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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 5(B)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	September 16, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution approving significant modifications of Building Better Communities General Obligation Bond Program Project No. 10 - "Purchase of Development Rights" to reduce its allocation by $10,000,000.00, declaring these surplus funds, and Project No. 52 - "Beach Erosion Mitigation and Renourishment" in order to increase its allocation by $10,000,000.00 of surplus funds from Project No. 10, all as identified in Appendix A to Resolution No. R-913-04, after a public hearing and in accordance with Implementing Order 3-47; and establishing a policy to allocate legally available funds in the future to restore funding to the Purchase of Development Rights Program

Resolution No. R-763-15

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Economic Prosperity Committee.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: September 16, 2015

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

From: Carlos A. Gimenez
County Mayor

Subject: Significant Modification of BBC-GOB Program Projects to fund Beach Renourishment and Shoreline Protection

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution, which does the following:

- Approves a significant modification to Building Better Communities General Obligation Bond (BBC GOB) Program Project No. 10 – "Purchase of Development Rights" to reduce the original allocation of $30,000,000 assigned to the project by $10,000,000 to $20,000,000.
- Pursuant to Implementing Order (IO) 3-47, designates $10,000,000 as surplus funds.
- Approves a significant modification to Bond Program Project No. 52 - "Beach Erosion Mitigation and Renourishment Project" to increase its total allocation from $17,500,000 to $27,500,000 in order to address ongoing beach renourishment and shoreline protection needs.
- Establishes a policy that the Purchase of Development Rights program will be made whole through alternatively available funding sources in future fiscal years.

Scope

Beach Renourishment projects occur primarily within Commission District 5, which is represented by Commissioner Bruno Barreiro, Commission District 4, represented by Commissioner Sally Heyman, and Commission District 7, represented by Commissioner Xavier Suarez. However, the importance of maintaining adequate shoreline protection through beach renourishment is of countywide significance, as our beaches are critically linked to the County's tourism industry.

Fiscal Impact/Funding Source

Project No. 10 has an original allocation of $30,000,000 and an existing balance of $22,452,090. This figure includes $3,752,910 in expenditures since program inception in 2007, and planned commitments totaling approximately $3,795,000. This item reallocates $10,000,000 of those Project No. 10 funds to Project No. 52 to address ongoing beach renourishment needs in this community.

Project No. 52 Beach Renourishment originally contained a $17,500,000 allocation and has an existing balance of $366,465. This figure includes $16,712,799 in expenditures since program inception, and planned commitments totaling approximately $420,736.

Funding will be allocated to restore the balance available for the Purchase of Development Rights over a five year period beginning in FY 2019-20.

Tracking/Monitor

The Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM) will implement the beach renourishment projects and the Office of Management and Budget will monitor the funding of the projects.

Delegation of Authority
There is no additional delegation of authority related to this item.

Background
The BBC GOB Program was approved by the voters in 2004, with one (1) of the questions authorizing expenditures to: "CONSTRUCT AND IMPROVE PARKS AND RECREATIONAL FACILITIES," ("Parks Question") specifically, "To construct and improve neighborhood and regional parks and other recreational areas to include athletic fields and gymnasiums, courts, pools, playgrounds, marinas, restore beaches, and the preservation of endangered lands described in Resolution No. 913-04, adopted July 20, 2004." The Project Description for Project No. 10, one of the projects in the Parks Question, specifically allocated funds for the "purchase of greenspace including development rights to maintain agricultural lands and protect well fields."

Tourism will always be central to Miami-Dade County's economic health. This County's vast shoreline is an ecological treasure and is central to the region's number one industry. Well maintained beaches not only provide recreational opportunities for our citizens, they are also the springboard for the tourism that supports a range of secondary industries countywide. However, recent 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 our many miles of coastline.

Miami-Dade County manages 13 miles of beaches extending from Government Cut through Sunny Isles Beach. These areas are part of a federally authorized shore protection project administered by the U.S. Army Corps of Engineers (Corps), with the County serving as the local project sponsor. Project funding is generally cost shared 50/50 among federal (Corps), and non-federal (County & State) partners. The County and the State typically share the cost of the non-federal portion at a ratio of 50/50. Because of the federal and State cost sharing model, the allocation of this $10 million to the beach renourishment program actually affords us between $20 and $40 million in renourishment projects. Maintaining the County's beaches are critical for protecting infrastructure. Furthermore, the impacts of sea level rise and intensifying storm activities mean that our community will be increasingly vulnerable to more frequent and more intense storm surges. In this way, strengthening shoreline defenses against the threats posed by storm surge have been recognized as a priority by coastal communities worldwide.

As stated, the County serves as the local sponsor for beach renourishment and has recently funded several small renourishment projects from nearly depleted funds. There is no substantial funding source available to undertake a full restoration effort for any significant portion of our beach, much less to repair any major damage that might be caused by a hurricane or significant weather event. It is estimated that the total cost of a major restoration effort would be in the neighborhood of $80 million which, with federal and state assistance, would require an approximate $20 million local contribution. Even in the absence of a major storm event, funding for ongoing projects to maintain the current shoreline in the face of erosion has been depleted. Project No. 52 funds were the final remaining allocated funds for beach renourishment and they are insufficient to undertake all of the beach renourishment that currently needs to be done. Project No. 52 has a budget shortfall. Over the next 10 years, it is projected that at least $30 million will be needed to continue to renourish our beaches just to keep up with the impacts of erosion.

The Purchase of Development Rights Program was adopted by the Board on September 20, 2007, via Resolution No. R-1036-07, as a voluntary process allowing the County to acquire residential development rights associated with a particular piece of property through the purchase of conservation easements on agricultural land. The Program was revised in 2009 to accommodate compliance with the United States Department of Agriculture requirements that made the program eligible to receive matching funds. The expenditures listed above for the program to date reflect only BBC GOB expenditures. When coupled with the matching funds, the program has spent $7,147,150 on easement acquisitions over the past 11 years and received grant reimbursements for half of that amount.

It is anticipated that the program will continue to accommodate qualified, willing sellers for many years to come at its current spending rate even with this reduced initial allocation. Ultimately, the policy adopted through the attached resolution will make the program whole through future allocations of alternatively available funds as described above.

This significant modification is recommended because tourism, and specifically beach-related tourism, stands as the preeminent economic driver of our region, and because of the globally recognized importance of shoreline resiliency for this community's ecological and economic future. We will continue to explore options for ongoing funding of what will remain a perennial need in this community.

IO 3-47, which governs the BBC GOB Program, requires that an application to use surplus funds for a project with a budget shortfall must be presented to the BBC GOB Citizens' Advisory Committee (CAC). This item was presented at the July 21, 2015 CAC meeting and received a favorable recommendation. In accordance with IO 3-47, Section E, the seven (7) evaluation factors were considered and three (3) are applicable to beach renourishment and support the use of surplus funds, as follows:

3) Does the Project or New Project have a positive impact on the safety of a particular facility or area? Yes, as mentioned above, healthy beaches provide substantial storm protection benefits for public and private upland development, infrastructure, and natural resources, A resilient shoreline also protects our community against impacts from sea level rise. Finally, sufficient beach width is necessary for public safety vehicles to access all areas of the beaches and to maintain emergency response corridors.

5) Does the Project or New Project spur economic development in the project area? Yes, beach restoration has proven to spur economic development as well as maintain the economic benefits of beach-related tourism. After a major beach restoration in Miami Beach was completed in 1980, beach attendance increased from 8 million visitors in 1978 to 21 million in 1983. In 2010, visitors contributed $18.8 billion in direct expenditures to the economy of Greater Miami and $28.8 billion in direct and indirect expenditures. Studies by the Greater Miami Convention & Visitors Bureau consistently show that the area beaches rank high among the most-liked features by visitors to Greater Miami.

7) Does the Project or New Project have a positive impact on the environment of the County? Yes, restored beaches and dune systems provide environmental benefits through support of rare and endangered plant and animal species. An integral part of the County's beach erosion control program was the establishment of a viable dune system following beach restoration, including

revegetation of over 8 miles of restored beach with over 30 species of native dune plants. In addition to improving the overall function and durability of the beach, the dune provides foraging and nesting habitat for shorebirds and other animals. Also, the restoration of Miami-Dade's beaches has had an enormous impact on sea turtle populations by providing nesting areas where none existed previously. The number of successful nests countywide increased from less than ten per year prior to beach restoration to the current levels of over four hundred nests per year.

Jack Osterholt, Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: September 16, 2015

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

SUBJECT: Agenda Item No. 5(B)

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 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. 5(B)
9-16-15

RESOLUTION NO. R-763-15

RESOLUTION APPROVING SIGNIFICANT MODIFICATIONS OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 10 – "PURCHASE OF DEVELOPMENT RIGHTS" TO REDUCE ITS ALLOCATION BY $10,000,000.00, DECLARING THESE SURPLUS FUNDS, AND PROJECT NO. 52 – "BEACH EROSION MITIGATION AND RENOURISHMENT" IN ORDER TO INCREASE ITS ALLOCATION BY $10,000,000.00 OF SURPLUS FUNDS FROM PROJECT NO. 10, ALL AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04, AFTER A PUBLIC HEARING AND IN ACCORDANCE WITH IMPLEMENTING ORDER 3-47; AND ESTABLISHING A POLICY TO ALLOCATE LEGALLY AVAILABLE FUNDS IN THE FUTURE TO RESTORE FUNDING TO THE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum and documents, copies of which are incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board, after a public hearing, hereby approves the significant modification of Building Better Communities General Obligation Bond ("Bond Program") Project No. 10 – "Purchase of Development Rights" identified in Appendix A to Resolution No. R-913-04, to reduce its allocation of $30,000,000.00 by $10,000,000.00 for a new total allocation of $20,000,000.00.

Section 2. This Board declares $10,000,000.00 as surplus funds in accordance with Implementing Order 3-47 and, after a public hearing, hereby approves the significant

modification of Bond Program Project No. 52 – "Beach Erosion Mitigation and Renourishment" in order to increase its allocation of $17,500,000.00 by $10,000,000.00 for a new total allocation of $27,500,000.00, as identified in Appendix A to Resolution No. R-913-04.

Section 3. This Board hereby establishes a County policy to restore the $10,000,000.00 to the Purchase of Development Rights program through future allocations of legally available funds, and directs the County Mayor or Mayor's designee to identify and include in the fiscal year 2019-20 proposed budget, along with the four subsequent proposed budgets, legally available funds to be used for the Purchase of Development Rights program so as to ensure that by September, 2024, the full $10,000,000.00 has been budgeted and allocated to such program.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of September, 2015. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Monica Rizo Perez