

MEMORANDUM

Agenda Item No. 8(L)(1)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: November 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the
disbursement of up to \$98,000.00
from the Biscayne Bay
Environmental Enhancement
Trust Fund for Baynanza 2023;
approving agreement with the
Florida Inland Navigation
District to provide up to
\$10,000.00 in funding to Miami-
Dade County for Baynanza 2023;
and authorizing the County
Mayor to execute the agreement
and exercise the provisions
contained therein

Resolution No. R-1105-22

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



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: November 15, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Resolution Authorizing the Disbursement of Funds from the Biscayne Bay Environmental Enhancement Trust Fund for Baynanza 2023 and Authorizing the Execution of a Related Agreement with the Florida Inland Navigation District

Executive Summary

The purpose of this item is to gain authorization by the Board of County Commissioners for a disbursement of up to \$98,000.00 from the Biscayne Bay Environmental Enhancement Trust Fund (Trust Fund) for Baynanza 2023. This disbursement will be used to conduct County services and outside services for educational, public awareness, and other environmental enhancement activities as part of Baynanza 2023, including Biscayne Bay Cleanup Day. This year is the 41st anniversary of Baynanza Biscayne Bay Cleanup Day, which will take place on April 15, 2023, and will include shoreline cleanup at over 25 sites along Biscayne Bay. The agreement with the Florida Inland Navigation District will provide up to \$10,000.00 toward Baynanza 2023 expenses. 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.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the disbursement of up to \$98,000.00 from the Biscayne Bay Environmental Enhancement Trust Fund (Trust Fund) for Baynanza 2023 and approve and authorize the execution of a related agreement with the Florida Inland Navigation District to provide up to \$10,000.00 toward Baynanza 2023 expenses.

Scope

Biscayne Bay is critically important both ecologically and economically to all of Miami-Dade County, and Baynanza welcomes participants from all County commission districts. Events scheduled for Baynanza 2023 will take place in coastal areas of Commission Districts 3, 4, 5, 7, 8 and 9, which are represented by Commissioner Keon Hardemon, Commissioner Sally A. Heyman, Commissioner Eileen Higgins, Commissioner Raquel A. Regalado, Commissioner Danielle Cohen Higgins, and Commissioner Kionne L. McGhee, respectively.

Delegation of Authority

The attached resolution delegates authority to the County Mayor or County Mayor’s designee to execute the attached agreement with the Florida Inland Navigation District for and on behalf of Miami-Dade County and to exercise the provisions contained therein.

Fiscal Impact/Funding Source

The Biscayne Bay Environmental Enhancement Trust Fund (Trust Fund) may be used for certain activities related to the environmental enhancement of Biscayne Bay, such as Baynanza 2023. The available balance of the Trust Fund as of August 30, 2022, is \$8,796,359.00.

Funding in the amount of up to \$98,000.00 from the Trust Fund is requested for costs related to County services and outside services for educational, public awareness, and other environmental enhancement activities as part of Baynanza 2023, including Biscayne Bay Cleanup Day. Costs for Biscayne Bay Cleanup Day include event staffing,

safety, and sanitation equipment, supplies and services, trash collection and disposal, commemorative t-shirts for volunteers, equipment rental, and marketing. The agreement with the Florida Inland Navigation District will provide up to \$10,000.00 toward Baynanza t-shirts. The agreement is Attachment A to the resolution.

The Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM) will seek additional funds and in-kind services through sponsorships from local organizations.

Track Record/Monitor

The Interim Assistant Director of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, Rashid Z. Istambouli, P.E., will monitor the activities associated with Baynanza 2023.

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. This year is the 41st anniversary of Baynanza Biscayne Bay Cleanup Day, which will take place on April 15, 2023, and will include shoreline cleanup at over 25 sites along Biscayne Bay. The Cleanup Day typically attracts approximately 6,000 volunteers, and each participant receives a Baynanza t-shirt. The t-shirts commemorate the volunteers’ effort and help to promote ongoing awareness of the importance of protecting Biscayne Bay.

A variety of other events related to Biscayne Bay Cleanup Day will be scheduled from March through April 2023, including nature walks, kayaking tours, and other similar environmental educational activities. A special outreach event is planned to mark the 41st anniversary of Biscayne Bay Cleanup Day for the selected VIP cleanup site. The disbursement authorized by the attached resolution will fund Biscayne Bay Cleanup Day and the related events in March and April 2023.

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 Biscayne Bay Environmental Enhancement Trust Fund for Baynanza 2023.



Jimmy Morales
Chief Operations Officer

Memorandum



Date: November 15, 2022

To: Daniella Levine Cava
Mayor

From: Lourdes M. Gomez, Director
Department of Regulatory and Economic Resources

Subject: Recommendation for Disbursement of Funds from the Biscayne Bay Environmental Enhancement Trust Fund for Baynanza 2023

Pursuant to section 24-40(4) of the Code of Miami-Dade County (Code), I am recommending the disbursement of up to \$98,000.00 from the Biscayne Bay Environmental Enhancement Trust Fund for costs of County and outside contractual services related to implementation of educational, public awareness, and other environmental enhancement activities as part of Baynanza 2023.

The Biscayne Bay Environmental Enhancement Trust Fund may be used for certain activities related to the environmental enhancement of Biscayne Bay such as Baynanza 2023.

An agreement with the Florida Inland Navigation District will provide up to \$10,000.00 towards expenses for Baynanza 2023. The Department of Regulatory and Economic Resources, Division of Environmental Resources Management, will seek additional funds and services through sponsorships from private and public organizations.

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. This year is the 41st anniversary of Baynanza, and the main event, Biscayne Bay Cleanup Day, on April 15, 2023, will include over 25 shoreline cleanup sites across Biscayne Bay. This event typically attracts approximately 6,000 volunteers, each of whom will receive a Baynanza t-shirt which promotes the importance of protecting Biscayne Bay and commemorates the volunteers' hard work. Other major Baynanza 2023 events include nature walks, kayaking tours, and other related environmental educational activities.



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: November 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(L)(1)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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)(1)
11-15-22

RESOLUTION NO. _____ R-1105-22

RESOLUTION AUTHORIZING THE DISBURSEMENT OF UP TO \$98,000.00 FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND FOR BAYNANZA 2023; APPROVING AGREEMENT WITH THE FLORIDA INLAND NAVIGATION DISTRICT TO PROVIDE UP TO \$10,000.00 IN FUNDING TO MIAMI-DADE COUNTY FOR BAYNANZA 2023; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY 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:

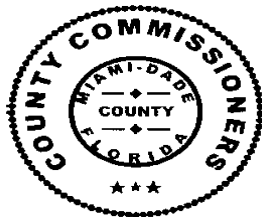
Section 1. This Board, pursuant to section 24-40 of the Code of Miami-Dade County, hereby approves the disbursement of up to \$98,000.00 from the Biscayne Bay Environmental Enhancement Trust Fund to be used for Baynanza 2023.

Section 2. This Board hereby approves an agreement, in substantially the form attached hereto 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 2023; and authorizes the County Mayor or County 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 **Oliver G. Gilbert, III**
 and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Kionne L. McGhee	aye
Jean Monestime	aye	Raquel A. Regalado	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	absent

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of November, 2022. 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

Basia Pruna

By: _____
 Deputy Clerk

Approved by County Attorney as
 to form and legal sufficiency.

A handwritten signature in cursive script, appearing to read "CMR".

Cristina M. Rabionet

ATTACHMENT A

2022-2023 WATERWAY CLEANUP AGREEMENT

This Agreement is entered into this ____ day of _____, 20__ 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 41st 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 Florida Statutes.
2. Subject to the provisions of the Agreement, Miami-Dade County shall coordinate the work for the Project.
3. The COUNTY does hereby agree to indemnify and hold harmless the FLORIDA INLAND NAVIGATION DISTRICT to the extent and within the limitations of Section 768.28 Florida Statutes, subject to the provisions of that Statute whereby the COUNTY shall not be held liable to pay a personal injury or property damage claim or judgment by any one person which exceeds the sum of \$200,000, or any claim or judgments or portions thereof, which, when totaled with all other occurrence, exceeds the sum of \$300,000 from any and all personal injury or property damage claims, liabilities, losses and causes of action which may arise solely as a result of the negligence of the COUNTY. However, nothing herein shall be deemed to indemnify the FLORIDA INLAND NAVIGATION DISTRICT from any liability or claim arising out of the negligent performance or failure of performance of the FLORIDA INLAND NAVIGATION DISTRICT or any unrelated third party.
4. 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 cleanup projects.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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 Planning & Development Outreach
 701 NW 1st Court, 4th Floor
 Miami, Florida 33136-3912
 Attention: Baynanza Project Manager

10. 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.

11. 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.
12. 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.
13. 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 2023 Budget		
Description	Cost	Contributions
Sanitation Equipment & Supplies (toilets, dumpsters, recycle trash, biohazard disposal)	\$10,000	
Commemorative t-shirts (8,000 shirts)	\$30,000	From FIND \$10,000
Staff Day of the Event	\$24,000	
Staff Event Planning	\$13,000	
Event Supplies (water, ice, garbage bags, etc.) for the volunteers	\$2,500	
Cargo Equipment Rental / Services / Parks Showmobile	\$4,000	
Site Signage and Banners	\$2,000	
Commemorative Calendar of Events	\$5,500	
Miscellaneous Supplies	\$3,000	
Cleanup Sites Organizer's Kit (Safety kits, etc)	\$1,000	
Postage	\$1,000	
Transportation (Vehicles / Vans)	\$2,000	
Total	\$98,000	\$10,000

EXHIBIT B

FLORIDA INLAND NAVIGATION DISTRICT WATERWAY CLEAN UP PROGRAM RULES (66B-2.016 Waterways Cleanup Events)

Proposals shall be accepted for financial assistance for the organized removal of refuse within the District's waterways. The applicable provisions of Rule 66B-2 apply to these applications with the following additions or exceptions:

- (1) **Application Procedure:** Prior to the event, a request for funding shall be submitted to the District by means of a cover letter detailing the occurrence of the cleanup, contact information, a map of the cleanup locations and the general parameters of the event. In addition, the Applicant will submit a detailed budget clearly delineating the expenditure of all District funds, as well as the overall general budget of the event. Proposals may be submitted to the District and considered by the Board at any time during the year.
- (2) **Availability:** The District shall fund a maximum of one clean-up program per waterway, per year within a county, with exception to the provisions of items (8) through (10), below.
- (3) **Applicant Eligibility:** The clean-up program must be sponsored by a government agency or a registered not-for-profit corporation.
- (4) **Funding:** District funding shall be limited to \$5,000.00 per waterway, per county, except for the provisions of items (8) through (10), below.
- (5) The District shall be recognized in all written, on-line, audio or video advertising and promotions as a participating sponsor of the clean-up program.
- (6) **Funding Eligibility:** 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, haul and landfill fees, gloves, advertising, T-shirts, and related expenses. The funding provided by the District shall not be allocated for parties, meetings, food or beverages.
- (7) The District Board shall make all final decisions concerning the provision of funding for a cleanup program.

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

- (8) The clean-up program budget must provide equal or greater matching funds for all Navigation District funding.
- (9) 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.
- (10) 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.