

Memorandum



Date: March 11, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a faint circular stamp or watermark.

Subject: Florida Mitigation Assistance Program Arch Creek Repetitive Loss Mitigation Grant Application

FC

Agenda Item No. 3(E)

Recommendation

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

- Ratifies the actions of the County Mayor's designee in applying for State of Florida Flood Mitigation Assistance funds in the amount of \$2,251,265. The short turnaround time imposed by the State of Florida application deadline, did not allow sufficient time for the processing of the resolution and its approval by the Board prior to submission of the application.
- Authorizes the County Mayor or the Mayor's designee to receive and expend grant funds, and to execute such contracts, agreements, Memoranda of Understanding (MOU), and amendments, as may be required pursuant to program guidelines, following review for form and legal sufficiency by the County Attorney's Office.
- Authorizes the County Mayor or the Mayor's designee to apply for, receive, and expend additional funds that may become available under this program for this purpose; to file and execute any amendments to the application for and on behalf of the County; and to exercise amendments, modifications, renewal, cancellation, and termination clauses of any contracts and agreements, following review by the County Attorney's Office for form and legal sufficiency.

The project will support the demolition and reconstruction of six repetitive loss properties and seven severe repetitive loss properties located in the Arch Creek Basin Area, which is in the Arch Creek Estates and Alex Estates Subdivisions of the City of North Miami, FL. Mitigating these homes through reconstruction will bring them up to compliance with current building codes and best practices for flood protection.

Scope

The 13 properties are located in Commission District 2, which is represented by Commissioner Jean Monestime.

Fiscal Impact/Funding Source

The grant request of \$2,251,265 requires a local, cost-share formula match of \$107,864. The match will come from Quality Neighborhood Improvement Program (QNIP) funds budgeted for District 2. QNIP funds can only be used for public projects. More specifically, QNIP funds capital infrastructure projects in unincorporated Miami Dade County. Since 1999, the County has issued Florida Public Service Tax Revenue Bonds Unincorporated Municipal Service Area (UMSA Public Improvements), for what has become known as QNIP projects in each of the County's 13 Board of County Commission districts. Projects include new or repaired sidewalk installation, drainage improvements, roadway resurfacing, and park facility improvements.

Track Record/Monitoring

The Grants Coordination Division of the Office of Management and Budget will monitor and process the disbursement and expenditure of grant funds, and manage programmatic and fiscal reporting in accordance with project reporting and auditing procedures stipulated by the State of Florida and by the Federal Emergency Management Agency (FEMA), as these funds are passed-through the State of Florida Division of Emergency Management from the federal government.

Background

The Grants Coordination Division applied for a grant in the amount of \$2,251,265 to assist insured property owners in the Arch Creek Subdivision of Miami-Dade County. The 13 properties to be assisted with the grant and QNIP funds are located between NE 12 and NE 18 Avenues, from NE 143 Street to the North and NE 148 Street to the South. Each property owner has processed two or more repetitive loss claims with their insurers, as a result of flooding in prior years. A list of eligible properties for this project with repetitive losses was compiled by the County's Public Works and Waste Management Department's Stormwater Utility Planning Division. Income status was not a FEMA or State of Florida Flood Mitigation Assistance Program required consideration in determining eligibility.

To assist the 13 property owners in accessing contractors, the Office of Management and Budget's Grants Coordination Division will establish a list of certified contractors based on County guidelines. Property owners shall select their own contractors. Contract agreements will be executed between the property owners and the contractors, to ensure compliance with the terms and conditions of the FEMA and state funded grant project. The County will execute a contract with each contractor to ensure compliance with the terms and conditions of the FEMA and state funded grant project; to facilitate payment at the completion of construction, upon a final approved inspection by the County; and following the property owner's sign-off on a work completion, payment authorization agreement. The County will execute a separate contract with each property owner to ensure compliance with the terms and conditions of the FEMA and state funded grant project.

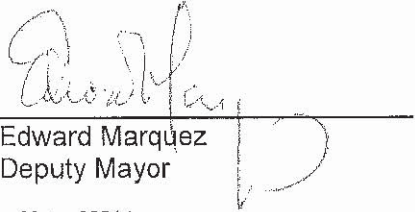
As required by FEMA, grant funds will be used to cover 90 percent of the cost for mitigation reconstruction for property owners with repetitive losses. The six property owners with repetitive losses will pay the required 10 percent of construction costs to the County following the County's payment in-full to the contractor. For the seven property owners with severe repetitive losses, grant funds will cover 100 percent of the reconstruction mitigation costs, up to the maximum amount of \$150,000 per property allowable by FEMA for mitigation reconstruction activity.

Currently, the properties are inhabited by the property owners or leased to tenants. Any lease agreements are only between property owners and their tenants. The reconstruction project period is estimated at 24 months and grant funds may also cover the temporary relocation costs for up to 13 families pursuant to FEMA's Uniform Relocation Assistance Guidelines. Payments for relocation assistance and rental assistance may be made for up to eight months on behalf of families, as documented and approved by the County.

All 13 properties will be reconstructed above the base flood elevation of seven feet (National Geodetic Vertical Datum), with the minimum FreeBoard (distance measured vertically between a FEMA Base Flood Elevation and the bottom of the building support structure in a FEMA "V" Zone, or the top of a finished floor in a FEMA "A" Zone) established by the latest Florida Building Code, International Code Council or Chapter 11 C of the Code of Miami-Dade County, whichever is more restrictive.

Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners
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The subdivisions in this area were constructed prior to the establishment of minimum fill requirements, and do not comply with Miami-Dade County Public Works Manual, Section D4, which requires that all roads have an elevation to conform with the 10-year highest water level, expressed by the County Flood Criteria Map. The homes in the two subdivisions have endured ongoing damage as a result of flooding.



Edward Marquez
Deputy Mayor

Mayor03214




MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 8, 2014

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

SUBJECT: Agenda Item No.

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.
4-8-14

RESOLUTION NO. _____

RESOLUTION RATIFYING ACTION OF COUNTY MAYOR'S DESIGNEE IN APPLYING FOR \$2,251,265.00 IN STATE OF FLORIDA FLOOD MITIGATION ASSISTANCE PROGRAM FUNDS; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO RECEIVE AND EXPEND FUNDS AND TO EXECUTE SUCH CONTRACTS, AGREEMENTS, MEMORANDA OF UNDERSTANDING, AND AMENDMENTS AFTER APPROVAL FOR FORM AND LEGAL SUFFICIENCY BY THE COUNTY ATTORNEY'S OFFICE; AND AUTHORIZING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE, AND EXPEND ADDITIONAL FUNDS THAT MAY BECOME AVAILABLE UNDER THIS PROGRAM

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 this Board:

Section 1. Ratifies the action of the County Mayor's designee in applying for State of Florida Flood Mitigation Assistance funds in the amount of \$2,251,265.00, with a required local, cost-share formula match of \$107,864.00, for the Florida Mitigation Assistance Arch Creek Repetitive Loss Mitigation Grant Project administered by the County's Office of Management and Budget, Grants Coordination Unit.

Section 2. Authorizes the County Mayor or the Mayor's designee to receive and expend funds, and to execute such contracts, agreements, Memoranda of Understanding, and amendments, after approval for form and legal sufficiency by the County Attorney's Office, as may be required pursuant to program guidelines, and to exercise amendments, modifications, renewal, cancellation, and termination clauses of any contracts and agreements, following review for form and legal sufficiency by the County Attorney's Office.

Section 3. Authorizes the County Mayor or the Mayor's designee to apply for, receive, and expend additional funds that may become available under this program; and to file and execute any amendments to the application and future applications for and on behalf of the County.

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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of April, 2014. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Estephanie S. Resnik