resources Management (DERM) will monitor the activities performed with the BBEETF funds, the FIND funds and any other such funds for these events.

Background
BAYNANZA is a cooperative effort by DERM, other County departments, environmental groups in Miami-Dade County and the community at large. Various environmental events are organized during the months of March and April as part of the celebration (over 40 BAYNANZA events in 2007). The Department's showcase event is Biscayne Bay Cleanup Day, a community-wide shoreline cleanup that takes place at 28 sites simultaneously within Miami-Dade County. The BAYNANZA 2008 Cleanup Day will be held April 19, 2008. In addition to the Bay Cleanup Day, other major BAYNANZA events include community Earth Day celebrations, a teacher's workshop, photography contests, nature walks and similar activities.

BAYNANZA is part of the County's long-standing commitment to enhance public awareness of the Bay as a recreational, aesthetic, economic, historic, scientific, and environmental resource. BAYNANZA events like Biscayne Bay Cleanup Day help maintain and improve Biscayne Bay, its spoil islands, and its shoreline. In 2007, over 6,500 volunteers registered to participate in Bay Cleanup Day and each received a BAYNANZA t-shirt for their effort. In addition to the educational component of the Biscayne Bay Cleanup Day, neighborhood Earth Day Festivals are designed for environmental education and outreach to heighten awareness about Biscayne Bay ecology and our environment in general.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: November 6, 2007

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(D)(1)(B)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(D)(1)(B)

11-06-07

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE DISBURSEMENT OF FUNDS FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND FOR BAYNANZA 2008 AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE FLORIDA INLAND NAVIGATION DISTRICT TO PROVIDE FUNDING TO MIAMI-DADE COUNTY FOR THIS EVENT

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board, pursuant to Section 24-40 of the Code of Miami-Dade County, hereby approves disbursement of up to $82,000 from the Biscayne Bay Environmental Enhancement Trust Fund to be used for BAYNANZA 2008; and authorizes the execution of an agreement with the Florida Inland Navigation District to provide funding to Miami-Dade County in an amount not to exceed $20,000 for this event; and authorizing the County Mayor or his designee to exercise the cancellation provisions contained herein.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of November, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. PST

Peter S. Tell

ATTACHMENT A

Baynanza 2008 Budget (all events)		
Description	**Cost**	**Potential sponsor**
Sanitation (toilets / dumpsters / island cleanup, biohazard disposal)	$ 7,300.00	
Equipment rental / services	$ 600.00	
T-shirts	$32,000.00	F.I.N.D.: NOT TO EXCEED $20,000
Temporary staff	$ 5,000.00	
Event Supplies (drinks, ice, garbage bags, etc.)	$ 6,800.00	
Site signage	$ 7,000.00	
Calendar of Events	$17,300.00	
Posters	$ 1,700.00	
Registration forms	$ 700.00	
Site Organizer's Kit	$ 100.00	
Postage	$ 2,000.00	
Transportation (buses / vans)	$ 1,500.00	
Total Cost / Request	**$82,000.00**	

AGREEMENT

This Agreement is entered into this _____ day of _____, 200___ by and between the FLORIDA INLAND NAVIGATION DISTRICT ("FIND") and MIAMI-DADE COUNTY, FLORIDA (the "Project Sponsor").

WHEREAS, Project Sponsor has requested that FIND provide a portion of the assistance needed for the 26th "Baynanza", Biscayne Bay Cleanup program in Miami-Dade County including the Atlantic Intracoastal Waterway (the "Project"); and

WHEREAS, FIND is willing to provide such assistance for the volunteer clean up of the Atlantic Intracoastal Waterway in Miami-Dade County subject to the terms and provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereby agree as follows:

1. Subject to the provisions of the Agreement, Project Sponsor shall coordinate the work for the Project. Project Sponsor agrees, with respect to the Project, that as between the parties to this Agreement, it shall be solely responsible for any claims for damages resulting therefrom. Project Sponsor agrees to indemnify FIND, its Commissioners, employees, and agents, from any and all liabilities, claims, costs, damages, and expenses (including court costs and attorneys' fees) arising from or related to Project Sponsor's actions regarding the Project.

2. FIND shall provide an amount not to exceed $20,000 for the components of the project set forth on the attached Exhibit "A" (with FIND

paying the Project Sponsor the amount actually expended for each component, up to the amount listed on Exhibit "A" for said component) which shall be also in compliance with the District's policy on waterway clean up projects (Exhibit "B").

3. The funds to be provided by FIND to the Project Sponsor hereunder will be paid within thirty (30) days of receipt by FIND of a request for payment accompanied by supporting documentation showing expenditures equal or greater to the amount being sought from FIND.

4. Project Sponsor shall, upon request by FIND, provide a report of final expenses incurred on the Project. The Project Sponsor shall also retain all records supporting costs of the Project for three (3) years after the end of the fiscal year in which the Project is completed, except that such records shall be retained by Project Sponsor until final resolution of matters resulting from any litigation, claim, or special audit that starts prior to the expiration of the three-year retention period.

5. If Project Sponsor shall fail to fulfill in a timely and proper manner the obligations under this Agreement, or if Project Sponsor shall violate any of the covenants, terms, or stipulations of this Agreement, FIND shall thereupon have the rights to terminate this Agreement.

Notwithstanding the above, Project Sponsor shall not be relieved of liability for damages or expenses as contemplated herein sustained by FIND by virtue of any breach of the Agreement by Project Sponsor.

6. Any notice or other written communications between Project Sponsor and FIND shall be considered delivered when posted by certified mail or delivered in person to the respective party at the address indicated below:

To FIND: Florida Inland Navigation District
1314 Marcinski Road
Jupiter, Florida 33477
Attention: Executive Director

To the Project Sponsor: Miami-Dade County
Dept. of Environmental Resources Management
Office of Sustainable Environmental and Education
701 NW 1 Court, 2nd Floor
Miami, Florida 33136-3912
Attention: Project Supervisor

7. This instrument embodies the entire agreement of the parties. There are no provisions, terms, conditions or obligations other than those contained herein; and this Agreement shall supersede all previous communication, representation or agreements, either verbal or written between the parties hereto. This Agreement shall not be modified unless in writing and signed by both parties hereto.

8. This Agreement shall be interpreted and construed pursuant to the laws of the State of Florida. In the event of any litigation arising hereunder, the prevailing party shall be entitled to reasonable costs including attorneys' fees, at the trial, appellate and post-judgment levels. The venue of any such litigation shall be had only in the courts of Palm Beach County, Florida.

9. The rights and duties arising under this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. Neither party may assign this Agreement nor any interest hereunder without the express prior written consent of the other party.

10. Waiver of a breach of any provision of this Agreement shall not be deemed a waiver of any other breach of the same or different provision.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as of the date first above written.

FLORIDA INLAND NAVIGATION DISTRICT

By: _____

Name: DAVID ROACH

Title: EXECUTIVE DIRECTOR

Date: _____

"FIND"

Miami-Dade County

By: _____

Name: _____

Title: _____

Date: _____

EXHIBIT A

Baynanza 2008 Budget (all events)		
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Posters	$ 1,700.00	
Registration forms	$ 700.00	
Site Organizer's Kit	$ 100.00	
Postage	$ 2,000.00	
Transportation (buses / vans)	$ 1,500.00	
Total Cost / Request	**$82,000.00**	

EXHIBIT B

FLORIDA INLAND NAVIGATION DISTRICT

WATERWAY CLEAN UP FUNDING PROGRAM POLICY

The following constitutes the policy of the Florida Inland Navigation District regarding the provision of funding for organized clean up programs for the waterways within the District.

1. The District shall only fund one clean up program per waterway per year within a county.

2. The clean up program must be sponsored by a government agency or a not-for-profit corporation.

3. District funding shall be limited to $20,000.00 per waterway, per county, per year.

4. The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the clean up program.

5. The funding provided by the District shall only be allocated for specific clean up program expenses such as trash bags, trash collection, gloves, advertising, T-shirts etc ... The funding provided by the District shall not be allocated for parties, food or beverages.

6. The District Board shall make all final decisions concerning the provision of funding for a clean up program.