

MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners


DATE: December 4, 2012

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

SUBJECT: Resolution delegating to the
Public Health Trust the authority
to execute a Model
Acknowledgement of Conditions
for Mitigation of Property in a
Special Flood Hazard area with
FEMA grant funds for the
Prevention Education & Treatment
Center (Pet Center)

Resolution No. R-1049-12

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM
(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

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R. A. Cuevas, Jr.
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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

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(2)

12-4-12

RESOLUTION NO. R-1049-12

RESOLUTION DELEGATING TO THE PUBLIC HEALTH TRUST THE AUTHORITY TO EXECUTE A MODEL ACKNOWLEDGEMENT OF CONDITIONS FOR MITIGATION OF PROPERTY IN A SPECIAL FLOOD HAZARD AREA WITH FEMA GRANT FUNDS FOR THE PREVENTION EDUCATION & TREATMENT CENTER (PET CENTER), LOCATED AT 615 COLLINS AVENUE, MIAMI BEACH, FLORIDA 33169 FOR REIMBURSEMENT TO THE PUBLIC HEALTH TRUST IN THE AMOUNT OF THIRTY THOUSAND EIGHTY-THREE DOLLARS (\$30,083.00) FOR INSTALLATION OF HURRICANE SHUTTERS

WHEREAS, the Public Health Trust (“Trust”) is an agency and instrumentality of Miami-Dade County which is responsible for the operation, maintenance and governance of Jackson Memorial Hospital, Jackson South Community Hospital, Jackson North Medical Center and other “designated facilities” as such term is defined in Chapter 154, Part II, Florida Statutes, and Chapter 25A of the Code of Miami-Dade County; and

WHEREAS, pursuant to a funding commitment from the Federal Emergency Management Agency (FEMA) for hazardous mitigation assistance, the Public Health Trust installed new hurricane shutters throughout the Prevention Education and Treatment Center (PET Center) structure; and

WHEREAS, on September 24, 2012 the Financial Recovery Board of the Public Health Trust, passed and adopted the attached Resolution No. PHT 9/12-065, directing the Trust President to seek the appropriate Commission delegation of authority to the Trust for the Trust to execute a form required by FEMA to obtain FEMA Grant Funds for reimbursement for hurricane shutter installation,

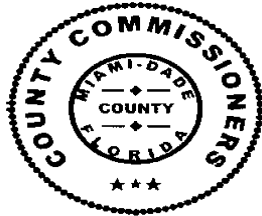
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby Delegates to the Public Health Trust the authority to execute a form entitled "Model Acknowledgement of Condition for Mitigation of Property in a Special Flood Hazard Area with FEMA Grant Funds" for the Prevention Education and Treatment Center (PET Center) located at 615 Collins Avenue, Miami Beach, Florida 33169 for reimbursement to the Public Health Trust in the amount of Thirty Thousand Eighty-Three Dollars (\$30,083.00) for installation of hurricane shutters.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. It was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2012. 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 **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

ES.

Eugene Shy, Jr.

RESOLUTION NO. PIIT 9/12 - 065

RESOLUTION AUTHORIZING THE PRESIDENT OR HIS DESIGNEE TO SUBMIT AND SEEK APPROVAL FROM MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO EXECUTE A MODEL ACKNOWLEDGEMENT OF CONDITIONS FOR MITIGATION OF PROPERTY IN A SPECIAL FLOOD HAZARD AREA WITH FEMA GRANT FUNDS FOR THE PREVENTION EDUCATION & TREATMENT CENTER (PET CENTER), LOCATED AT 615 COLLINS AVENUE, MIAMI BEACH, FLORIDA 33139 FOR REIMBURSEMENT TO THE PUBLIC HEALTH TRUST IN THE AMOUNT OF THIRTY THOUSAND EIGHTY-THREE DOLLARS (\$30,083) FOR INSTALLATION OF HURRICANE SHUTTERS.

(Madeline Valdes, Corporate Director, Property Management Division)

WHEREAS, this Board seeks to accomplish the purposes set forth in the attached memorandum;

and

WHEREAS, the President, Facilities Subcommittee and Fiscal Committee recommend approval.

NOW, THEREFORE, BE IT RESOLVED BY THE FINANCIAL RECOVERY BOARD OF THE PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby authorizes the President or his designee to submit and seek approval from Miami-Dade County Board of County Commissioners to execute a Model Acknowledgment of Condition for Mitigation of Property in a Special Flood Hazard Area with FEMA Grant Funds Form for the PET Center located at 615 Collins Avenue, Miami Beach, Florida 33169 for reimbursement to the Public Health Trust in the amount of Thirty Thousand Eighty-Three Dollars (\$30,083) in accordance with the recommendation set forth in the memorandum attached hereto and incorporated herein by reference.

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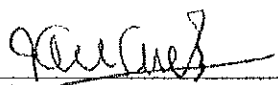
The foregoing resolution was offered by Mr. Arriola and the motion was seconded by Mr. Nuell as follows:

Joe Arriola	Aye
Michael Bileca	Aye
Joaquin del Cueto	Aye
Mojdeh L. Khaghan	Aye
Marcos Jose Lapciuc	Aye
Stephen S. Nuell	Aye
Darryl K. Sharpton	Aye

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of September 2012.

PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA

BY: _____


Joaquin del Cueto, Secretary

Approve by the County Attorney as to form
and legal sufficiency _____


FACILITIES SUBCOMMITTEE
FISCAL COMMITTEE

09-13-2012
09-13-2012

REQUEST

Staff requests authorization for the President or his designee to submit and seek approval from the Miami-Dade County Board of County Commissioners to execute A Model Acknowledgment of Conditions for Mitigation of Property in a Special Flood Hazard Area With FEMA Grant Funds Form for the PET Center located at 615 Collins Avenue, Miami Beach Florida, 33169 ("Property") for reimbursement to the Public Health Trust in the amount of Thirty Thousand Eighty-Three Dollars (\$30,083) for installation of hurricane shutters.

BACKGROUND

Jackson Health System's Prevention, Education & Treatment Center (PET Center) which provides care for patients in Miami-Dade County helps prevent the spread of communicable diseases including HIV/AIDS and other sexually transmitted diseases. It focuses on early intervention for HIV-spectrum disease, and provides HIV testing and primary care services for the community. The Property is located at 615 Collins Avenue, Miami Beach, Florida 33169. The Public Health Trust has received a funding commitment from PBMA for hazard mitigation assistance for the installation of hurricane shutters in the amount of Thirty Thousand Eighty-Three Dollars (\$30,083).

The Project which was completed in September, 2011 required the PHT to install new hurricane shutters throughout the structure. The Public Health Trust is requesting FEMA reimbursement at this time. In order to obtain said reimbursement, FEMA is requesting that the property owner commit to maintain insurance and the existing structure in accordance with the flood plain management criteria. FEMA is further requesting that PHT ensure that these restrictions be binding on the Property for life. The Model Acknowledgment Form requires an acceptance of those certain conditions which are required by Federal law.

The President or his designee seeks approval from the Miami-Dade County Board of County Commissioners to execute the attached Model Acknowledgment Form for the Property.

RECOMMENDATION

We concur with staff's recommendation to authorize the President or his designee to submit and seek approval from the Miami-Dade County Board of County Commissioners to execute A Model Acknowledgment of Conditions for Mitigation of Property in a Special Flood Hazard Area With FEMA Grant Funds Form for the PET Center located at 615 Collins Avenue, Miami Beach Florida, 33169 ("Property") for reimbursement to the Public Health Trust in the amount of Thirty Thousand Eighty-Three Dollars (\$30,083) for installation of hurricane shutters.



**Model Acknowledgement of Conditions For Mitigation of Property
in a Special Flood Hazard Area With FEMA Grant Funds**

Property Owner (PREVENTION EDUCATION CENTER) MIAMI DADE COUNTY
DEPARTMENT OF HEALTH

Street Address 615 COLLINS AVE

City, State Zip Code MIAMI BEACH, FL 33139

Deed dated 1963, Recorded JAN 17

Tax map _____, block 11, parcel LOT 10/11

Base Flood Elevation at the site is 513 feet (NGVD).

Map Panel Number 12086C0319L, effective date SEPT. 11, 2009

As a recipient of Federally-funded hazard mitigation assistance under the Hazard Mitigation Grant Program, as authorized by 42 U.S.C. §5170c / Pre-Disaster Mitigation Program, as authorized by 42 U.S.C. §5133 / Flood Mitigation Assistance Program, as authorized by 42 U.S.C. §4104c / Severe Repetitive Loss, as authorized by 42 U.S.C. §4102a, the Property Owner accepts the following conditions:

1. That the Property Owner has insured all structures that will **not** be demolished or relocated out of the SFHA for the above-mentioned property to an amount at least equal to the project cost or to the maximum limit of coverage made available with respect to the particular property, whichever is less, through the National Flood Insurance Program (NFIP), as authorized by 42 U.S.C. §4001 *et seq.*, as long as the Property Owner holds title to the property as required by 42 U.S.C. §4012a.

2. That the Property Owner will maintain all structures on the above-mentioned property in accordance with the flood plain management criteria set forth in Title 44 of the Code of Federal Regulations (CFR) Part 60.3 and City/County Ordinance as long as the Property Owner holds title to the property. These criteria include, but are not limited to, the following measures:

- i. Enclosed areas below the Base Flood Elevation will only be used for parking of vehicles, limited storage, or access to the building;
- ii. All interior walls and floors below the Base Flood Elevation will be unfinished or constructed of flood resistant materials;

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iii. No mechanical, electrical, or plumbing devices will be installed below the Base Flood Elevation; and

iv. All enclosed areas below Base Flood Elevation must be equipped with vents permitting the automatic entry and exit of flood water.

For a complete, detailed list of these criteria, see City/County Ordinance attached to this document.

3. The above conditions are binding for the life of the property. To provide notice to subsequent purchasers of these conditions, the Property Owner agrees that the City/County will legally record with the county or appropriate jurisdiction's land records a notice that includes the name of the current property owner (including book/page reference to record of current title, if readily available), a legal description of the property, and the following notice of flood insurance requirements:

"This property has received Federal hazard mitigation assistance. Federal law requires that flood insurance coverage on this property must be maintained during the life of the property regardless of transfer of ownership of such property. Pursuant to 42 U.S.C. §5154a, failure to maintain flood insurance on this property may prohibit the owner from receiving Federal disaster assistance with respect to this property in the event of a flood disaster. The Property Owner is also required to maintain this property in accordance with the flood plain management criteria of Title 44 of the Code of Federal Regulations Part 60.3 and City/County Ordinance."

4. Failure to abide by the above conditions may prohibit the Property Owner and/or any subsequent purchasers from receiving Federal disaster assistance with respect to this property in the event of any future flood disasters. If the above conditions are not met, FEMA may recoup the amount of the grant award with respect to the subject property, and the Property Owner may be liable to repay such amounts.

This Agreement shall be binding upon the respective parties' heirs, successors, personal representatives, and assignees.

THE CITY/COUNTY OF _____

A _____ municipal corporation

By: _____

[Name, Title]

of the City/County of _____

&

[Name of Property Owner]

WITNESSED BY:

[Name of Witness]

[SEAL]

Notary Public

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