

Memorandum



Date: October 14, 2008

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

From: George M. Burgess
County Manager 

Subject: Ratification of Execution of Intergovernmental Agreement
with the Homestead Air Reserve Base

GOE
Agenda Item No. 2(Z)

RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) adopt the attached resolution ratifying the execution of an Intergovernmental Agreement with the Homestead Air Reserve Base (HARB), providing for the development and operation of an aerial spray program for mosquito control.

SCOPE

This Agreement will provide for the potential spraying of areas comprised by HARB, plus the ability to include up to 100,000 acres of Miami-Dade County per mission.

FISCAL IMPACT/FUNDING SOURCE

This Agreement will realize significant cost savings for the County. Without this agreement, the associated costs of an aircraft and personnel conducting each mission would have to be incurred by the County. Therefore, with the use of this program, the County will save up to \$76,000 for each mission, as this is the amount that would normally be paid to a contractor for aerial spraying for the equivalent acreage.

DELEGATION OF AUTHORITY

Section 2-9 of the Code of Miami-Dade County authorizes the execution of contracts on behalf of the County with municipalities and other governmental units for joint performance of functions or services which the County is authorized or directed to perform under Section 11, Article VIII of the Florida Constitution, the Home Rule Charter, or any ordinance adopted by the BCC. All contracts authorized by Section 2-9 are subject to ratification by the BCC.

TRACK RECORD/MONITOR

The Public Works Department (PWD) will administer all aspects of this Agreement. Implementation will be assigned to Sandra Fisher, MPH, Chief, Mosquito Control Division, who will oversee coordination and administration with HARB.

BACKGROUND

HARB is developing an aerial spray program using the Air Force Spray Flight (757th Airlift Squadron) as the primary applicator. Aerial spray applications will become part of the integrated pest management strategies utilized by HARB for the control of mosquitoes.

Following a model that has been highly successful in other parts of the Country, HARB has proposed an opportunity for Miami-Dade County Mosquito Control Division (MCD) to formalize a potential relationship with HARB and receive spray applications during Air Force spray operations. The basic model, which has proven to be effective at various locations across the Country, allows for the Spray Flight to fulfill training requirements for their wartime and peacetime missions, while performing mosquito spray applications at HARB.

Before each mission, MCD will coordinate applications with HARB and provide the appropriate amount of pesticide to cover the requested spray areas. While individual mosquito spray missions are performed at HARB's discretion, MCD is not obligated to participate if a specific application is not warranted. Furthermore, MCD would not be under a continuing obligation to participate but may do so as long as the program is viewed as advantageous.

The Environmental Assessment (EA) necessary to address the effects of Air Force mosquito spray operations was prepared and completed by HARB and was made available for public comment for 30 days ending July 5, 2008. The National Park Service (NPS) was the only agency to respond to the EA and all entities involved in this project are currently working together to address their concerns regarding spray boundaries and drift. The first anticipated mission dates have been tentatively scheduled for September 7-11, 2008; execution of the agreement was required prior to these mission dates. A new Agreement will be required on an annual basis to continue this program, which will again outline those obligations by all parties and the purpose and intent of the agreement.

The benefits to the County of pooling mosquito areas together are measured in the number of acres the aircraft is able to spray in a short amount of time, coupled with the cost savings of paying only for the insecticide. The aerial treatment of large areas allows for greater control of the mosquito population present in a single mission, which further benefits those communities treated with greater protection from disease transmitting and nuisance mosquitoes.



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: November 18, 2008

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

SUBJECT: Agenda Item No.

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.

RESOLUTION NO. _____

RESOLUTION RATIFYING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE HOMESTEAD AIR RESERVE BASE FOR AERIAL SPRAY OPERATIONS FOR MOSQUITO CONTROL, AS AUTHORIZED BY SECTION 2-9 OF THE CODE OF MIAMI-DADE COUNTY

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

WHEREAS, both the Homestead Air Reserve Base and Miami-Dade County wish to facilitate the development and operation of an aerial spray program for mosquito control using the Air Force Spray Flight (757th Airlift Squadron),

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies the execution of the agreement between Miami-Dade County and the Homestead Air Reserve Base, as authorized by Section 2-9 of the Code of Miami-Dade County, in substantially the form attached hereto and made a part of hereof.

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
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

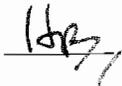
The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of November, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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.



**INTERGOVERNMENTAL AGREEMENT
BETWEEN
MIAMI-DADE COUNTY
AND
HOMESTEAD AIR RESERVE BASE**

THIS INTERGOVERNMENTAL AGREEMENT (this "Agreement") is made and entered into this ____ day of _____ 2008, by and between **MIAMI-DADE COUNTY** a political subdivision of the STATE OF FLORIDA, hereinafter referred to as the "County", and the **UNITED STATES OF AMERICA**, acting by and through the United States Air Force, Homestead Air Reserve Base "HARB".

WITNESSETH

WHEREAS, both parties herein wish to facilitate the development of an aerial spray program using the Air Force Spray Flight (757th Airlift Squadron) as the primary applicator; and

WHEREAS, the extension of this spray program would include areas of Miami-Dade County where HARB members live;

NOW, THEREFORE, in respect of the mutual promises contained herein, the County and HARB agree as follows:

1. Subject to the limitations set forth in Section 768.28 of the Florida Statutes, the County agrees to save HARB, including but not limited to, the defense of any claim or lawsuit, for loss or damage to property or in connection with the performance of this Agreement, including but not limited to, claims arising from the possible invasion of property rights by low altitude flying and any and all claims arising out of or occasioned by any trespass over or upon public or private property whether such be for the purpose of spraying or

inspecting, but specifically excluding claims arising from aerial crash, collision, or from objects accidentally falling from the aircraft dispensing the pesticide.

2. The County, through the Miami-Dade County Public Works Department Mosquito Control Division, will coordinate applications with HARB, and provide the appropriate amount of pesticide to cover the requested spray areas under County jurisdiction.
3. That for and in consideration of the above set forth Agreement, HARB agrees to spray for the eradication of mosquitoes by airplane within the County in a predetermined combination of spray blocks as outlined in "EXHIBIT A," attached to and made a part of this Agreement, for the term from the date of this instrument through 31 December 2008.
4. That this Agreement shall be binding upon said parties during the period from the date of this instrument through 31 December 2008, subject to ratification by the Board of County Commissioners, and shall be renewable from year to year thereafter, at the option of the parties.
5. No statements, representations, warranties, either written or oral, from whatever source arising, except as expressly stated in this Agreement, shall have any legal validity between the parties or be binding upon any of them. The parties acknowledge that this Agreement contains the entire understanding and agreement of the parties with respect to the subject matter hereof.
6. Any and all notices required to be given under this Agreement shall be sent by first class mail, addressed as follows:

To the County:

Sandra L. Fisher, MPH, Chief
Miami-Dade County Public Works Department
Mosquito Control Division
8901 NW 58 Street
Miami, Florida 33178
(305) 592-1187

To HARB:

Michael J. Andrejko, EIAP/Natural Resources Program Manager
482 MSG/CEV
29350 Westover Street
Bldg. 232
Homestead ARB, FL 33019-1299
Comm: (305) 224-7344
DSN: 791-7344

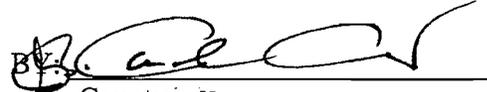


IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written.

ATTEST:
HARVEY RUVIN
CLERK OF THE BOARD

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

BY: _____
Deputy Clerk


County Mayor

Approved by County Attorney
as to form and legal sufficiency


County Attorney

ATTEST:

United States Air Force
Homestead Air Reserve Base

BY: _____

BY:  20 Jun 49

"EXHIBIT A"

MDC Aerial Spray Blocks

