

Revised Backup

Agenda Item #:

5A-1

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: February 15, 2011

☐ Consent ☒ Regular  
☐ Public Hearing

Department: Legislative Affairs

Submitted By: Legislative Affairs

Submitted For: Legislative Affairs

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: the proposed 2012 Federal Legislative Program.

**Summary:** Staff requests the Board approval of the proposed FY2012 Federal Legislative Program, which includes priority appropriations and legislative issues, general appropriations and general issues to monitor. The Federal Legislative Agenda outlines issues the County's Legislative Affairs Department, in conjunction with the County's federal lobbyist, will be working on for the upcoming Congressional session .  
Countywide (DW)

**Background and Policy Issues:** Each year the Board of County Commissioners adopts a program of legislative and appropriation priorities for the Session of Congress.

**Attachments:**

1. Proposed FY2012 Federal Legislative Program

Recommended by:

  
Department Director

1/28/11  
Date

Approved By:

  
County Administration

Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact: N/A

Fiscal Years	20____	20____	20____	20____	20____
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____*	_____	_____	_____	_____
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_  
Object \_\_\_\_\_ Reporting Category \_\_\_\_\_

### B. Recommended Sources of Funds/Summary of Fiscal Impact: N/A

There is no fiscal impact associated with this item.

### C. Departmental Fiscal Review:

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Edizaluth Bloesh 2/10/11 N/A  
OFMB 2/10/11 2-10-11 pm 2-10-11 Contract Dev. and Control

### B. Legal Sufficiency:

[Signature] 2-10-11  
Assistant County Attorney

### C. Other Department Review:

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

REVISED 9/03  
ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS  
DRAFT FEDERAL AGENDA FY2012

**PALM BEACH COUNTY PRIORITY ISSUES**

**ECONOMIC DEVELOPMENT AND FINANCE**

- Jobs Creation Legislation
- South Florida Inland Port
- Housing and Foreclosure Relief
- Broadband Initiatives
- Three Percent Withholding Tax on County Purchases
- Restore the Partnership Act

**TRANSPORTATION AND INFRASTRUCTURE**

Palm Tran Bus Funding	
Articulated Bus Replacement	\$4,000,000
Hybrid Buses	\$3,000,000
Airport Tower and Runway Improvements	
Transportation – Passenger Rail FEC Corridor	

**ENVIRONMENTAL AND NATURAL RESOURCES**

Water Improvement Projects	
Water & Wastewater Infrastructure Improvement	\$7,500,000
Glades Water Infrastructure Improvement	\$9,000,000
Lake Worth Lagoon Restoration	\$5,000,000
Loxahatchee River Land Acquisition/Restoration	\$5,000,000
Beach Restoration	
Jupiter Carlin	\$12,268,000
Ocean Ridge	\$8,630,000
WRDA Language and Continuing Authority Language	
Wetlands Reserve Program Executive Order	
SE Florida Climate Adaptation Pilot	\$2,000,000
Numeric Nutrient Criteria Rulemaking	
Property Assessed Clean Energy (PACE) Program	

**HEALTH CARE AND HUMAN SERVICES**

- Ryan White (HIV) Grant Funding
- Chinese Dry Wall Remedy
- Federal Assistance for Haitian Immigrants
- Low Income Home Energy Assistance Program

**PUBLIC SAFETY**

- Loss of Federal Entitlement Benefits for Inmates in County Jails
- Federal Assistance for Public Water Connection in the Acreage

## **PALM BEACH COUNTY MONITOR ISSUES**

Lake Okeechobee Scenic Trail  
Farm to School Programs/Nutrition and Wellness  
Nutrition Labeling/ Front of Pack Labeling Initiative  
Reauthorization of the Farm Bill  
Child Nutrition and Reauthorization Law  
Port Security Funding  
Telecommunications  
FEMA Funding for Parks & Rec/Pre-Disaster Mitigation Programs  
Health Issues  
Interstate Moving Law  
Pittman-Robertson – Funding for Public Ranges  
FY2011 Appropriations for HUD Programs  
Medicaid Funding  
Comprehensive Everglades Restoration Project and Herbert Hoover Dike Restoration  
Funding for Homeless Programs  
Law Enforcement Funding (Byrne Grants, Gang Violence and Reentry Programs)  
Chemical Security Legislation  
Transportation Funding Firewalls



## **PALM BEACH COUNTY PRIORITY ISSUES**

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### **ECONOMIC DEVELOPMENT AND FINANCE**

#### **Jobs Creation Legislation FY 2012**

The creation of jobs and economic opportunity remains one of the highest priorities for the County in the next year. Unemployment rates remain in double digits and key industries lag in economic output. Support legislation that provides tax credits for businesses that create new jobs. Many small businesses have had difficulty accessing credit from institutional lenders. Support legislation that enables local banking institutions to access funds from the US Treasury so they can reinvest in small businesses and provide needed credit lines to induce job growth. Support the continuation of New Market Tax Credit Programs and Build America Bond funding to allow for public/private partnerships to jumpstart pending development projects.

#### **South Florida Inland Port FY 2012**

The development of an inland intermodal logistics complex in Western Palm Beach County, including completion of rail connections serving ports of South Florida and Tampa Bay, would create a significant economic boost to an area that is fiscally depressed. At the same time, it will provide a critical link in Florida's ability to efficiently handle rapidly growing levels of international commerce. Land in Western Palm Beach County is currently being reviewed for the project.

Bringing this project to fruition will require 1) connectivity between the ports of Palm Beach, Miami-Dade County, Everglades (Broward County), Tampa and Manatee County with approximately 40 miles of new trackage estimated to cost approximately \$45 million, and 2) Workforce training dollars for the Lake Okeechobee/Everglades region that has been designated as severely depressed, to bring sustained, good-paying jobs (reflecting the Florida average of \$49,000 a year for cargo transportation and logistics employment) and training for hundreds of skilled and semi-skilled positions estimated between 9,892 – 23,858 jobs.

This inland facility, which has gained significant regional support, would be a hub for goods assembly, warehousing and manufacturing, as well as furnishing logistics providers with a central intermodal location between ports that lack sufficient waterfront acreages to accommodate trade volumes projected to double by 2020. This would create additional options for freight movement and distribution from Post-Panama ships heading to South Florida.

#### **Housing and Foreclosure Relief FY 2012**

Monitor the implementation of Housing legislation that would encourage lenders to refinance troubled home mortgages on easier terms, backed by the Federal Housing Administration. The idea is to stabilize the real-estate market and prevent housing prices from falling. Seek further

changes to law that would encourage banks to provide additional options such as a short term moratorium on mortgage payments by moving 6-8 months of mortgage payments to the back end of a loan or further extending out the months of a particular mortgage term.

The Federal laws governing which homeowners are able to access funds to help with mortgage payments are too rigid and have not been able to reach some of the neediest homeowners especially in South Florida and other areas of the country that have seen home values plummet. Change percentage limits on Federal housing programs to allow homeowners to access mortgage help when their home value to loan ratio is over 125%.

#### **Broadband Initiatives FY 2012**

The South Florida Shared Fiber Initiative, which includes Palm Beach County, would like to access the Florida Department of Transportation fiber optic network for broadband usage purposes. Access to excess broadband capacity, on a statewide level, represents a dramatic opportunity to fully utilize critical infrastructure at great taxpayer relief while at the same time presents an opportunity for FDOT to potentially gain access to local fiber optic networks. The South Florida Shared Fiber Initiative is a five county collaborative effort formed to educate the Florida Legislature and the Florida Department of Transportation. The other counties are Broward, Martin, Indian River and St. Lucie. Palm Beach County contains the most fiber optics than the other four counties, with an estimated 350 miles of FDOT sponsored fiber optic cable already in the ground. Work with the Federal Highway Administration to complement similar ongoing efforts with the Florida Department of Transportation to remove requirements that prohibit uses other than for transportation when using fiber optic networks paid for with federal funds.

#### **Three (3%) Percent Withholding Tax on County Purchases FY 2012**

Congress has been investigating allegations of abuse and fraud by federal agency contractors that owe billions of dollars in unpaid taxes. Many proposals to shrink this so-called "tax gap" – the amount of unpaid taxes – focus on increasing reporting and/or withholding of taxes on payments made to government contractors. No legislation was considered during the 109th Congress to apply this requirement to state or local governments – until it was slipped at the 11th hour in the Tax Increase Prevention and Reconciliation Act of 2006.

This provision is estimated to raise \$6 billion for the federal treasury through a first-year accounting formula and slightly more than \$200 million annually thereafter.

Support repeal of Section 511 of the Tax Increase Prevention and Reconciliation Act of 2006 (Public Law 109-222), which will require many counties, beginning in 2012, to withhold three percent in federal taxes on payments to government contractors for goods and services.

#### **Restore the Partnership Act FY 2012**

Support the *Restore the Partnership Act*. Having a voice in the early phases of legislation and having a forum for communication between the various levels of government is vital to passing legislation which is advantageous to America's counties.



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## **TRANSPORTATION**

### **Palm Tran Bus Funding FY 2012**

Public transportation is provided to Palm Beach County residents by Palm Tran, an entity created by Palm Beach County, currently operating 34 fixed routes and managing Paratransit service for the elderly and disabled. Palm Tran Connection, Palm Tran's Paratransit service, received the Florida Commission for the Transportation Disadvantaged 2009 Urban Community Transportation Coordinator of the Year award for delivering outstanding performance, service delivery, and cost-effectiveness.

The fixed route operation provides service throughout the county as far north as the Town of Jupiter and as far south as Boca Raton with one route crossing to Broward County connecting with Broward Service. One route travels to the western boundary of the County where it connects with two circulator routes that serve the rural communities of Belle Glade, Canal Point and South Bay. In 2009, a new route was introduced to cross county boundaries and reach as far north as Stuart in Martin County.

### **FY-2012 FUNDING REQUEST**

The Palm Beach County Board of County Commissioners is requesting \$7 million in funding for Fiscal Year 2012 under Section 5309 for Bus and Bus Facilities.

### **ARTICULATED BUS REPLACEMENTS 2012**

Palm Beach County requests \$4 million for 6 new articulated buses. Bus service is provided in Palm Beach County in an area of approximately 1,974 square miles; Palm Beach County is the largest county east of the Mississippi River. Ridership has continued to increase this past year and the need to accommodate more riders on certain routes which necessitates the purchase of larger busses. Articulated busses are 60 foot vehicles that seat 120 people.

### **HYBRID BUSES 2012**

Palm Beach County requests \$3,000,000 for five Hybrid Buses. Public transportation agencies have a special and unique opportunity to play a lead role in lessening their impact on the environment based on the level of service that they operate and the amount of fuel they consume. In 2008 Palm Tran dedicated itself to making a difference and launched their "Going Green" program implementing a number of environmentally friendly initiatives including: the use of bio-diesel fuel, nitrogen filled tires and bus washers that use reclaimed water sources. In doing so, Palm Tran became one of the first transit organizations in the country to make their entire fleet operate on a bio-diesel fuel mixture. Starting a transition toward a Hybrid fleet is another initiative of the Going Green program; however, funding is currently the main barrier for implementation. The total "UP" charges from diesel to hybrid is \$209,500 per bus. The use of Hybrid buses is

projected to reduce CO2 emissions by an average of 35% over the lifetime of the vehicles.

**Airport Tower and Runway Improvements FY 2012**

Palm Beach County has worked with the FAA for over seven years to secure funding and build the Palm Beach International Airport Tower. For a better part of 2010, the Airport tower has stood nearly complete with little work being done to finalize the construction project. The primary reason the tower remains incomplete is because no decision has been made on the future of the TRACON Radar facility that still remains at the old tower but has not been constructed at the new location. Work with the FAA to make a final determination of the TRACON future so the airport tower can be completed and Palm Beach County can ensure the safe operation of airline traffic in and out of the airport.

In addition, support funding requests for the following airport safety projects. The first project is eligible for FAA funding. We currently have \$5 million in FDOT funds and need an additional \$10 million from the FAA. For the second project, we have a grant application submitted to the Department of Homeland Security for \$37 million and have approximately \$10 million in Passenger Facility Charge funds in hand.

Project Name	Project Cost*	Brief Description
Palm Beach International Airport Security Enhancements/Improvements	\$15,000,000	This project will provide for the implementation of various enhancements/improvements to the existing security features at Palm Beach International Airport, including but not limited to additional CCTV cameras and related systems, access control system enhancements, security door modifications, as well as the infrastructure to operate the enhanced systems.
Baggage Handling System Improvements/In-Line Bag Screening System Implementation	\$46,155,040	This project will provide for the implementation of a multi-phase project to replace and upgrade the existing baggage processing systems (inbound and outbound) at PBI to provide additional capacity and improve the overall operating efficiency of the existing baggage processing system. The existing system was constructed as part of the initial terminal development in the mid-to-late 1980's. This project also includes the implementation of an in-line baggage screening system pursuant to Transportation security Administration (TSA) guidelines and requirements.
Total	\$61,155,040	*Partial funding has previously been obtained and/or applied for through FDOT, TSA and PFC funding.



### **Transportation – Passenger Rail FEC Corridor FY 2012**

Since passenger rail service was suspended on the FEC railway line in the mid-1960s, there has been no service for most of Florida's east coast cities. The reinstatement of Amtrak service from Jacksonville to Miami could soon be realized through the partnership of both state and federal funding. Support the pending application for federal dollars in the amount of \$120 million to reinstate Amtrak commuter service between Jacksonville and Miami on the FEC Corridor and support funding for the remaining balance out of other federal sources.

The Florida Department of Transportation is proposing to put up \$118 million to bring back passenger rail service to the Jacksonville-Miami line if the federal government provides the remaining funding for the project.

About \$250 million is needed to allow 90 mph Amtrak passenger trains to use the Florida East Coast Railway line, connecting Florida east coast cities that do not receive Amtrak service through the current Miami-Tampa-Orlando-Jacksonville line.

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## **ENVIRONMENTAL AND NATURAL RESOURCES**

### **Water Improvement Projects**

#### **Water & Wastewater Infrastructure Improvement Project FY 2012**

The \$58 million Lake Region Water Treatment Plant (LRWTP) has been constructed to remove the cities' of Belle Glade, Pahokee, and South Bay drinking water supplies away from Lake Okeechobee, an unreliable-poor water quality surface water source, to a deep, reliable brackish aquifer water supply source, the Floridan Aquifer. The purpose of that project has been to resolve persistent public health, operational reliability, and fiscal concerns for the socio-economically disadvantaged western Palm Beach County Glades communities.

In 2007, the Water Resources Development Act of 2007 (P.L. 110-114) was enacted into law, authorizing \$7.5 million for this project for additional assistance to a critical project. This project will design and construct operational flexibility for concentrate disposal between LRWTP and the former Belle Glade Wastewater Treatment Plant deep well. This project is anticipated to retain and/or create new jobs in the Glades area associated with project design and/or construction activities. Additionally, this project will reduce the frequency and duration potential for potable water service interruption to the residents and businesses in the Glades Area. A side benefit will be a similar reduction in the frequency and duration

potential for wastewater service interruption to the residents and businesses in Belle Glade and South Bay. The project will also implement energy technologies to reduce its carbon footprint.

To date contributions to the LRWTP include \$12.5 million from Palm Beach County, \$11.2 million from SFWMD, \$6.7 million from the State, and \$800,000 from EPA.

#### **Glades Water Infrastructure Improvement Project FY 2012**

The City's of Belle Glade, Pahokee, and South Bay have problems providing adequate pressure (minimum 20 psi) during maximum daily flow conditions, particularly during fire flow conditions. There is considerable piping within the Glades Communities that is undersized (less than 6-inches in diameter) and needs to be replaced. These improvements are needed in order to maintain adequate pressures in the system to meet fire flow requirements, protecting the safety of the public and businesses within the Glades Communities. The Water Infrastructure Project to improve fire flows in the Glades, has a total project total of \$18 million, of which \$9 million would be federal share.

#### **Lake Worth Lagoon Restoration FY 2012**

The County is seeking a \$5 million appropriation to supplement County and State funding of the Lake Worth Lagoon Restoration Project, an ecosystem management project, which includes the Lake Worth Lagoon Partnership Grant Program initiated in 1998. The Lagoon-wide restoration includes 10 sub-projects including stormwater retrofit, septic/sewer conversion, artificial reefs, oyster reef, and one mangrove/seagrass restoration project. In the event of a Reauthorization bill, the County requests inclusion of the Lake Worth Lagoon in that legislation.

#### **Loxahatchee River Land Acquisition/Restoration FY 2012**

The northwest fork of the Loxahatchee River is the first federally designated Wild and Scenic River in Florida. Despite this designation, the federal government has not contributed to current efforts to restore the River. Critical to River restoration is an increased flow of freshwater. A surface water reservoir established along the west leg of the C-18 canal would provide the needed water supply to maintain the necessary base-flow to the River. Seek \$5 million in federal funds to support the County and Water Management District's efforts to acquire and/or restore certain lands in the River corridor. The C-18 Reservoir is a component of the Northern Palm Beach County Comprehensive Water Management Plan and is incorporated into the larger Northern Everglades Comprehensive Everglades Restoration Plan.

#### **Beach Restoration FY 2012**

#### **Jupiter Carlin Beach Restoration FY 2012**



Palm Beach County is requesting \$12,268,000 for planning, engineering, design, permitting, construction, project management, and monitoring for the Jupiter/Carlin Segment of the Palm Beach County, Florida Shore Protection Project. The funding will be used for maintenance of the beach adjacent to Jupiter Inlet in Palm Beach County. 80% of the beachfront is public park or hotel. The County received \$581,000 for initial permitting and engineering in 2010.

#### **Ocean Ridge Beach Restoration FY 2012**

Palm Beach County is requesting \$8,630,000 for all associated project costs (PED, project management, construction, and monitoring) for Ocean Ridge. In addition, funding is included in this request for a mitigation reef.

#### **Water Resources Development Act (WRDA) - Language for Continuing Authority Projects FY 2012**

Lake Worth Inlet (Palm Beach Harbor) Maintenance Project includes two elements: annual maintenance dredging and implementation of advanced maintenance features to help prevent the need for emergency dredging. Maintenance of the channel is exclusively a Federal responsibility and funding of this request is essential to fulfilling the Federal obligation, enabling commerce and mitigating for inlet impacts to downdrift beaches.

Lake Worth Inlet serves the Port of Palm Beach, one of the nation's international gateways and an important terminal area for energy and economic development needs of the State of Florida. The port supports 2,427 jobs and \$261 million in annual economic impact in Palm Beach County. Though the success of the port is dependent upon deep water access through the federal channel, the Inlet is subject to regular shoaling and navigation is periodically impeded. Sand trapped within the inlet starves downdrift beaches, thereby reducing shoreline protection, recreational resources and habitat for threatened and endangered species. This year the Corp of Engineers has included in their budget funds for the continued maintenance dredging, but there are several policy directives that should be passed by Congress to help support beach and inlet priorities.

Palm Beach County requests the inclusion of the following three directive items in reauthorization projects:

#### **Directive Language**

- A. **Background:** As federal funding for both design and construction of CAP beach projects has previously been provided through line-item appropriations that are not expected to be available in a timely fashion and funding agreements can be delayed by the required federal process, this language would allow the local sponsor to undertake the work already authorized by WRDA 2006 with the anticipation of future reimbursement.

**Language Requested:** *The Secretary, or his designee, is authorized and directed to include in future Project Partnership Agreements for the Jupiter/Carlin Segment, the Ocean Ridge Segment, the North Boca Raton Segment and the Delray Beach Segment of the Palm Beach County Shore Protection Project and the Lake Worth Inlet Sand Transfer Plant Restoration Project, retroactive reimbursement of local interests for work which is integral to the authorized Federal projects.*

- B. **Background:** The Continuing Authorities Program (CAP) was authorized by Congress to streamline and improve the cost effectiveness of smaller water-resource and environmental restoration projects. The ten legislative authorities limit the individual project cost-share, but allow for Corps Division Commander approval of the projects and eliminate the need for project-specific authorization.

PBC, with its local partners, has extensive experience with environmental projects, having designed and built over 130 in the last 15 years. Nine of those projects were built with funding through the corps budget but without corps management. Four were CAP projects, which required, by authorization, Corps involvement with contract & construction management.

It has been our experience that the cost of involving the corps in project management exceeds the value of the grant, even when the county provides the project feasibility study, engineering & design, plans and specifications, permits and post-project monitoring. The corps system is primarily set up for large-scale projects with the inherent multi-level project review processing. On small-scale projects, that system translates to excessively high overhead costs. Therefore, The County no longer pursues partnerships with the corps through the CAP system

We are seeking directive language in WRDA which would allow PBC to manage CAP projects, thereby fulfilling the intent of the original legislation – to provide a cost-effective means of managing small-scale environmental projects.

**Language Requested:** *The Secretary of the Army is authorized and directed to allow Palm Beach County, Florida, while acting as the non-Federal sponsor, to perform all phases of Continuing Authority Projects and seek reimbursement upon completion and approval of each phase.*

- C. **Background:** The Sand Transfer Plant plays an integral role in maintaining the lake Worth Inlet federal channel, but presently at the sole cost of the local sponsor (the Town of Palm Beach). As the corps does provide for annual channel dredging in its O&M budget, the addition of approximately \$300,000/year is far less than the alternative of having to fund an additional dredging event.

**Language Requested:** *The Secretary of the Army is authorized and directed to include operation and maintenance costs associated with the Lake Worth Inlet Sand Transfer Plant in the Corps annual inlet maintenance budget.*

#### **Wetlands Reserve Program Executive Order FY 2012**

The Wetlands Reserve Program (WRP) under Executive Order 12866, was amended in 2008 in



Section 1467.4(e) to prohibit local governments from participating in the program. In the past, Palm Beach County has purchased and restored over 35,000 acres of environmentally sensitive land. Two parcels, totaling over 5,000 acres, were restored with assistance from the WRP. Those federal dollars were put to immediate use in the form of contracts with local vendors who carried out the restoration. Palm Beach County would request a change that would allow local government participation in the WRP for purposes of restoring land already purchased by the local government when such restoration will be in the form of contracts quickly awarded to vendors provided that such projects meet the objectives of the WRP.

#### **SE Florida Climate Adaptation Pilot FY 2012**

In recognition of the value of collaboration and joint advocacy and the fact that Florida is considered to be one of the most vulnerable areas of the country to climate change impacts, Palm Beach partnered with Broward, Miami-Dade and Monroe Counties (Compact Counties) in ratifying the Southeast Florida Regional Climate Change Compact. The Climate Compact calls for the development of joint state and federal policies representative of shared climate change challenges and priorities and to advocate for increased state and federal funding for mitigation and adaptation projects.

In furtherance of the Climate Compact, Sections 1 – 4, the County supports the Southeast Florida Regional Climate Change Compact Counties 2011 Federal Energy and Climate Legislative Program, with priority attention on funding the 2011 Regional Adaptation Pilot Project Proposal and legislation that recognizes in law a definition of regional Adaptation Action Area. Specifically, Palm Beach County supports:

- Greater recognition of adaptation as a critical issue in the development of climate legislation and appropriations priorities.
- Recognition of an “*Adaptation Action Area*” through designation or other appropriate policy tool, for those areas, such as Southeast Florida, that are uniquely vulnerable to climate impacts, including sea level rise, to encourage technical assistance, and funding opportunities to these areas based on their vulnerability.
- Local government funding for assistance in developing multi-sector mitigation and adaptation plans covering natural systems, human health and the built environment.
- Legislation that furthers local Property Assessed Clean Energy (PACE) efficiency and renewable energy improvements. Congress is urged to pass legislation that removes barriers to PACE and PACE like programs to ensure broad applicability and access and provides sufficient guidance for all.
- Continued focus on Everglades Restoration as an essential component for climate resilience.
- Amendment of the National Flood Insurance Act of 1968 (NFIP) to make available multi-peril coverage for a national catastrophic insurance fund.

Furthermore, with respect to appropriations and funding related activities, the Board specifically supports:

- The 2011 Southeast Florida Regional Climate Adaptation Pilot Project Proposal.



- Continued funding in FY11 for the Department of Energy's Energy Efficiency and Conservation Block Grant program.
- The U.S. Department of Energy weatherization programs to harden buildings against windstorm impacts.
- The Federal Emergency Management Administration's natural hazard mitigation programs to include mitigation for hazards associated with global climate change impacts.
- The Housing and Urban Development Sustainable Communities Program for the 7 county South Florida Regional Partnership Consortium project.
- Programs that provide technical assistance for counties to revise their comprehensive plans and land development regulations to incorporate climate change planning strategies.

Palm Beach County is requesting \$2 million to support Phase I development of a regional adaptation strategy for SE Florida – an area critically vulnerable to climate change. This request supports the SE Florida Regional Climate Change Compact ("Compact"), and the associated completion of a regional Climate Change Action Plan ("Action Plan"), with funds to be shared equally amongst partners.

SE Florida, comprised of Palm Beach, Broward, Miami-Dade, and Monroe Counties, is home to nearly 5.5 million residents, accounts for nearly one-third of Florida's total economic production, and is one of the most vulnerable regions in the United States to the impacts of climate change. Rising sea level has already begun to overwhelm some of the local drainage infrastructure with salt water rising through drainage culverts and spilling over seawalls. Without intervention, continued sea level rise will impact vast coastal areas and compromise the region's drinking water supply. Recognizing the need for immediate action, the counties of SE Florida committed to the cooperative development of a regional climate strategy to address shared mitigation goals and adaptation needs. Funding of this appropriations request, and the support of our federal partners, will be pivotal to this endeavor, and the development of a climate adaptation strategy for SE Florida is expected to serve as an effective national model for other vulnerable areas.

The development of a regional adaptation strategy involves a partnership with the South Florida Water Management District and support for local government efforts to build climate resiliency into long-term plans. Phase I involves a 2-3 year effort that builds upon parallel efforts of the Compact. Phase I includes application of uniform planning parameters in a regional analysis of climate vulnerabilities and identification of necessary adaptation strategies and projects. This first phase will include the development of a SE Florida regional water and climate model with existing county-level models to provide the foundation for this project. Countywide models will be merged and expanded to provide regional coverage, and enhanced with an urban runoff component. Phase I analysis will focus on immediate-need areas requiring adaptation investments and will establish vulnerable areas, test adaptation strategies, quantify the benefits of identified adaptation improvements in terms of level of service and cost, and provide a visual web-based decision-making feature.

Pilot project deliverables will include:

Phase I - Urban system modeling/scenario testing/plan development - This phase of the pilot will set the stage for the adaptation strategies to be employed by local governments within the service area of the South Florida Water Management District. Particular areas of vulnerability and analysis will include sea level rise, drainage and flood control infrastructure, changing precipitation patterns, impacts on groundwater levels, surface water management, and saltwater



intrusion and its influence on potable wellfields and water supplies. The SE Florida Climate Adaptation Pilot Project will require vast technical support and professional services to be provided by industry as well as agency partners. Compact Counties will provide substantial leveraging of resources through current modeling projects and regional planning efforts as part of the Compact. **Phase I Request: \$ 2 million to be shared equally amongst the four partner counties and used to analyze urban drainage/surface water management infrastructure with efforts to be built upon local surface/groundwater models, saltwater intrusion models, and global climate models with a detailed assessment of function of existing drainage infrastructure and development of adaptation recommendations for maintaining an adequate level of drainage and flood control.**

Phase II - Regional system modeling/scenario testing/plan development will build upon the more geographically-specific analyses to identify larger-scale and longer-term improvements required as part of the regional water management system of the South Florida Water Management District (SFWMD) and dependent secondary systems. The Phase II analysis will be led by the SFWMD in coordination with local municipalities and drainage/water control districts.

Phase III – Creation of a SE Florida Regional Climate Change Adaptation Plan - Early Response Infrastructure and Implementation Strategy. Phase III will integrate the results of Phase I and Phase II analyses to produce the water management component of the Action Plan to include the actions, timelines, and funding requirements for identified water management and drainage system improvements critical to a regional long-term climate change adaptation plan.

### **Numeric Nutrient Criteria Rulemaking FY 2012**

In November 2010, the USEPA extended a delay on the implementation of the new numeric nutrient criteria rule by 15 months. This new rule will impose new water quality criteria on lakes, canals and other water bodies in a well intended effort to improve the environment. The County's concern is that the new criteria are excessively stringent, even exceeding the federal limits required for treated drinking water.

These excessive criteria threaten the County's \$250 million investment in its reclaimed water system, which irrigates golf courses and green spaces countywide, and which conserves nearly 25 million gallons per day of freshwater. The nitrogen and phosphorus in the reclaimed water far exceed amounts allowed in the new rule. Even though some nutrients are absorbed by irrigated plants, lakes which store reclaimed water or which contribute to downstream runoff will not comply with the rule and will require additional treatment.

The only treatment technology available to meet these new criteria is Reverse Osmosis. This technology is extremely expensive and energy intensive; less costly treatment technologies will not remove the nutrients to the levels required. While the new criteria provide 18 months to be in compliance, planning and implementing large new treatment plants takes approximately five (5) years. Accordingly, the County would need to expend funds immediately upon implementation of the new rule, requiring us to raise rates. Furthermore, the EPA and the Florida Department of Environmental Protection have stated that they have not even determined how to implement and enforce the new rule.



The County is concerned about the many unintended consequences that will result from the new rule. We believe the EPA should delay the rule until they know how implementation and enforcement would occur and how to resolve the unintended consequences. The County is not alone in asking the EPA for postponement. The EPA's Science Advisory Board concluded that the methods used to determine the new limits were seriously flawed and not scientifically defensible. Both of Florida's United States Senators, 23 members of Florida's Congressional delegation, three (3) former Chiefs of the Florida Department of Environmental Protection, the Florida Association of Counties, Florida municipalities, homeowner associations, and scientific associations and organizations have petitioned the EPA to delay implementation of the rule.

**SUPPORT** the development of science-based numeric nutrient criteria for Florida's waters. Any numeric standards should be technically and economically feasible. Palm Beach County encourages the United States Environmental Protection Agency (EPA) and Florida DEP to ensure that any rulemaking processes rely upon sound science and include meaningful stakeholder participation. We encourage EPA to utilize the Scientific Advisory Board (SAB) to the maximum extent possible in order to help ensure that the best science is used in developing water quality standards.

#### **Property Assessed Clean Energy (PACE) FY 2012**

**SUPPORT** federal legislation which ensures that the underwriting standards of Fannie Mae and Freddie Mac facilitate the use of property assessed clean energy programs to finance the installation of renewable energy and energy efficiency improvements.

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## **HEALTH CARE AND HUMAN SERVICES**

#### **Ryan White (HIV) Grant Application**

Monitor appropriation requests to fund Palm Beach County's share of Ryan White (HIV) Grant funding. The President's proposed FY11 budget expands access to HIV/AIDS prevention and treatment activities, focusing HIV testing among high-risk groups and increasing resources for the Ryan White program. The County's application in 2008 was funded at \$7,786,000 and at \$8,574,634 for 2009.

#### **Chinese Dry Wall Remedy FY 2012**

Residents of Palm Beach County, Florida, have suffered damages from Chinese drywall installations in their homes. It has been documented that heat and humidity cause the Chinese drywall to release gases, which not only create a noxious odor, but corrode copper and other metal surfaces, thereby damaging air conditioners, electrical wiring, copper plumbing, appliances, and electronics. Owners of homes with Chinese drywall have alleged they are suffering from health problems associated with these effects. County residents have stated their insurance companies have denied coverage and most developers have refused to replace the Chinese drywall, leaving them with no ability to fund the necessary drywall repairs to avoid



the health problems they have been suffering.

Palm Beach County supports federal legislation to require the Consumer Product Safety Commission to study drywall imported from China in 2004 through 2007. In addition, the County supports federal legislation which helps consumers recover losses due to contaminated drywall and opposes any legislation which provides immunity protection to manufacturers or developers who sold or installed defective and hazardous drywall.

#### **Federal Assistance for Haitian Immigrants**

The January 2010 earthquake in Haiti continues to affect millions of residents of the country. It destroyed hundreds of thousands of homes, businesses and government facilities and left over one million homeless. The United States has provided assistance to many of the victims, including medical care at US facilities. Many of these individuals have been treated in Palm Beach County.

The County has been providing services such as health screenings, vaccinations, clinic treatments, housing, and supportive social services to Haitian immigrants that have come to the County due to the earthquake disaster. The Tri-County area seeks reimbursement for the cost of these expenses similar to reimbursements received when local natural disasters are declared.

#### **Low Income Home Energy Assistance Program FY 2012**

The Federal Low Income Home Energy Assistance Program currently provides for assistance to low income earning Americans for certain necessities that include gas, heating, and cooling. It does not include water utility costs as one of the eligible reimbursements. Work with the Office of Community Services in HHS to allow for water bills to be eligible for reimbursement.

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## **PUBLIC SAFETY**

#### **Loss of Federal Entitlement Benefits for Inmates in County Jails FY 2012**

Currently, a person incarcerated in a county jail or juvenile detention center is ineligible to retain Medicare and Medicaid benefits or Social Security Disability Insurance once they enter the facility. As a consequence, the cost of medical care for these inmates becomes a non-federal responsibility (typically born by county government at a significant expense) upon arrest or detention. In many cases where states cannot afford to provide the non-federal cost of

providing medical services to FFP eligible persons, their eligibility is sometimes suspended or terminated. If the individual has been terminated from these programs, it may take months for these federal benefits to be restored once they leave the institution. Support legislation that allows for the suspension, rather than termination, of Medicaid benefits for individuals, including juveniles, who are convicted of a crime and incarcerated for less than one year. Support legislation that amends federal law (U.S. Code of Federal Regulations, Title 42, part 435.1009) to allow Federal Financial Participation for individuals, including juveniles, who are accused of committing a crime and are awaiting trial, even if incarcerated, until they are convicted of a crime. Last year, HR2209 would have amended titles XVI, XVIII, XIX, and XXI of the Social Security Act to remove limitations on Medicaid, Medicare, SSI, and SCHIP benefits for persons in custody pending disposition of charges.

#### **Federal Assistance for Public Water Connection in the Acreage FY 2012**

In February of 2009, the Palm Beach County Health Department announced the Acreage, an area located in the Western Central portion of Palm Beach County had a cluster of childhood cancer cases. Recent studies of population and cancer data from the Acreage has found brain and central nervous system cancers at more than quadruple expected rates among children under 19. The Acreage's population is estimated at around 35,000.

Representatives from the Center for Disease Control who reviewed the data have suggested the cause of Palm Beach County's Acreage cancer cluster might be difficult to find. Local leaders have asked for continued testing of water sources in the region. Support efforts of continual, aggressive testing of water wells in the Acreage.

In addition, support is needed from the federal government to help assist residents with the estimated \$300 million it would cost to connect homes in the Acreage to treated county water.

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### **MONITOR ISSUES**

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#### **Lake Okeechobee Scenic Trail (LOST) FY 2012**

FDOT and FDEP are in the process of finishing this trail (which is part of a federally-designated National Scenic Trail) to provide unique recreational activities around Lake Okeechobee. The Florida DEP is delaying some of the paving of the trail while the Army Corp of Engineers completes its work on the Hoover Dike. The County will monitor the progress of the Corps efforts to ensure that additional work does not further delay the state's construction efforts. In addition, in areas where paving of the trail as already occurred and the Corps has removed the trail to conduct repair work, the Corps has communicated that it is not their responsibility to repave the Trail sites. If that decision is not reversed, millions of dollars in paving on the LOST



will be for naught. This project when completed will assist efforts to stimulate ecotourism in an economically depressed area of Palm Beach County. The Trail connects areas around the Lake through trailhead system and serves as the cornerstone of the Ocean to Lake Trail.

#### **Farm to School Programs/ Nutrition and Wellness FY 2012**

Farm to School programs connect schools with local farms with the objectives of serving healthy meals in school cafeterias, improving student nutrition, providing health and nutrition education opportunities that will last a lifetime, and supporting local small farmers. Florida's pioneering and successful farm to school program was initiated by the New North Florida Cooperative Association Inc. (NNFC) in 1995. The NNFC began selling to Gadsden County schools during the 1996 school year and since that time has rapidly expanded, selling to a total of fifteen school districts in Florida, Georgia, Alabama, and Mississippi. Other entities are involved in this farm to school program. The USDA Agricultural Marketing Service via the USDA Child Feeding Program and the US Department of Defense (DoD), through its National School Lunch Program allows the cooperative to produce and market fresh fruits and vegetables to area school districts. The DoD provides payment flow as part of the DoD Fresh program. Support efforts to continue federal support of Farm to School programs and seek grant opportunities for our local schools to teach students the value of growing and utilizing fresh foods.

The national school meals and summer food programs provide federal reimbursements and nutrition standards for feeding school-aged children across the state. Given the recent trends in healthier, fresher foods and their positive impact on child obesity and subsequent health problems, there is a natural synergy between the needs of our children and what our state's agricultural community can provide. Ensure that necessary food resources come to Palm Beach County to make up for the shortfall of existing food stock for these programs.

#### **Nutrition Keys/Front of Pack Labeling Initiative FY2012**

In 2010, First Lady Michelle Obama requested that food industry manufacturers implement an easy-to-use quick reference guide for food items. The industry responded by creating *Nutrition Keys*, a standard 4-item reference guide on the front label of food items. The label will include calories, saturated fat, sodium and sugar content. On smaller packages, only calorie count would be listed. And, on labels with more room, manufacturers can opt to include two "nutrients to encourage": potassium, fiber, protein, vitamin A, vitamin C, vitamin D, calcium and iron. These items are shortfall nutrients in most American diets and are currently required to be listed on the nutrient panel that is often on the side of most packaging. Although this program is completely voluntary, most industry members are poised to implement the program. Congress responded by appropriating \$50 million for an advertising campaign that will begin in the Fall of 2011. Support continued efforts to improve nutritional labeling and funding for educational campaigns and materials that will make it easier for consumers to make healthier choices.

#### **Reauthorization of the Farm Bill FY2012**

The Food Research and Action Center (FRAC) identified seven strategies to end childhood hunger by 2015. One of those strategies included improvements to the Supplemental Nutrition Assistance Program (SNAP). Unfortunately, funding cuts to SNAP (food stamps) were incurred as part of FMAP and Childhood Nutrition Reauthorization Act legislation last year in order to fund the priorities in such. Nearly 41 percent of SNAP recipients have incomes at or below half of the poverty line and nearly 80 percent of SNAP funds go to households with small children. Food insecurity and hunger drive poor birth outcomes, poor health and mental health outcomes, poor academic performance, and childhood obesity. Monitor the reauthorization of the Farm Bill, including the Supplemental Nutrition Assistance Program, and support efforts to maintain, rather than cut, these funds for families in need.

#### **Child Nutrition and Reauthorization Law FY2012**

In December 2010, the President signed into law the Child Nutrition and Reauthorization Act. During the course of the next year, the main focus of this legislation will be on oversight. Parts of this legislation provide for important reforms in the nutritional quality of food served in schools and child care, and makes "competitive" foods sold or offered in schools more nutritious. Monitor the implementation process of these guidelines as part of an overall effort to decrease childhood obesity.

#### **Port Security Funding**

Monitor federal earmark and grant opportunities for port security funding. In FY09 Port Security Grants were funded at \$400 million. In FY 10 the funds were reduced by \$100 million. Security at our ports needs to remain a priority for first line of defense funding at the Department of Homeland Security.

#### **Telecommunications FY 2012**

Monitor agency (FCC) rule-making relating to the Telecommunications Act of 1996, Open Access regulation, and the relocation/transition of Multipoint Distribution Services/Instructional Fixed Television Services (MDS/ITFS). Also monitor general Congressional (Commerce Committee) involvement in telecommunications issues, specifically relating to local control of rights-of-way and zoning, and local authority to assess and collect franchise fees. Monitor H.R. 3745, the "C.A.P. Act," pursuant to Palm Beach BCC resolution of support.

#### **FEMA Funding for Parks & Recreation/Pre-Disaster Mitigation Programs FY 2012**

Monitor any legislation concerning reauthorization of the Disaster Relief and Emergency Assistance Act particularly language that would have a significant negative impact on parks and recreation areas. Specifically language should be opposed that denies funding under the Stafford Disaster Relief and Emergency Act for disaster relief to parks, recreation departments,



beaches and other similar entities. Also, monitor any proposals for FEMA to offer pre-disaster mitigation pilot grants in communities throughout the nation (a total of \$220 million was authorized over a 6-year period).

#### **Health Issues FY 2012**

In 1997, the federal government established the State Children's Health Insurance Program (SCHIP). This program was established as a federal/state matching program to cover children who were over income for Medicaid but were uninsured. The Board supports expansion efforts to enroll more eligible children and expand coverage for children who are not Title XXI eligible so that these children and those already enrolled will have consistent access to health care and the burden on the health care safety net is reduced.

#### **Interstate Moving Law FY 2012**

Supportive federal legislation that would permit local or state governments to enforce federal interstate moving laws related to household goods. Since we have had our own local laws, the number of consumer complaints has decreased. Most of our complaints now relate to interstate household moving. This proposal, or one similar to it, would be very beneficial to the residents of Palm Beach County and the state of Florida. Currently, there is no federal agency who will respond to individual complaints against a household moving company doing interstate moves.

#### **Pittman Robertson – Funding for Public Ranges FY 2012**

Monitor Pittman Robertson legislation that requires 10% of license collections to be spent on public shooting ranges. The Fish and Wildlife Conservation Commission currently administers collections and has allocated \$1.2 million to the County's Public Shooting Range Project which will only fund a small portion of the design and construction expenses for a range to serve the County's large population of gun owners. Congressional support is requested for any changes which increases allocations to public shooting ranges.

#### **FY 2012 Appropriations for HUD Programs**

Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Programs have faced deep cuts in the budget process in previous years. These cuts would have caused significant reduction in CDBG and HOME funds brought to Palm Beach County, jeopardizing important neighborhood programs. In the President's proposed FY11 budget, Home funds are reduced by \$175 million; however, full funding of \$3.99 billion is provided for CDBG. Encourage Congressional support of CDBG that contribute to affordable housing infrastructure, public services and economic development for low to moderate income residents and HOME programs that continue our partnerships to assist lower income residents in our community towards home ownership.

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### **Medicaid Funding FY 2012**

Medicaid spending has been one of the most rapidly increasing segments of the State's budget. One of the priorities of the current Administration in Washington, D.C. is to oppose changes to the current Medicaid system that would limit future program spending and allow states more flexibility in setting and limiting benefits for optional beneficiaries. Monitor proposals that may limit the state's ability to effectively meet the needs of Medicaid patients.

### **Comprehensive Everglades Restoration Project and the Restoration of the Herbert Hoover Dike FY 2012**

The federal share of the Comprehensive Everglades Restoration Plan is expected to average about \$200 million per year over the lifetime of the project. Congressional appropriations should be sufficient to fully implement all plan components at the agreed upon cost share in accordance with adopted project schedules. In 2007, over \$130 million was allocated for Everglades restoration and billions more authorized in the WRDA bill. Continue to monitor the federal funding support for CERP.

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### **Funding for Homeless Programs FY 2012**

Seek increased funding for FY 2012 Department of Housing and Urban Development Appropriations (e.g., Stewart B. McKinney Act) and in FY 2012 Department of Health and Human Services Appropriations (e.g., SAMHSA) for federal programs for the homeless in the effort to end chronic homelessness. The County is now serving as the Lead Entity for coordination of funding for homeless services in Palm Beach County. The Federal government's involvement in aiding local homelessness initiatives is crucial to the success and advancement of these programs.

Support the allocation of \$2.055 billion (up from \$1.865 billion in 2010) in the President's FY11 budget, proposed for the Homeless Assistance Grants Program to implement the Homeless Emergency Assistance Rapid Transition to Housing (HEARTH) Act passed in 2009.

This legislation directly affects Palm Beach County's Homeless Continuum of Care funding. HUD has been given 18 months to develop regulations to implement the new McKinney program. Monitor the development of these rules to ensure that services to the homeless are not interrupted and best practice models are implemented.

### **Law Enforcement Funding (Byrne Grants, Gang Violence & Reentry Programs)**

The Criminal Justice Commission administers the federal block grant allocations from the Dept. of Justice for Palm Beach County. They include the Edward Byrne Memorial Law Enforcement Fund and the Local Law Enforcement Block Grant Fund. Monitor the Byrne Law Enforcement Funds and the Local Law Enforcement Block Grant to keep these allocations separate and to restore previous year funding cuts.

Support the President's proposed FY11 spending plan, including doubling the funding for



COPS hiring and retention grants from \$298 million this year to \$600 million next year with a 10 percent match requirement. Byrne Justice Assistance Grants are about level-funded at \$517 million.

The budget proposes several new initiatives, including \$25 million for a community-based violence prevention initiative intended to reduce gun and other violence among youth gangs that should be pursued for local programs in Palm Beach County.

For prisoner reentry programs, the FY11 Justice Department budget would provide \$144 million, including \$100 million for Second Chance Act programs and \$30 million for residential substance abuse treatment, both of which would be funded at current year levels. In addition, the Labor Department would provide \$103 million for reintegration of ex-offender training programs, slightly less than the \$110 million available this year, and the Education Department would provide \$17.2 million for workplace and community training grants for incarcerated individuals, the same as is available this year. Support programs that promote re-entry programs.

### **Chemical Security Legislation**

The Water Security Act of 2007 was approved two years ago; it included significant changes requested by Palm Beach County Water Utilities (WUD) and other water utility advocates. WUD was ultimately opposed to the legislation because it treated drinking water and waste water systems as "chemical facilities", it created redundant oversight, and did not provide security from access to sensitive information or funding. The House is expected to act on legislation this year that will revise the Department of Homeland Security's Chemical Anti-terrorism Standards and eliminate the water and wastewater exemption from the regulators.

Water Utilities requests continued support from the Federal Delegation to eliminate all duplication of regulations between the Department of Homeland Security and EPA related to water and wastewater systems. Presently, the EPA regulates water and wastewater system vulnerability and should continue to do so, sharing information with DHS as appropriate. However, should DHS see any need for utility security improvements, then EPA should be directed to make those changes as appropriate under the authority already granted by Congress.

### **Transportation Funding Firewalls FY 2012**

The full House of Representatives voted in January 2011 to change budgetary firewalls that protect multi-year transportation funding guarantees. House appropriators will no longer be required to invest in infrastructure at the levels the authorizing committee sets in surface transportation legislation. Monitor transportation appropriations to ensure that Congress looks beyond single year budget cycles when allocating funds for transportation projects.