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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**



Agenda Item No. 8(M)(5)

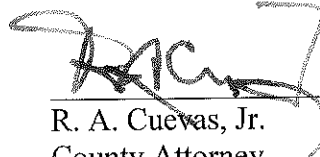
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: December 4, 2012

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 \$1,171,875.25 as
Local Government Match to U.S.
Army Corps of Engineers relating to
BBC GOB Project No. 52 - "Beach
Erosion Mitigation and
Renourishment Project
Resolution No. R-1029-12

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



R. A. Cuevas, Jr.
County Attorney


RAC/cp

Memorandum



Date: December 4, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson
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 \$1,171,875.25 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 purpose of disbursing bond funds in the amount of \$1,171,875.25 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 beach nourishment will occur in Commissioner Heyman's District 4, with countywide benefits.

Fiscal Impact/Funding Source

This resolution would authorize disbursement of \$1,171,875.25 in additional funds from BBC GOB Project No. 52 - "Beach Erosion Mitigation and Renourishment Project" (Index Code CPF052PE1636) to provide additional funds needed for the County's share of the non-federal portion of the project. On October 2, 2012, the Board adopted Resolution No. R-797-12, authorizing the advance of \$1,980,900.25 in GOB funds to provide the estimated County share for the Bal Harbour beach nourishment project. A subsequent cost estimate revision from the US Army Corps of Engineers was received by the County in October 2012, requesting an additional \$1,718,040.24 in non-federal funding. County funds of \$1,171,875.25 and State grant funds of \$546,164.99 (Grant No. CPDE04, Index Code CPE315PE0401) will provide the non-federal portion. The BBC GOB funds to be used are from unexpended 2011A proceeds.

Track Record/Monitor

Brian Flynn of the Natural Resources Division of the Department of Regulatory and Economic Resources will be responsible for tracking and monitoring this project.

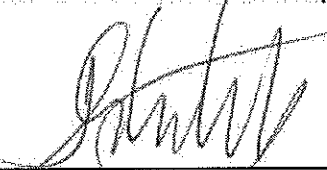
Background

Miami-Dade County serves as the local sponsor for the Federal Miami-Dade County Beach Erosion Control and Hurricane Surge Protection Project extending from Government Cut to 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 G Project to renourish critically eroded segments of Bal Harbour beach located between 96th Street and Haulover Inlet. The project was estimated at \$5,808,240 with the non-federal funding share of \$2,904,120 divided between an existing State grant from the Florida Department of Environmental Protection allocating \$923,219.75 (31.79% of the non-federal cost share) and County BBC GOB funds totaling \$1,980,900.25 (68.21% of the non-federal share). On October 2, 2012, the Board approved waiving GOB administrative rules for purpose of disbursing BBC GOB funds in that amount.

On this same date (October 2, 2012) the County received a revised cost estimate from the US Army Corps of Engineers requesting \$4,622,160.24 (Attachment A). Deducting the previously authorized \$2,904,120.00 amount, an additional \$1,718,040.24 in non-federal funds are required for the revised cost estimate for the pending Bal Harbour nourishment project and for costs associated with an ongoing US Army Corps of Engineers study to identify future sand sources for beach nourishment in Miami-Dade County. The additional \$1,718,040.24 in non-federal funds will be comprised of \$1,171,875.25 (68.21%) in County GOB funds and \$546,164.99 (31.79%) in State grant 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% for municipalities. Under the terms of the local cooperation agreement between the US Army Corps of Engineers and Miami-Dade County, all non-federal funds must be provided to the US Army Corps of Engineers prior to initiating the bid process. To facilitate the disbursement of the GOB funding for the County portion of the non-federal funds, the attached resolution waiving the BBC GOB Program's administrative rules is recommended for approval.



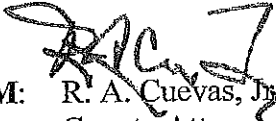
Jack Osterholt, Deputy Mayor



MEMORANDUM
(Revised)

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: Agenda Item No. 8 (M) (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
- 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
Veto _____
Override _____

Agenda Item No. 8(M) (5)
12-4-12

RESOLUTION NO. R-1029-12

RESOLUTION WAIVING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM'S ADMINISTRATIVE RULES FOR PURPOSE OF DISBURSING BOND FUNDS IN THE AMOUNT OF \$1,171,875.25 AS LOCAL GOVERNMENT MATCH TO U.S. ARMY CORPS OF ENGINEERS RELATING TO BBC GOB 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, the 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 \$1,171,875.25 from BBC GOB Project No. 52 – "Beach Erosion Mitigation and Renourishment Project" to the U.S. Army Corps of Engineers for the Federal Contract G Project to nourish critically eroded segments of the Bal Harbor beachfront; and authorizes the Mayor or Mayor's designee to take all actions necessary to effectuate the foregoing.

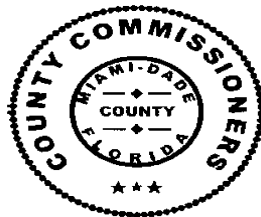
The foregoing resolution was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

| | | | |
|----------------------|-------------------------------------|----------------------|---------------|
| | 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 | absent | Sen. Javier D. Souto | absent |
| Xavier L. Suarez | aye | 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.

Monica Rizo

ATTACHMENT A



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

REPLY TO
ATTENTION OF

OCT 02 2012

Programs and Project Management Division
Water Resource 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:

Please reference letter dated May 4, 2012 requesting your agency's Non-Federal proportionate share for design, advertisement and award of the Dade County Shore Protection Project Contract G for the upcoming re-nourishment in the vicinity of Bal Harbor. This letter has been updated to also include your agency's share for completion of Contract J which is the Limited Re-evaluation Report (LRR) looking at potential sand sources outside of Dade County.

The updated estimated total cost based on the most recent current working estimate is \$11,292,107.29 for Fiscal Years (FY) 2012 and FY 2013. In accordance with the Dade County Local Cooperation Agreement (LCA) dated June 1986, the Non-Federal sponsor is required to contribute 50.2% which amounts to \$5,668,637.86. As of September 23, 2012 the County has provided \$847,077.06 towards your share of Contract G design and Contract J LRR. We are currently estimating \$199,400.56 of non-Federal cash remaining on Contract E which can be applied to the amount due for Contract G. If applied, the total required for your proportionate share of Contract G design, construction, engineering during construction (EDC), and construction supervision and administration by district office (S&A) and construction supervision and administration by field office (S&I) and efforts on Contract J is \$4,622,160.24.


It is also imperative that you provide the previously requested information for completion of the Water Quality Certification from the Florida Department of Environmental Protection for Contract G.

For Contract J the team will be actively engaged in writing the draft LRR report and completing a detailed environmental assessment as required by the National Environmental Policy Act (NEPA). All potential borrow sources will be reviewed through engineering analysis and will require cultural resource surveys for clearance through the State Historical Preservation Office (SHPO).

It is critical to the continued success of this project that we receive the required cash in the amount of \$4,622,160.24 and missing permit information otherwise the project could be jeopardized. We request that the funds be deposited via electronic funds or wire transfer (see enclosure) as outlined in Article VII of the LCA no later than 30 days from the date of this letter.

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 "David S. Hobbie". The signature is written in a cursive style with a large initial "D".

David S. Hobbie
Deputy District Engineer
for Programs and Project Management

Enclosure