

# MEMORANDUM

Agenda Item No. 14(A)(5)

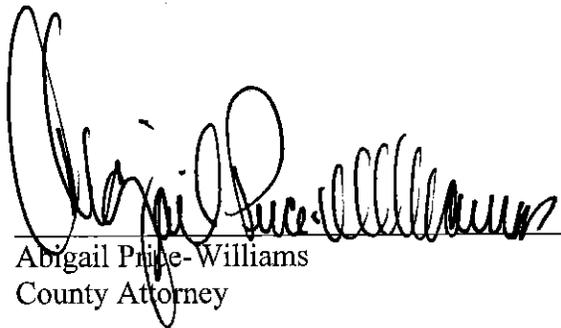
**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** January 20, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution waiving Building Better Communities General Obligation Bond Program's ("Bond Program") Administrative Rules relating to reimbursement procedures for purpose of disbursing Bond funds in the amount of \$10,000,000.00 as local government match to U.S. Army Corps of Engineers relating to Bond Program Project No. 52 - "Beach Erosion Mitigation and Renourishment Project"; and authorizing the Mayor to take all actions necessary to effectuate the foregoing

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



Abigail Price-Williams  
County Attorney

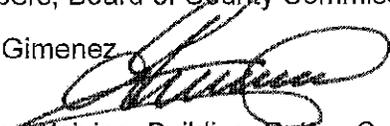
APW/cp

# Memorandum



**Date:** January 20, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Waiving Building Better Communities General Obligation Bond Program's Administrative Rules to Disburse Funds in the Amount of \$10,000,000.00 as Local Government Match to the U.S. Army Corps of Engineers for Building Better Communities General Obligation Bond Program Project No. 52 - "Beach Erosion Mitigation and Renourishment Project"

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) authorize waiving Building Better Communities General Obligation Bond (BBC-GOB) Program's Administrative Rules relating to reimbursements for purpose of disbursing bond funds in the amount of up to \$10,000,000.00 to the U.S. Army Corps of Engineers (Corps) for the non-federal portion of a federal beach renourishment project.

## **Scope**

Funding is for the proposed 2016 Miami Beach Truck Haul Project for beach renourishment that will occur in Commission District 5, which is represented by Commissioner Bruno A. Barreiro, and will generate countywide benefits.

## **Fiscal Impact/Funding Source**

This resolution authorizes the disbursement of up to \$10,000,000.00 from BBC-GOB Program Project No. 52 - "Beach Erosion Mitigation and Renourishment Project" (Index Code CPJ052PE1636) to provide the County's and State's non-federal portion.

On September 16, 2015, this Board approved Resolution No. R-763-15, authorizing a significant modification of BBC-GOB Program Project No. 10 - "Purchase of Development Rights" to reduce its allocation by \$10,000,000.00, declaring these surplus funds, and increased the allocation of Project No. 52 - "Beach Erosion Mitigation and Renourishment" by \$10,000,000.00 of such surplus funds from Project No. 10. This action effectively transferred \$10,000,000.00 to be used for ongoing beach renourishment needs in this community.

## **Track Record/Monitor**

The Chief of the Restoration and Enhancement Section, Division of Environmental Resources Management, Department of Regulatory and Economic Resources, Jamie Monty, 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 to Sunny Isles Beach. The County is therefore responsible for providing local coordination of beach nourishment activities conducted by the Corps, including the provision of non-federal funds needed to implement projects.

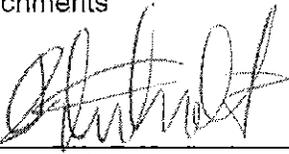
The Corps is currently initiating the Federal 2016 Truck Haul Project to renourish critically eroded segments of Miami Beach located between 27 Street and 65 Street. The total project was estimated at \$20,000,000.00. The non-federal funding share of the total project cost is \$10,000,000.00, of which \$1,500,000.00 will be used for planning purposes and the remaining \$8,500,000.00 will be used for

construction. Therefore, the County must advance the non-federal share in the total amount of \$10,000,000.00 to the Corps in accordance with the two (2) letters from the Corps shown in Attachment A. Per the Corps' latest correspondence, a disbursement of \$1,500,000.00 is required by February 1, 2016 and the remaining amount is due in April 2016. The County will seek reimbursement for cost-sharing from the State of Florida based on available State funds.

The BBC-GOB Program's Administrative Rules state that funding is to be disbursed on a reimbursement basis and only allows funding advances of up to 90 percent for municipalities. Under the terms of the local cooperation agreement between the Corps and Miami-Dade County, all non-federal funds must be provided to the Corps prior to initiating the bid process. To facilitate the disbursement of the BBC-GOB Program funding for the County portion of the non-federal funds, the attached resolution waiving those portions of the BBC-GOB Program's Administrative Rules pertaining to reimbursements is recommended for approval.

Miami-Dade County's vast shoreline is an ecological treasure and is central to the region's primary industry of tourism. Well maintained beaches not only provide recreational opportunities for our residents and visitors, they support a range of secondary industries countywide. Furthermore, scientific research has underscored the importance of a resilient shoreline in protecting against the effects of sea level rise. Our beaches provide much needed storm protection for our natural and built resources along many miles of shoreline.

Attachments



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Jack Osterholt  
Deputy Mayor

# ATTACHMENT A



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
701 San Marco Blvd  
JACKSONVILLE, FLORIDA 32207-8175

REPLY TO  
ATTENTION OF

7 2 DEC 2015

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 1<sup>st</sup> Court, 5<sup>th</sup> Floor  
Miami, FL 33136

Dear Mr. Flynn:

As previously outlined and discussed the Dade County Shore Protection Project urgently needs to receive non-federal funds to continue with pre-construction engineering and design (PED) and award of the upcoming truck haul re-nourishment for Miami Beach in June 2016. Your share of the total estimated cost is \$1,500,000 for PED and \$8,500,000 for construction and management oversight for a grand total of \$10,000,000. The \$1,500,000 is needed immediately while the \$8,500,000 can be provided prior to advertisement of the contract in April 2016. A separate letter will be sent requesting these funds. We request that the \$1,500,000 be deposited via electronic funds or wire transfer (see enclosures) as soon as possible to avoid any delays in the award of this critical beach re-nourishment contract.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Scarborough".

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

Enclosure



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
701 San Marco Blvd  
JACKSONVILLE, FLORIDA 32207-0176

JAN 14 2016

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 1<sup>st</sup> Court, 5<sup>th</sup> Floor  
Miami, FL 33136

Dear Mr. Flynn:

Pursuant to our recent communications regarding the lack of non-federal funds for the Dade County Shore Protection Project, the Jacksonville District, U.S. Army Corps of Engineers, (Corps) would like to reiterate that non-Federal funds are needed immediately to avoid shutdown of all design efforts for the 2016 Miami Beach re-nourishment. The funds required for this project were outlined in two previous correspondence sent on September 2, 2015, and again on December 2, 2015.

By this letter we request that \$1,500,000 be wired no later than February 1, 2016 to avoid shutdown of all activities related to the Miami Beach truck haul project. The remaining \$8,500,000 of non-Federal funds can be provided prior to advertisement of the construction contract currently scheduled for April 2016.

We would like to thank you for the taking the time to work together on this to ensure that no impacts to our delivery schedule occur. Should you have any further questions or need additional information, please feel free to contact Mr. Jason Harrah of my staff at 904-232-1381.

Sincerely,

Mike Renacker, M.A., RPA  
Chief, Water Resources Branch

Enclosures

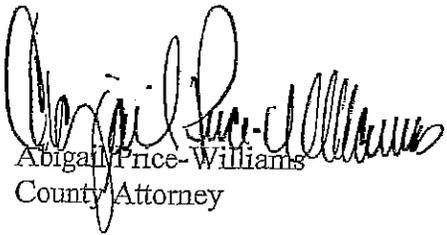


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** January 20, 2016

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 14(A)(5)

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor'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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 14(A)(5)  
1-20-16

RESOLUTION NO. \_\_\_\_\_

RESOLUTION WAIVING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM'S ("BOND PROGRAM") ADMINISTRATIVE RULES RELATING TO REIMBURSEMENT PROCEDURES FOR PURPOSE OF DISBURSING BOND FUNDS IN THE AMOUNT OF \$10,000,000.00 AS LOCAL GOVERNMENT MATCH TO U.S. ARMY CORPS OF ENGINEERS RELATING TO BOND PROGRAM PROJECT NO. 52 - "BEACH EROSION MITIGATION AND RENOURISHMENT PROJECT"; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE FOREGOING

**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 the Board hereby waives those portions of the Building Better Communities General Obligation Bond Program's ("Bond Program") Administrative Rules pertaining to reimbursement procedures in order to disburse Bond Program funds in the amount of \$10,000,000.00 from Bond Program Project No. 52 - "Beach Erosion Mitigation and Renourishment Project" to the U.S. Army Corps of Engineers for the Federal 2016 Miami Beach Truck Haul Project to nourish critically eroded segments of the Miami Beach beachfront; and authorizes the 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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 20<sup>th</sup> day of January, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

MURP

Monica Rizo Perez