Memorandum

MIAMI-DADE COUNTY

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

Date: October 7, 2008

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

From: George M. Burgess, County Manager

Subject: Resolution Authorizing the Disbursement of Funds from the Biscayne Bay Environmental Enhancement Trust Fund for BAYNANZA 2009 and Authorizing the Execution of a Related Agreement between Miami-Dade County and the Florida Inland Navigation District

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Recommendation

It is recommended that the Board authorize the disbursement of $82,000 from the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) for BAYNANZA 2009 and authorize the execution of a related agreement with the Florida Inland Navigation District (FIND). Under this agreement, FIND will provide up to $10,000 toward BAYNANZA 2009 expenses.

Scope

The BAYNANZA 2009 events will benefit coastal areas of County Commission Districts 3, 4, 5, 7, 8 and 9.

Fiscal Impact/Funding Source

Funding of $82,000 from the BBEETF is being requested for costs related to the various educational, public awareness and enhancement activities of BAYNANZA 2009 (see Attachment A). The FIND Agreement (Attachment B) will provide up to $10,000 toward the BAYNANZA t-shirts. DERM will seek additional funds and services through sponsorships from private organizations. Depending on the success of the sponsorship effort, total funds generated may offset the amount of this BBEETF request. Pursuant to Section 7-22.1 of the Miami-Dade County Code, 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 2009. Expenses incurred during BAYNANZA 2009 include posters, banners, registration forms, postage, educational resource materials, recycled content t-shirts, portable restrooms, water for volunteers, temporary staff, garbage bags, garbage removal and related costs. Also, for the 27th Annual Bay Cleanup Day, a special celebration is planned for the VIP site.

Track Record / Monitor

The Director of DERM will monitor the activities conducted with all funds for these events.

Background

BAYNANZA is part of the County's long-standing commitment to enhance public awareness of Biscayne Bay as a recreational, aesthetic, economic, historic, scientific and environmental resource. The various events of BAYNANZA 2009 (more than 30 BAYNANZA events in 2008) are scheduled for March and April 2009. The main event, Bay Cleanup Day, includes shoreline cleanups at 28 sites along Biscayne Bay and will be held in April 2009. Other major BAYNANZA 2009 events include Earth Day celebrations, a teacher's workshop, photography contests, nature walks and similar activities. In accordance with Chapter 24-40 of the Miami Dade County Code, the Director of the Department of Environmental Resources Management (DERM) has made recommendations for this disbursement to my attention.

BAYNANZA is a cooperative effort among DERM, other County departments, environmental groups in Miami-Dade County and the community at large. Over 7,500 volunteers participated in the 2008 Bay Cleanup Day and each received a recycled-content BAYNANZA t-shirt as a token of appreciation for their hard work. The t-shirts are part of DERM's educational message.

Assistant County Manager

Memorandum

MIAMI-DADE COUNTY

Date: July 21, 2008

To: George M. Burgess
County Manager

From: Carlos Espinosa, PE, Director
Environmental Resources Management

Subject: Recommendation for Disbursement of Funds from the Biscayne Bay Environmental Enhancement Trust Fund for BAYNANZA 2009

Pursuant to Section 24-40(4) of the Code of Miami-Dade County, I am recommending the disbursement of $82,000 from the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) for costs related to the various educational, public awareness and enhancement activities of BAYNANZA 2009 (see Attachment A).

Section 7-22.1 of the Code allows funds deposited into the BBEETF to be used for activities such as BAYNANZA 2009.

An agreement with the Florida Inland Navigation District will provide up to $10,000 toward BAYNANZA 2009 expenses. DERM will seek additional funds and services through sponsorships from private organizations.

As you know, BAYNANZA is part of the County's long-standing commitment to enhance public awareness of Biscayne Bay as a recreational, aesthetic, economic, historic, scientific and environmental resource. The main event, Bay Cleanup Day, includes shoreline cleanups at 28 sites along Biscayne Bay and will be held in April 2009. Other major BAYNANZA 2009 events include Earth Day celebrations, a teacher's workshop, photography contests, nature walks and similar activities.

Please contact me as needed at 305-372-6754.

MEMORANDUM

(Revised)

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

DATE: October 7, 2008

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

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

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)(C)
10-7-08

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE DISBURSEMENT OF FUNDS FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND FOR BAYNANZA 2009 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 2009; and authorizes the County Mayor or the County Mayor's designee to execute an agreement with the Florida Inland Navigation District to provide funding to Miami-Dade County in an amount not to exceed $10,000 for this event; and authorizing the County Mayor or the County Mayor's 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 7th day of October, 2008. 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.

Thomas H. Robertson

ATTACHMENT A

Baynanza 2009 Budget (all events)		
Description	Cost	Potential sponsor / Amount
Sanitation (toilets / dumpsters / island cleanup, biohazard disposal)	$ 7,000.00	
Equipment rental / services	$ 900.00	
T-shirts	$32,000.00	FIND / $10,000
Staff	$ 5,000.00	
Event Supplies (water, ice, garbage bags, etc.)	$ 6,800.00	
Site signage	$ 7,000.00	
Calendar of Events	$17,000.00	
Posters	$ 1,700.00	
Registration forms	$ 1,000.00	
Site Organizer's Kit	$ 100.00	
Postage	$ 2,000.00	
Transportation (buses / vans)	$ 1,500.00	
Total Cost / Request	**$82,000.00**	

ATTACHMENT B

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 "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 $10,000 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 Environment and Education
701 NW 1st Court, 2nd Floor
Miami, Florida 33136
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:

Title:

Date:

MIAMI-DADE COUNTY

By:_____

Name:

Title:

Date:

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 $10,000.00 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.