



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

<b>Fiscal Years</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>Capital Expenditures</b>	_____	_____	_____	_____	_____
<b>Operating Costs</b>	<u>\$2,233,425</u>	_____	_____	_____	_____
<b>External Revenues</b>	<u>(\$2,000,000)</u>	_____	_____	_____	_____
<b>Program Income (County)</b>	_____	_____	_____	_____	_____
<b>In-Kind Match (County)</b>	<u>\$233,425</u>	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>\$0</u>	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

**Is Item Included in Current Budget?** Yes \_\_\_\_\_ No x  
**Budget Account No.:** Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ RSRC \_\_\_\_\_  
 Program \_\_\_\_\_

- B. Recommended Sources of Funds/Summary of Fiscal Impact**  
 FDEP Grant Disbursement \$2,000,000  
 General Fund In-kind Match (0001/380/3159/var) \$233,425  
 for Administration and Monitoring  
 Balance of match (1,766,575) to be provided by sub-receptients.
- C. Department Fiscal Review:**

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and /or Contract Administrator Comments:**

*John D. ... 9/16/06*  
*9/22/06 PM*  
*9-20-06*

*Ar J. Jacolot 9/28/06*  
 Contract Administrator  
 JW

**B. Legal Sufficiency:**

**This amendment complies with our review requirements.**

*Monor Toy*  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**Background and Justification:** Since 1998, the State Legislature has supported the restoration and enhancement of Lake Worth Lagoon by appropriating a total of \$12.3 million for the Lake Worth Lagoon Partnership Grant Program. The County acts as the grant administrator and facilitates a "Request for Proposals" process to solicit projects from local sponsors.

A qualified project is deemed to be a construction project designed to have measurable improvement to the Lake Worth Lagoon. A total of 37 construction projects to benefit the lagoon have been selected to receive funding.

Attachment 1

**STATE FINANCIAL ASSISTANCE AGREEMENT  
AMENDMENT 1 TO GRANT ASSISTANCE AGREEMENT LP6046  
PALM BEACH COUNTY**

**PURSUANT TO LINE ITEM 1821 OF THE 2006 - 2007 GENERAL APPROPRIATIONS ACT**

THIS AGREEMENT as entered into April 27, 2006 between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department" or "DEP") and PALM BEACH COUNTY (hereinafter referred to as "Grantee" or "Recipient") is hereby amended.

WHEREAS, paragraph 2 allows for the inclusion of additional services if additional funding is made available; and,

WHEREAS, the Legislature provided additional funds for the project; and,

WHEREAS, the Department desires to add funds for an additional service period to extend the Agreement period to June 30, 2009; and,

WHEREAS, the maximum compensation amount of the Agreement will be increased by \$2,000,000 to provide funding for the second service period; and,

WHEREAS, other changes to the Agreement are necessary.

NOW THEREFORE, the parties hereto agree as follows:

1. Paragraph 2 is hereby revised to extend the completion date of the Agreement from March 31, 2009 to June 30, 2009.
2. Paragraph 3A is hereby revised to increase the maximum compensation amount of the Agreement from \$1,000,000 to \$3,000,000 (an increase of \$2,000,000). The parties hereto agree that the Grantee is responsible for providing an additional match of \$2,000,000 for a total match amount of \$3,000,000 toward the project described in Attachment A.
3. Paragraph 9 is hereby revised to change the website listed to <https://apps.fldfs.com/fsaa>.
4. Attachment A-1, Project Work Plan is attached hereto and made a part of the Agreement providing for the additional funds appropriated.
5. Attachment D, Special Audit Requirements, is hereby deleted in its entirety and replaced with **Attachment D-1, Revised Special Audit Requirements**, attached hereto and made a part of the Agreement. All references in the Agreement to Attachment D shall hereinafter refer to **Attachment D-1, Revised Special Audit Requirements**.

In all other respects, the Agreement of which this is an Amendment and attachments relative thereto, shall remain in full force and effect.

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4

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed the day and year last written below by the Director of the Department.

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

By: \_\_\_\_\_  
Chairman, Tony Masilotti

By: \_\_\_\_\_  
Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

FEID No.: \_\_\_\_\_

\_\_\_\_\_  
Grant Manager

APPROVED AS TO FORM AND LEGAL SUFFICITNCY

BY \_\_\_\_\_  
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

BY Richard E. Walesky  
Richard E. Walesky, Director  
Department of Environmental Resources Management

Attachments/Exhibits included as part of this Amendment:

Specify Type	Letter/ Number	Description (including number of pages)
Attachment	A-1	Revised Project Work Plan - (3 Pages)
Attachment	D-1	Revised Special Audit Requirements (5 Pages)

5

## ATTACHMENT A - I PROJECT WORK PLAN

*Please complete this form with as much detail as possible*

**I. GRANTEE/PROJECT INFORMATION:**

<b>Grantee:</b>	<b>Palm Beach County Board of County Commissioners</b>
<b>Project Title:</b>	<b>Lake Worth Lagoon Restoration</b>
<b>DEP Grant #:</b>	<b>LP6046/1</b>

**II. FUNDING PLAN:**

Category of Expenditure	2006-2007 LP Grant Funds Provided	2006-2007 Match Required	Total 2006-2007 Funding
Professional Services		\$95,000	\$95,000
Construction & Demolition	\$1,766,575	\$1,671,575	\$3,438,150
Land			
Equipment			
Other - Monitoring	\$200,000	\$200,000	\$400,000
Other - Grant Administration	\$33,425	\$33,425	\$66,850
<b>Total</b>	<b>\$2,000,000</b>	<b>\$2,000,000</b>	<b>\$4,000,000</b>

**III. SCOPE OF WORK:** (e.g., specifications, task timeline within current authorized Agreement period, method or manner of performance, requirements, quarterly cash needs, etc.)

There are six sub-projects as follows:

**1. Westgate/Belvedere Homes Community Redevelopment Agency: North Westgate Infrastructure Improvements Project, Phase IV**

The North Westgate Infrastructure Improvements Project – Phase IV will improve the existing drainage basin within a residential neighborhood which was developed prior to the requirements for water quality treatment. Improvements to the approximate 64.7-acre basin during Phase IV include approximately 4.5 miles of infrastructure improvements within the North Westgate area (e.g., construction of detention areas, regrading of swales, and replacement of the existing septic sewer system with a sanitary sewer system). Benefits of the project include a reduction in groundwater and surface water loadings of pollutants such as metals, nutrients, oxygen depleting materials and sediments within the contributing drainage area of the C-51 Canal.

The improvement project will benefit the Lagoon system in two ways. First, the retrofitting of the stormwater retention system which includes improving the swales, and constructing retention areas with new control structures, will help provide better water quality for the runoff which enters the Lagoon. Water quality improvements will be made prior to discharge into the adjacent canal system. Second, the infrastructure improvements will provide the residents with a sanitary sewer system which will replace the current septic system. This will eliminate the sewage which is being discharged by the septic systems into the groundwater which seeps into canals. The stormwater detention will also attenuate stormwater discharge rates and thereby reduce flooding potential to the area. The discharge attenuation will also help reduce peak discharges to the C-51 Canal and LWL.

Project Start: January 2006  
Construction Start: May 2007

6

Construction End: May 2008  
Project Completion: July 2008

## **2. City of West Palm Beach: 23<sup>rd</sup>, 26<sup>th</sup>, and 33<sup>rd</sup> Streets Pollution Control Device Project**

The City's recent Storm Water Master Plan outlines several measures to be taken to reduce pollutants discharged to the Lagoon via the City's storm water runoff. These measures include installation of pollution control devices (Suntree Nutrient Separating Baffle Box), drainage and sanitary pipe replacements, exfiltration systems and lake detention systems. This project includes the installation of storm water Pollution Control Devices (PCD's; Suntree Nutrient Removal Baffle Box) on three of the City's primary drainage system pipes (23<sup>rd</sup>, 26<sup>th</sup>, and 33<sup>rd</sup> Streets) that outfall directly to the Lake Worth Lagoon.

The purpose of the Pollution Control Devices is to reduce the amount of trash, oils, greases and suspended solids entering the Lagoon in an attempt to reverse the adverse impacts caused by decades of untreated stormwater runoff. Each of these project sites will be surveyed to determine the appropriate locations for these devices. It is anticipated that the devices will be located near the outfall discharge point of each drainage system and within the City's right of way for easy access and cleaning. Required pipe relocations and or replacements/improvements immediately upstream of the structures and downstream to the outfall discharge point are also included in the project scope of work. The project will enhance water quality of runoff from a 389.2-acre watershed before it enters Lake Worth Lagoon. Pollution Control Devices have been reported to have the following treatment efficiencies: 75-90% removal of total suspended solids, 45-70% removal of nutrients (phosphorous and nitrogen) and 75-90 % removal of heavy metals. The City will estimate the pollutant load reduction of the installed storm water improvements in accordance with accepted design methods.

Project Start: May 2006  
Construction Start: September 2006  
Construction End: September 2008  
Project Completion: December 2008

## **3. Town of Hypoluxo: Sewering of Hypoluxo Shores**

The Town of Hypoluxo is located on Lake Worth Lagoon and directly impacts the water body. There are 28 residential lots located east of US Highway 1 that use septic tanks for wastewater treatment. The septic systems are more than 50 years old and some are located within close proximity to Lake Worth Lagoon, in some cases, 10 feet from the edge of water. By removing the aging septic system, septic loading to the lagoon from these residences will be eliminated.

Project Start: October 2006  
Construction Start: August 2007  
Construction End: February 2008  
Project Completion: May 2008

## **4. Boynton Beach/Ocean Ridge Mangrove Planter/Revetment**

The proposed mangrove planter/revetment project is designed to protect an approximate 30 acre mangrove area, including a 2,400 foot mangrove fringe that has slowly eroded by boat wakes. The project will consist of the placement of approximately 6,400 tons of limestone boulders along the mangrove fringe and, where practical, construction of a linear mangrove planter between the rock and existing mangroves consisting of filter fabric filled with sand and soil amendments and planted with red mangroves and Spartina. These mangroves provide important habitat for many species of fish and wildlife and improve water quality. The rock revetment, by nature of its makeup and location, will serve not only as fortification of the mangroves but also act as a shallow water artificial reef that is conducive as substratum for oysters and other attaching organisms.

7

Project Start: July 2006  
 Construction Start: January 2008  
 Construction End: October 2008  
 Project Completion: November 2008

**5. Lake Worth Lagoon Monitoring**

The continuing Lake Worth Lagoon Monitoring Project will consist of various sub-projects with the overall objective being to determine whether the Lagoon's environmental health is improving based on the implementation of construction projects designed to benefit the Lagoon's habitat and water quality. The subprojects for State Fiscal Year 2006-2007 will include:

- Continuation of USGS Sediment Transport Study;
- Sediment Sourcing and Sediment Management Study;
- Substrate Characterization Study;
- Sea Turtle Netting Survey; and
- Fishery Survey.

Project Start: January 2007  
 Project Completion: June 2009

**6. Grant Administration**

Administrative functions provided by County staff for the Lake Worth Lagoon Restoration and Enhancement Projects include the following:

- Preparation and administration of subgrants associated with individual projects;
- Site inspections to track compliance with the terms of subgrantees contracts;
- Review of subgrantees invoices, progress reports and site inspection reports, consistent with individual contracts and Scopes of Services;
- Prepare Grant Manager and Engineer Certifications;
- Preparation of reports submitted to the Department on project status and funding; and
- Preparation of project modifications to the Scope of Services as may be appropriate and coordination of contract modifications with the Department and subgrantees.

Project Start: January 2007  
 Project Completion: June 2009

**IV. PROJECT MILESTONES:**

If the scope of work includes construction:  
 Estimated Construction start date: June 2006  
 Estimated scope of work completion date: June 2009

**V. LOCAL MATCH & OTHER GRANT FUNDS:**

List the sources and amounts for all funds being used to fund this project.

SOURCE	AMOUNT(\$)
2006-2007 LP grant	\$2,000,000
2006-2007 Match:	
PBC Gas tax Reserves – District 2 (Project 1)	\$400,000
Storm Water Bond Fund (Project 2)	\$500,000
Town of Hypoluxo Reserves (Project 3)	\$400,000
PBC Vessel Registration Fees, PBC Annual Restoration Funds (Project 4)	\$466,575
In-Kind (Lake Worth Lagoon Monitoring)	\$200,000
Ad-Valorem (Grant Administration)	\$33,425
Total Project Cost	\$4,000,000

8

## ATTACHMENT D-1

### SPECIAL AUDIT REQUIREMENTS

The administration of resources awarded by the Department of Environmental Protection (*which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the contract/agreement*) to the recipient (*which may be referred to as the "Contractor", Grantee" or other name in the contract/agreement*) may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this attachment.

#### MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this Agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department of Environmental Protection determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer or Auditor General.

#### AUDITS

##### PART I: FEDERALLY FUNDED

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the recipient expends \$500,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this Agreement indicates Federal funds awarded through the Department of Environmental Protection by this Agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department of Environmental Protection. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions of OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1., the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the recipient expends less than \$500,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).
4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at <http://12.46.245.173/cfda/cfda.html>.

##### PART II: STATE FUNDED

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2)(m), Florida Statutes.

1. In the event that the recipient expends a total amount of State financial assistance equal to or in excess of \$500,000 in any fiscal year of such recipient, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this Agreement indicates State financial assistance awarded through the Department of Environmental Protection by this Agreement. In determining the State financial assistance expended in its fiscal year, the recipient shall consider all sources of State financial assistance, including State financial assistance received from the Department of Environmental Protection, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.
2. In connection with the audit requirements addressed in Part II, paragraph 1; the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission