



MEMORANDUM

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

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 20, 2011

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

SUBJECT: Resolution waiving Building
Better Communities General
Obligation Bond Program's
Administrative Rules for purpose
of disbursing bond funds in the
amount of \$1,007,400.00 as local
government match to US Army
Corps of Engineers relating to
BCC GOB Project No. 52

The accompanying resolution was prepared by the Department of Environmental Resources Management and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: September 20, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Waiving Building Better Communities General Obligation Bond Program's Administrative Rules for Purpose of Disbursing Bond Funds in the Amount of \$1,007,400 as Local Government Match to the US Army Corps of Engineers Relating to BBC GOB Project No. 52- "Beach Erosion Mitigation and Renourishment Project"

Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution waiving Building Better Communities General Obligation Bond ("BBC GOB") Program's Administrative Rules for the purpose of disbursing bond funds in the amount of \$1,007,400 to the US Army Corps of Engineers as the County share of the non-Federal portion of a Federal beach renourishment project.

Scope

The proposed Federal beach nourishment project will provide countywide benefits, but will take place in Commissioner Barreiro's District 5.

Fiscal Impact/Funding Source

This resolution would authorize the disbursing of additional BBC GOB funds in the amount of \$1,007,400 from BBC GOB Project No. 52 - "Beach Erosion Mitigation and Renourishment Project" to provide the County's share of the total non-Federal portion of \$2,000,000 toward a pending beach nourishment project administered by the Army Corps of Engineers. State grant funds totaling \$992,600 will be used to provide the remainder of the non-federal share. The BBC GOB funds to be used were budgeted for this project in the current fiscal year. Additional BBC GOB funds totaling approximately \$250,000 over a two year period will be used to conduct monitoring and survey activities required by project permits.

Track Record/Monitor

The Water Management Division Chief of the Department of Environmental Resources Management (DERM) will be responsible for tracking and monitoring this project.

Background

Miami-Dade County serves as the local sponsor for the Federal Miami-Dade County Beach Erosion Control and Hurricane Surge Protection Project which extends from Government Cut through Sunny Isles Beach. The County is therefore responsible for providing local coordination of beach nourishment activities conducted by the Army Corps of Engineers (Corps), including providing the non-Federal funds needed to implement projects.

The Corps is currently initiating the Federal Contract E Project to renourish three critically eroded segments of Miami Beach located at 29th Street, 44th-47th Streets and 63rd-70th Streets. This project was estimated to cost \$14.3 million with the non-Federal funding share of \$7.15 million divided between the County and the State. However, in the July 14, 2011 letter requesting the non-Federal funds (attached), the Corps indicated that after reconciling non-Federal funds from previous Miami-Dade County project accounts, only \$2,535,514 in non-Federal funds was required as a non-Federal share (rather than \$7.15 million) to achieve the total non-Federal obligation. This amount was made up of County GOB funds of \$1,277,138 (50.37%) and State funds of \$1,258,376 (49.63%). (Although the County does advance the total non-Federal share up front, the State reimburses the County for its share.)

On July 19th, 2011, the Board approved Resolution No. R-638-11, waiving the BBC GOB program's administrative rules and allowing the necessary disbursement from BBC GOB Project No.52 bond funds to be advanced to the Corps as the County share for the pending beach nourishment project. The total \$2,535,514 non-Federal share (including the County's \$1,277,138 contribution) was forwarded to the Corps on July 22, 2011, thus allowing the Corps to put the project out to bid.

On September 6, 2011, the County received a second demand letter from the Corps (attached) indicating that the Corps' cost estimate for the project had been revised to \$17,600,000, thereby increasing the non-Federal obligation from \$7.15 million to \$8.8 million. From the \$7.15 million in non-Federal funds already provided to the Corps, \$24,549 was expended by the Corps on administrative costs associated with bidding the project, leaving \$7,125,451 in remaining non-Federal funds, and an additional \$1,674,549 needed to provide the full non-Federal share under the revised cost estimate. To allow for potential contract modifications as the project proceeds, the Corps has requested that the \$1,674,549 be increased to a total \$2,000,000 at this time. As with the previous remittance to the Corps, the non-Federal funds will be divided between the County's 50.37% cost share (\$1,007,400) from BBC GOB funds and the State's 49.63% cost share (\$992,600) from an existing State grant. Because the previous resolution waiving the BBC GOB Program's administrative procedures specifically authorized the disbursement of only the \$1,277,138 in BBC GOB funding needed to fulfill the Corps original demand letter, the subject resolution waiving the BBC GOB programs administrative rules for the additional \$1,007,400 in County bond funds is required.

The Corps has indicated that it is critical that the construction contract for this project be awarded by the end of the fiscal year (September 30, 2011) or the \$8.8 million in Federal funds now available for the project will be lost. The additional non-Federal funds must be received by the Corps prior to award of the contract. To facilitate this, the attached resolution waiving the BBC GOB Program's administrative rules in order to disburse the County portion of the non-Federal funds is recommended for approval.



Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 20, 2011

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

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

Please note any items checked.

- "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 {
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 8(D)(1)(A)
9-20-11

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION WAIVING BUILDING BETTER
COMMUNITIES GENERAL OBLIGATION BOND
PROGRAMS ADMINISTRATIVE RULES FOR PURPOSE
OF DISBURSING BOND FUNDS IN THE AMOUNT OF
\$1,007,400.00 AS LOCAL GOVERNMENT MATCH TO US
ARMY CORPS OF ENGINEERS RELATING TO BBC GOB
PROJECT NO. 52 - 'BEACH EROSION MITIGATION AND
RENOURISHMENT PROJECT'; AND AUTHORIZING
MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL ACTIONS
NECESSARY TO EFFECTUATE THE FOREGOING

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board hereby waives the BBC GOB Program's Administrative Rules in order to disburse BBC GOB Series 2011A bond funds in the amount of \$1,007,400 from BBC GOB Project No. 52 - "Beach Erosion Mitigation and Renourishment Project" to the US Army Corps of Engineers for the Contract E Project for beach nourishment in Miami-Dade County and authorizes the County Mayor or Mayor's designee to take all actions necessary to effectuate the foregoing.

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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of September, 2011. 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.



Abbie Schwaderer-Raurell



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

SEP 06 2011

Programs and Project Management Division
Water Resources Branch

Mr. Brian Flynn
Special Projects Administrator 2
Miami-Dade Department of Environmental Resources Management
701 North West 1st Court, 5th Floor
Miami, Florida 33136

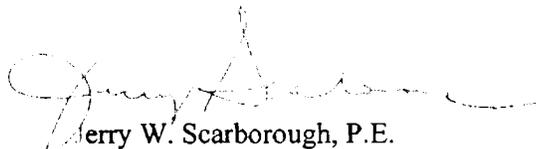
Dear Mr. Flynn:

The purpose of this letter is to revise the amount previously requested for your agency's non-Federal cost share amount to award Contract E of the Dade County Shore Protection Project in fiscal year 2011.

Due to a revision in the Government estimate the construction cost for Contract E is now estimated to be \$16,000,000. The overhead and administration (Engineering during Construction (EDC) & Supervision & Administration (S&A)) of this contract is estimated to be \$1,600,000 which makes the grand total for Contract E \$17,600,000. Your agency is responsible for 50% of this total cost which equals \$8,800,000. The Jacksonville District currently has \$7,125,451 in non-federal funds that will be allocated for this contract leaving a balance owed by the sponsor of \$1,674,549.00. In order to allow for the efficient approval of potential contract modifications the District requests a total of \$2,000,000 for this project. It is critical that this contract award be made prior to 30 September and therefore we request these funds be deposited via electronic funds or wire transfer (see enclosures) as soon as possible.

If you have any questions or need additional information please contact Jason Harrah at 904-232-1381 or Jackie Keiser at 904-232-3915.

Sincerely,



Jerry W. Scarborough, P.E.
Chief, Water Resources Branch

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