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

MEMORANDUM

Agenda Item No. 8(L)(2)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	April 5, 2016
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution authorizing the disbursement of up to $98,000.00 from the Biscayne Bay Environmental Enhancement Trust Fund for Baynanza 2016; approving agreement with the Florida Inland Navigation District to provide funding to Miami-Dade County for Baynanza 2016; and authorizing Mayor to execute the agreement and exercise the provisions contained therein

Resolution No. R-277-16

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

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

Date: April 5, 2016

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

From: Carlos A. Gimenez
County Mayor

Subject: Resolution Authorizing the Disbursement of Funds from the Biscayne Bay Environmental Enhancement Trust Fund for Baynanza 2016 and Authorizing the Execution of a Related Agreement with the Florida Inland Navigation District

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Recommendation

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

- authorizes the disbursement of $98,000.00 from the Biscayne Bay Environmental Enhancement Trust Fund (Trust Fund) for Baynanza 2016; and
- authorizes the execution of a related agreement with the Florida Inland Navigation District so that the Florida Inland Navigation District can provide up to $10,000.00 toward Baynanza 2016 expenses.

Scope

The Baynanza 2016 events will benefit waterways and coastal areas of Commission Districts 3, 4, 5, 7, 8 and 9, which are represented by Commissioner Audrey Edmonson, Commissioner Sally A. Heyman, Commissioner Bruno A. Barreiro, Commissioner Xavier L. Suarez, Commissioner Daniella Levine Cava, and Commissioner Dennis C. Moss, respectively. Volunteers from all 13 Commission districts, particularly school and community groups, participate in Baynanza every year.

Fiscal Impact/Funding Source

Pursuant to Section 7-22.1 of the Code of Miami-Dade County (Code), funds generated by local boat registration fees and deposited into the Trust Fund may be used for water body maintenance and enhancement activities such as Baynanza 2016. The available balance of the Trust Fund (Index Code: TFDE400010, Subobject: 22430) is $2.9 million as of September 30, 2015.

Funding in the amount of $98,000 from the Trust Fund is needed for costs related to education, public awareness, and environmental enhancement activities that are part of Baynanza 2016, particularly Biscayne Bay Cleanup Day. More specifically, costs include event staffing, safety and sanitation equipment, supplies and services, trash collection and disposal, commemorative t-shirts for volunteers, equipment rental, and marketing. Additionally, the Florida Inland Navigation District Agreement will provide up to $10,000.00 towards Baynanza t-shirts.

The Department of Regulatory and Economic Resources' Division of Environmental Resources Management will seek additional funds and in-kind services through sponsorships from local organizations. Additional costs for the planning and implementation of this event which exceed the funding amounts shown above will be paid from the Division of Environmental Resources Management's operating budget.

Track Record / Monitor

The Assistant Director of the Department of Regulatory and Economic Resources Division of Environmental Resources Management, Lee Hefty, will monitor the activities conducted with all funds for Baynanza 2016.

Background

Baynanza is part of the County's longstanding commitment to enhance public awareness of Biscayne Bay as a recreational, aesthetic, economic, historic, scientific, and environmental resource. Baynanza is a cooperative effort among several County departments, environmental groups in Miami-Dade County, and the community at large. The main event, Biscayne Bay Cleanup Day, will take place on April 16, 2016 and will include a shoreline cleanup at 23 sites along Biscayne Bay. This event typically attracts approximately 6,000 volunteers, who each receive a Baynanza t-shirt. The t-shirts commemorate the volunteers' hard work and promote awareness of the importance of Biscayne Bay.

A variety of other events related to Biscayne Bay will be scheduled from March through April 2016, including nature walks, kayaking tours, and other similar educational activities. A special outreach event is planned for the VIP cleanup site located at Morningside Park, 750 NE 55 Terrace, Miami, Florida, in 2016 to mark the 34th anniversary of Biscayne Bay Cleanup Day.

In accordance with Chapter 24-40(4) of the Code, I have received and considered the attached recommendation of the Director of the Department of Regulatory and Economic Resources for the disbursement of funds from the Trust Fund for Baynanza 2016.

Attachment

Jack Osterholt
Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: January 15, 2016

To: Carlos A. Gimenez
Mayor

From: Jack Osterholt, Deputy Mayor, Director
Department of Regulatory and Economic Resources

Subject: Recommendation for Disbursement of Funds from the Biscayne Bay Environmental Enhancement Trust Fund for Baynanza 2016

Pursuant to Section 24-40(4) of the Code of Miami-Dade County, I am recommending the disbursement of $98,000 from the Biscayne Bay Environmental Enhancement Trust Fund for costs of County and outside contractual services related to implementation of education, public awareness, and environmental enhancement activities as part of Baynanza 2016.

Section 7-22.1 of the Code allows funds deposited into the Biscayne Bay Environmental Enhancement Trust Fund to be used for activities such as Baynanza 2016.

An agreement with the Florida Inland Navigation District will provide up to $10,000 towards expenses for Baynanza 2016. The Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM), will seek additional funds and services through sponsorships from private and public organizations. Any additional costs incurred by staff for the planning of this event will be paid from RER-DERM's operating budget.

As you know, Baynanza is part of the County's longstanding commitment to enhance public awareness of Biscayne Bay as a recreational, aesthetic, economic, historic, scientific, and environmental resource. The main event, Biscayne Bay Cleanup Day, includes shoreline cleanups at 23 sites along Biscayne Bay and will be held on April 16, 2016. Other major Baynanza 2016 events include nature walks, kayaking tours, and other similar educational activities.

MEMORANDUM

(Revised)

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

DATE: April 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(L)(2)

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. 8(L)(2)
4-5-16

RESOLUTION NO. R-277-16

RESOLUTION AUTHORIZING THE DISBURSEMENT OF UP TO $98,000.00 FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND FOR BAYNANZA 2016; APPROVING AGREEMENT WITH THE FLORIDA INLAND NAVIGATION DISTRICT TO PROVIDE FUNDING TO MIAMI-DADE COUNTY FOR BAYNANZA 2016; AND AUTHORIZING MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE THE PROVISIONS CONTAINED THEREIN

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:

Section 1. This Board, pursuant to Section 24-40 of the Code of Miami-Dade County, hereby approves the disbursement of up to $98,000.00 from the Biscayne Bay Environmental Enhancement Trust Fund to be used for Baynanza 2016.

Section 2. This Board hereby approves an agreement, in substantially the form attached as Attachment A, with the Florida Inland Navigation District by which it will provide funding to Miami-Dade County in an amount not to exceed $10,000.00 for Baynanza 2016; and authorizes the Mayor or the Mayor's designee to execute said agreement and exercise the provisions contained therein.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Xavier L. Suarez** 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	**absent**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**absent**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of April, 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell

ATTACHMENT A

AGREEMENT

This Agreement is entered into this _____ day of _____, 2016 by and between the FLORIDA INLAND NAVIGATION DISTRICT ("FIND") and MIAMI-DADE COUNTY, FLORIDA (the "Project Sponsor").

WHEREAS, Project Sponsor has requested that FIND provide a portion of the assistance needed for the 34th Baynanza, Biscayne Bay Cleanup program in Miami-Dade County including the Atlantic Intracoastal Waterway (the "Project"); and

WHEREAS, FIND is willing to provide such assistance for the volunteer clean up of the Atlantic Intracoastal Waterway in Miami-Dade County subject to the terms and provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereby agree as follows:

1. Nothing herein shall constitute a waiver by either party of Section 768.28 of the Florida Statutes.
2. Subject to the provisions of the Agreement, Project Sponsor shall coordinate the work for the Project. Project Sponsor agrees, with respect to the Project, that as between the parties to this Agreement, it shall be solely responsible for any claims for damages resulting therefrom. Project Sponsor agrees to indemnify FIND, its Commissioners, employees, and agents, from any and all liabilities, claims, costs, damages, and expenses (including court costs and attorneys' fees) arising from or related to Project Sponsor's actions regarding the Project.
3. FIND shall provide an amount not to exceed **$10,000** for the components of the project set forth on the attached Exhibit "A" (with FIND paying the Project Sponsor the amount actually spent for each component, up to the amount listed on Exhibit "A" for said component) which shall also in compliance with the District's policy on waterway clean up projects.
4. The funds to be provided by FIND to the Project Sponsor hereunder will be paid within thirty (30) days of receipt by FIND of a request for payment accompanied by supporting documentation showing expenditures equal or greater to the amount being sought from FIND.

5. Project Sponsor shall, upon request by FIND, provide a report of final expenses incurred on the Project. The Project Sponsor shall also retain all records supporting costs of the Project for three (3) years after the end of the fiscal year in which the Project is completed, except that such records shall be retained by Project Sponsor until final resolution of matters resulting from any litigation, claim, or special audit that starts prior to the expiration of the three-year retention period.
6. If Project Sponsor shall fail to fulfill in a timely and proper manner the obligations under this Agreement, or if Project Sponsor shall violate any of the covenants, terms, or stipulations of this Agreement, FIND shall thereupon have the rights to terminate this Agreement. Notwithstanding the above, Project Sponsor shall not be relieved of liability for damages or expenses as contemplated herein sustained by FIND by virtue of any breach of the Agreement by Project Sponsor.
7. Any notice or other written communications between Project Sponsor and FIND shall be considered delivered when posted by certified mail or delivered in person to the respective party at the address indicated below:

To FIND: Florida Inland Navigation District
1314 Marcinski Road
Jupiter, Florida 33477
Attention: Executive Director

To the Project Sponsor: Miami-Dade County
Environmental Resources Management Division
Environmental Education & Communication Office
701 NW 1st Court, 2nd Floor
Miami, Florida 33136-3912
Attention: Baynanza Project Manager

8. This instrument embodies the entire agreement of the parties. There are no provisions, terms, conditions or obligations other than those contained herein; and this Agreement shall supersede all previous communication, representation or agreements, either verbal or written between the parties hereto. This Agreement shall not be modified unless in writing and signed by both parties hereto.

9. This Agreement shall be interpreted and construed pursuant to the laws of the State of Florida. In the event of any litigation arising hereunder, the prevailing party shall be entitled to reasonable costs including attorney' fees, at the trial, appellate and post-judgment levels. The venue of any such litigation shall be had only in the courts of Palm Beach County, Florida.
10. The rights and duties arising under this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. Neither party may assign this Agreement nor any interest hereunder without the express prior written consent of the other party.
11. Waiver of a breach of any provision of this Agreement shall not be deemed a waiver of any other breach of the same or different provision.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as of the date first above written.

FLORIDA INLAND NAVIGATION DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

ATTEST: By: _____

Name: _____

MIAMI-DADE COUNTY

By: _____

Name: _____

Title: _____

Date: _____

ATTEST: By: _____

Name: _____

EXHIBIT A

Baynanza Biscayne Bay Cleanup Day 2016 Budget		
Description	**Cost**	**Contributions**
Sanitation Equipment & Supplies (toilets, dumpsters, recycle trash, biohazard disposal)	$ 10,000	
Commemorative t-shirts (7,200 shirts)	$ 26,000	From FIND $ 10,000
Staff Day of the Event	$ 24,000	
Staff Event Planning	$ 15,000	
Event Supplies (water, ice, garbage bags, etc.) for the volunteers	$ 2,500	
Cargo Equipment Rental / Services / Storage PODs / Parks Showmobile	$ 6,000	
Site Signage and Banners	$ 500	
Commemorative Calendar of Events	$6,500	
Miscellaneous Supplies	$ 1,000	
Registration Forms (2,000 copies)	$ 500	
Cleanup Sites Organizer's Kit (Safety kits, etc)	$ 2,000	
Postage	$ 2,000	
Transportation (Vehicles / Vans)	$ 2,000	
Total	**$98,000**	**$10,000**

EXHIBIT B

FLORIDA INLAND NAVIGATION DISTRICT

WATERWAY CLEAN UP PROGRAM POLICY

The following constitutes the policy of the Florida Inland Navigation District (FIND) regarding the provision of funding for organized clean up programs for the waterways within the District.

1. The District shall fund a maximum of one clean up program per waterway, per year within a county, except for the provisions of items 7 through 9, below

2. The cleanup program must be sponsored by a government agency or a not-for-profit corporation.

3. District funding shall be limited to *$5,000.00* per waterway, per county, except for the provisions of items 7 through 9, below.

4. The District shall be recognized in all written, audio or video advertising and promotions as a participating sponsor of the clean up program.

5. The funding provided by the District shall only be allocated to reimburse the applicant for out of pocket expenditures related to specific cleanup program expenses such as trash bags, trash collection, gloves, advertising, T-shirts etc. The funding provided by the District shall not be allocated for parties, food or beverages.

6. The District Board shall make all final decisions concerning the provision of funding for a cleanup program.

In addition to the above requirements, a cleanup program implementing all of the following additional incentives will qualify for up to additional $5,000 in clean up funds.

7. The clean up program budget must provide equal or greater matching funds for all Navigation District funding.

8. The applicant shall tally and report the composition and location of the waterway-related debris, with the goal to show definitive progress in the amount of refuse collected, a reduction in the overall debris in the waterway, or an increase in the number of additional waterway areas included in the clean up.

9. For each additional $1,000 in Navigation District funding, the applicant shall coordinate a minimum of one waterway collection point or clean up area, or an applicant can conduct an additional waterway cleanup program for the waterway areas.

Approved November 14, 2008