

Agenda Item #: 2:00 P.M.

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**WORKSHOP SUMMARY**

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**Meeting Date:** January 27, 2015

**Department:** County Administration/Legislative Affairs

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**I. EXECUTIVE BRIEF**

**Title:** 2015 Federal Legislative Agenda

**Summary:** Staff requests Board approval of the proposed 2015 Federal Legislative program, which includes transportation, environmental and natural resources, public safety and economic development priorities. The Federal Legislative Agenda outlines issues the County's Legislative Affairs Office, in conjunction with the County's federal lobbyists, will be working on for the upcoming Congressional session. Staff will also provide a brief recap and review of the 2014 federal agenda. 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. Several of the new issues that are part of the proposed 2015 agenda include: Palm Tran funding flexibility, Waters of the U.S. rulemaking, Juvenile Justice and Delinquency Prevention, and Cadillac tax reform under the Affordable Care Act.

In 2014, the county spent considerable time advocating for and were successful in securing beach renourishment funding, fighting for home rule in governing numeric nutrient criteria, and reforming national flood insurance policies.

**Attachments:**

1. Federal Legislative Recap 2014
2. Draft 2015 Federal Legislative Agenda

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**Recommended by:**



**Department Director**

**Date**

**Approved By:**



**Assistant County Administrator**

**Date**

1/21/15

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	_____*	_____	_____	_____	_____
<b>No. ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

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:**

\* There is no fiscal impact associated with the Workshop Item.

**C. Departmental Fiscal Review:**

**III. REVIEW COMMENTS**

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

*Susan Neary* 1/21/15  
 \_\_\_\_\_  
 OFMB  
 1/21

*Don G. Jacob* 1/22/15  
 \_\_\_\_\_  
 Contract Dev. and Control

**B. Legal Sufficiency:**

*[Signature]* 1/22/14  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

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

# Palm Beach County 2014 Federal Legislative Recap



Todd Bonlarron, Legislative Affairs Director  
Board of County Commissioners Workshop

January 27, 2015



# Environment and Natural Resources



# Beach Funding



## ➤ Programmatic Funding for the Palm Beach County Shore Protection Project

- Partnership with USACE and Congressional Delegation
- \$22.18 million for the County's four beach segments
  - FY 2013 - \$9.98 ,million for Ocean Ridge, Delray Beach and North Boca Raton
  - FY 2014 - \$12.2 for all four segments of the Project

# Regulatory Challenges



## ➤ Numeric Nutrient Criteria

- EPA Withdrawal of Federal Rules – September 17, 2014



## ➤ Waters of the United States

- EPA/USACE Rulemaking to Define Jurisdiction for Permitting
- PBC staff hosted meetings with agency staff and submitted extensive comments on the rule
- Current Congressional Efforts to Address Concerns with the Rule



# Everglades and Water Resources Funding



## ➤ WRRDA

- Authorized Over \$1 billion in CERP Projects
- Efforts made to fund ongoing inlet sand transfer operations

## ➤ CEPP Authorization

- Chief's Report Issued 12/23
- Bipartisan Authorizing Legislation Forthcoming

## ➤ Everglades Funding – Omnibus Bill

- \$65.5 million for Construction of Restoration Projects
- \$19.5 million for Operations and Maintenance





# Transportation







# Project Construction

## ➤ Airport Tower and TRACON

- FAA decision to construct new TRACON facility
- Tower Construction Completion by 2016

## ➤ State Road 7

- Favorable Biological Opinion as a result of cooperative efforts with federal agencies



# Transportation Safety

- Airport Baggage Handling Improvements
  - \$24.8 million appropriation from TSA to upgrade PBI baggage handling and explosive detection systems
- Pilot Safety Standards
  - Concerns Expressed to FAA Staff
  - Continued Coordination with Federal Agencies
- Customs and Border Protection Agents
  - Coordination with Federal Agencies
  - Efforts for Inclusion in Pilot Program





# Public Safety

**PUBLIC  
SAFETY**



# Flood Insurance and Flood Control



FEMA



- Herbert Hoover Dike Repairs
  - \$75 million in December 2014 Omnibus
- National Flood Insurance Program
  - Relief for homeowners with passage of Homeowner Flood Insurance Affordability Act
- FEMA Flood Hazard Mapping
  - PBC advocacy and coordination has been a model for Florida and resulted in significant beneficial changes to proposed maps
  - Appellate process currently ongoing



# Mental Health Funding

## ➤ Omnibus Funding

- Increased Funding Over 2013 Levels
- \$75 million for Mental Health First Aid Training

## ➤ SAMHSA Funding

- \$144 million increase to \$3.6 billion
- Increase in Substance Abuse Block Grant and Mental Health Block Grant





# Tax and Administration





# Tax and Administration

## ➤ Economic Development Initiatives

- Advocacy with the EDA supporting pending economic development grants

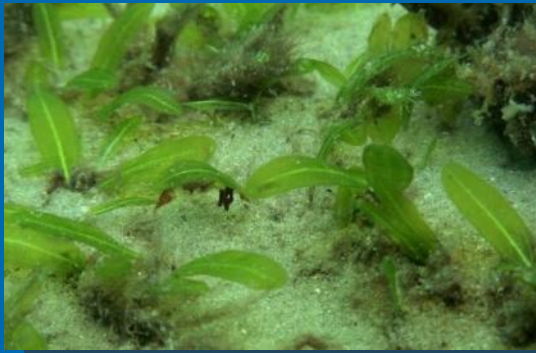
## ➤ Community Development Block Grants

- Over \$7.5 million in CDBG and HOME funding

## ➤ Tax-Exempt Municipal Bonds

- Oppose proposed 28% cap





*Comments  
and  
Additional  
Discussion*





# PALM BEACH COUNTY

## FEDERAL LEGISLATIVE RECAP 2014

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### ENVIRONMENT AND NATURAL RESOURCES

#### BEACH FUNDING

Specifically, in FY 2013 and FY 2014, we were successful in obtaining programmatic funding in Energy and Water Appropriations legislation for Shore Protection. From the Shore Protection line item, we were able to work with the U.S. Army Corps of Engineers (in both Jacksonville, Florida and at Headquarters in Washington, D.C.) and the County's congressional delegation to obtain direct funding for the Palm Beach County Shore Protection Project in the Corps of Engineers FY 2013 and FY 2014 work plan. In the two work plans, we secured \$22.18 million for the County's four beach segments, including:

- FY 2013 - \$9.98 million for beach renourishment of Ocean Ridge, Delray Beach and the North Boca Raton segment.
- FY 2014 - \$12.2 million for reimbursements for all four County segments of the project. The Corps had been reluctant to provide reimbursement funding for years, so this was a significant victory.

#### WATERS OF THE U.S.

The County initiated local meetings with several staff at the Environmental Protection Agency, to discuss the County's concerns and specific issues pertaining to the Waters of the U.S. rulemaking. Extensive comments regarding the effects of the proposed rule have been submitted to the federal government and we continue to negotiate the WOTUS rule.

#### NUMERIC NUTRIENT CRITERIA

Palm Beach County worked with stakeholders for over a year to withdraw EPA's numeric nutrient criteria rules governing Florida's waters. That work culminated on January 7, 2014, with a court agreement that later led to EPA's

withdrawal of the Federal NNC Criteria. As a result, EPA is no longer obligated to promulgate numeric nutrient criteria for Florida's waters. EPA's withdrawal of Federal criteria allows the state of Florida's numeric nutrient criteria to become effective as the only rules covering Florida water bodies. EPA finalized the withdrawal of its rules and discontinued work on September 17, 2014.

### **WATER RESOURCES REFORM AND DEVELOPMENT ACT (WRRDA) of 2014**

In June 2014 the President signed WRRDA legislation into law which authorizes the Corps of Engineers to carry out its mission to develop, maintain, and support the nation's port and waterways infrastructure needs, and support flood protection and environmental restoration needs. Palm Beach County participated in dozens of congressional meetings and a DC fly-in to advocate for passage of WRRDA 2014, which included over \$1 billion in authorizations for Florida's Comprehensive Everglades Restoration Program. An amendment to the bill on behalf of Palm Beach County to fund ongoing Palm Beach Inlet sand transfer plant operations was filed by Congressman Alcee Hastings and adopted during the Rules Committee meeting. However, the amendment was eventually removed from consideration to the bill during negotiations on the House floor.

### **CEPP AUTHORIZATION IN THE CHIEF'S REPORT – DECEMBER 2014**

The "chief's report" for the Central Everglades Planning Project (CEPP) was signed by the commander of the Army Corps of Engineers on Tuesday, December 23<sup>rd</sup>. The signing of the document was the culmination of a three-year planning effort for the plan designed to capture water released to the East and West of Lake Okeechobee and direct flows south to the Everglades and Florida Bay.

The plan was originally intended to be authorized in the WRRDA bill last year, but now will be pushed via bipartisan legislation filed by members of the Florida Delegation.

### **EVERGLADES FUNDING**

The December 2014 Omnibus bill funds work in the Everglades, including \$65.5 million for restoration construction projects and \$19.5 million for operation and maintenance.

## **TRANSPORTATION**

### **AIRPORT BAGGAGE HANDLING IMPROVEMENTS**

A multi-year federal appropriation culminated in moving forward with the Palm Beach International Airport's \$42 million replacement of the airport's baggage handling and explosive detection systems. New safety and efficiency measures will improve public safety and the handling of baggage at the airport. A \$24.8 million appropriation from TSA was secured to help pay for the upgrades.

### **AIRPORT TOWER OPENING AND TRACON CONSTRUCTION**

The fast track funding for building the new PBIA airport tower was ultimately slowed by disputes over the relocation of the Terminal Radar Approach Control (TRACON) facility at the old tower. The FAA ultimately decided to build a new 12,000 SF TRACON at the base of the new tower. The solicitation for the \$8.5 million building was issued and the building should be complete by 2016.

### **STATE ROAD 7**

The County worked with the Federal Highway Administration, Florida Department of Transportation and the Fish and Wildlife Service to expedite the biological opinion (BO) pertaining to SR 7. Ultimately, the BO was reported out of FWS favorably.

### **PILOT SAFETY STANDARDS**

In 2014, The County met with the Federal Aviation Administration to express its concerns with new FAA policy pertaining to pilot training that was affecting some of the smaller commercial airline carriers flying into PBIA. While little can be done without changes to the federal law, the county will continue to work with the Congress, the Agency and Airlines to forge solutions.

## **CUSTOMS AND BORDER PROTECTION AGENTS**

The county supported legislation creating additional customs officers for airports around the Country. We met with Customs and Border Protection officials in DC to discuss the need to secure additional Customs agents at the Palm Beach International Airport and are currently working to be recognized in one of the Department's pilot programs to allow reimbursement for additional customs agent work at our general aviation facility.

## **PUBLIC SAFETY**

### **HERBERT HOOVER DIKE**

Passage of the December 2014 Federal Omnibus spending bill included \$75 million to improve the aging Herbert Hoover Dike.

### **NATIONAL FLOOD INSURANCE PROGRAM**

Palm Beach County advocated for passage of the Homeowner Flood Insurance Affordability Act (H.R. 3370), which was enacted into law. The bill reformed the National Flood Insurance Program (NFIP) by easing several flood insurance premium increases associated with the 2012 enactment of the Biggert-Waters Act. The legislation restored NFIP subsidized premium rates for "grandfathered" policies, meaning that properties insured by the program would permanently pay rates based on the flood zone designation when the property was built, even if floodplain mapping later re-designates the property in a higher-risk category. The legislation also eases requirements from Biggert-Waters by allowing rates to rise at an average of 5 percent per year (minimum), while only allowing for a 15 percent annual rate increase for each of the property categories listed by FEMA until actuarial rates are met. Individual policyholder rate increases are capped at 18 percent. This legislation should provide relief to those homeowners in Palm Beach County that were impacted by substantial increases to their policies.

## FEMA FLOOD MAPS

Palm Beach County's advocacy for changes in proposed FEMA Flood Maps has become a model for the state. Our engagement with our Congressional Delegation, led to drafting of several letters which resulted in extensions to FEMA data reporting. That additional input has led to significant beneficial changes for property owners in the proposed map zones. Most recent requests for changes around the Glades region have yielded discussions with Army Corps of Engineers to help speed up the certification up upgrades made to the Herbert Hoover Dike.

## MENTAL HEALTH FUNDING

The Federal Omnibus spending bill passed in early 2014, increased mental health funding over 2013 levels and included \$15 million for Mental Health First Aid training.

The Substance Abuse and Mental Health Services Administration (SAMHSA) will receive a \$144 million increase over fiscal year 2013 levels, for a total budget of \$3.6 billion. Among the highlights of the SAMHSA budget are:

- \$15 million for a new grant program to provide Mental Health First Aid training to police officers, first responders, judges, social workers and the staff of college and university counseling centers, among others
- \$50 million for the Primary-Behavioral Health Care Integration (PBHCI) program, which supports the co-location of services in behavioral health and primary care settings
- \$1.8 billion for the Substance Abuse Block Grant, a \$110 million increase over the 2013 post-sequester level
- \$484 million for the Mental Health Block Grant, 5 percent of which will be used to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders.

## TAX AND ADMINISTRATION

### ECONOMIC DEVELOPMENT INITIATIVES

The County has continued advocacy through meetings with the Economic Development Administration in support of pending economic development grants such as our New Market Tax Credit Application.

### COMMUNITY DEVELOPMENT BLOCK GRANTS


Palm Beach County has advocated for of the U.S. Department of Housing & Urban Development's (HUD) Community Development Block Grant Program (CDBG) and HOME Investment Partnerships Program (HOME). These two programs serve as primary vehicles to address housing and community development needs.

Below is a three-year history of Palm Beach County funding:

<b>Fiscal Year</b>	<b>CDBG Allocation</b>	<b>HOME Allocation</b>
2014	\$5,865,753	\$1,749,997
2013	\$5,892,217	\$1,611,843
2012	\$5,393,765	\$1,592,579

### TAX EXEMPT STATUS ON MUNICIPAL BONDS

Between 2003-2012, Florida's state and local governments issued \$103.1 billion in tax-exempt municipal bonds. Repeal of the tax status during that time would have cost taxpayers and additional \$30.9 billion. Under the Administration's proposed 28% cap, \$10.8 billion in additional revenue would have been required. Palm Beach County worked with our Congressional Delegation to ensure those changes did not occur during 2014.



**Palm Beach County  
DRAFT 2015/2016  
Federal Agenda**

**Board of County Commissioners**



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Mary Lou Berger, Vice Mayor  
Paulette Burdick  
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# **TRANSPORTATION**

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## **AIRPORT CUSTOMS**

The Department of Airports has had discussions with US Customs and Border Patrol officials in an effort to provide Customs service at our main terminal after 4:00pm. Several airlines and general aviation tenants have requested additional international service at PBI but are unable to provide the service since Customs officers only work at the main terminal until 4:00pm.

The Department of Airports has submitted plans to CBP for expansion of our Federal Inspection Station in anticipation of additional international service. Our marketing efforts include meetings in Europe with international airlines for service to PBI in addition to visits to all US domestic airlines that serve international destinations. However, if CBP cannot or will not provide service at PBI's main terminal after 4:00pm, it becomes difficult if not impossible to have expanded international service at PBI.

The FY 2014 Omnibus Appropriations Bill included Sec. 559, which allows CBP to enter into reimbursable fee agreements with government entities at ports of entry for customs services.

The program allows 5 airports per year to seek additional services from Customs on a reimbursement basis. PBI will consider applying for one of these 5 slots and will continue to work with US Customs to provide flexibility in securing additional officers for international travel entering PBI after 4:00pm.

## **PILOT SAFETY STANDARDS/FAA RULES**

The Federal Aviation Administration issued two new rules in 2010 that became effective in mid 2013 and in Jan 2014. The rules were issued as a result of a commercial plane crash that was blamed in part due to tired pilots and poor training. The recent rest rule requirement provides pilots with more rest between flights. The result is airlines have hired more pilots and have had to pay more to get them.

The earlier rule, effective August 2013, requires new co-pilots to undergo an additional 1250 hours of training than previously required. This has resulted in some regional airline carriers to struggle in finding qualified co-pilots. The County will work with regional airlines such as Silver Airways to encourage the FAA to allow greater access for new pilots to obtain their flying certification. We will also explore possibilities to offer alternative requirements in the FAA Reauthorization Bill.

## **ROAD CONSTRUCTION, RAIL AND TRAFFIC ENGINEERING**

### **PASSENGER RAIL ON FEC CORRIDOR**

All Aboard Florida is developing a privately owned, operated and maintained intercity passenger rail service. Stations are currently planned for the downtowns of Miami, Fort Lauderdale, West Palm Beach and the future Intermodal Station at the Orlando International Airport. Continue to monitor rail development progress on the FEC corridor to encourage minimizing traffic impacts where possible.

### **TRAFFIC CALMING – (CCRT AREAS)**

In an effort to make specified CCRT areas safer, more pleasant, and more livable, traffic calming funds are requested to help reduce accidents, collisions, noise, vibration, pollution, and crime. Work with the Federal Highway Administration to identify Highway Safety Improvement Program (HSIP) funds that can be used to fund this project.

### **STATE ROAD 7 EXTENSION**

State Road 7 has been on the County's Thoroughfare Plan and Long Range Transportation Plan since 1972. It is shown on the County's Comprehensive Plan extending from Okeechobee Boulevard to Northlake Boulevard. The County has already constructed a portion of this roadway from Okeechobee Boulevard north to Persimmon Boulevard. This roadway extension is considered a necessary connection for adequate traffic flow in the western area. Support efforts to continue the extension of State Road 7.

### **GLADES ROAD CONSTRUCTION/STREET REPAIR – PHASE TWO - \$2,500,000**

More than any other issue facing Belle Glade, South Bay and Pahokee today, the repair and rebuilding of streets are the cities number one concern. The three cities have outlined road resurfacing and reconstruction projects on Collector/Residential Roadways. State legislators were successful in securing \$1 million in FY13 and over \$4 million in FY 14 for phase one of the projects. Support the tri-cities request to continue repair and maintenance on these roads essential for future economic recovery in the region.

### **HIGHWAY BILL**

Transportation committees will devote much of the year drafting legislation to reauthorize highway programs, which expire on May 31, 2015. Counties own and maintain more than 1.8 million miles or 44 percent of America's public road miles.

One of the key issues is how to bridge the anticipated shortfall in the highway trust fund, which is currently supported by gasoline taxes.

Congress should provide long-term certainty and increase transportation infrastructure investments by enhancing the Federal gas tax or finding alternative sources of revenue to make the Highway Trust fund solvent.

Congress should also create additional grant or formula programs for smaller transportation projects.

### **PALM TRAN**

Palm Tran typically receives around \$16 million in federal funding to support capital and operational activities. A 25 percent threshold exists for the amount of funds that can be used for operational expenditures. The County requests a higher threshold to allow for more flexibility for federal funding to be used for operational versus capital costs.

The County makes significant contributions well beyond match requirements for funding paratransit services. Consideration should be given to options for alternative sources or additional funding for paratransit service based on local government rider demographics or based on the percent of a local government's budget that go toward paratransit services as compared to other governments in the country.

Additionally, the federal government should provide certain matching funds to increase bus shelters particularly in regions of the country where elements such as weather (i.e. intensive heat, large amounts of rain) hinder mass transit usage.

## **ENVIRONMENTAL & NATURAL RESOURCES**

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### **GLADES CITIES WATER INFRASTRUCTURE PROJECT**

The Cities of Belle Glade, Pahokee and South Bay are located in a socio-economically disadvantaged area of Western Palm Beach County. Prior to 2008, their source of water was Lake Okeechobee, an unreliable and poor quality source. The County constructed a \$58 million dollar regional water plant using a reliable brackish water source and reverse osmosis technology to improve water quality in the area. Unfortunately, the water infrastructure (pipelines) in all three cities is aged, was poorly constructed and has succumbed to the corrosive characteristics of the local soil. As much as 40% of the water being produced by the plant is leaking into the ground, compromising overall water

quality. Furthermore, the deteriorating and undersized pipes of the system have problems providing adequate pressure (minimum 20 psi) during maximum daily flow conditions, particularly during fire flow events. There is considerable piping in each community that needs to be replaced to stem the leakage and improve operating pressures. These improvements are desperately needed in order to preserve the high quality of the water from the new plant and to maintain adequate fire flow pressures in the system protecting the public health and safety of the citizens of the three cities. The Glades Cities Water Infrastructure Project to construct these improvements to the water system is \$25 million (\$5 million over 5 years), the county requests federal matching assistance of \$1 million per year. A \$1 million state grant was allocated in FY 2014.

## **ENVIRONMENTAL PROJECTS**

### **BEACH RESTORATION**

Continue to work with the federal government to provide storm protection, recreation and habitat on eroded beaches.

### **JUPITER CARLIN**

Palm Beach County is requesting an accelerated schedule from the Corps of Engineers for completion of the required decision document (934 report), a draft of which was provided to the Corps by the county in 2012. Failure to process the document in a timely manner resulted in a lack of federal funding for the 2014 nourishment project.

The Jupiter project will also need to be prioritized in the Corps annual work plan to ensure that funding for engineering, design and construction of the upcoming project will not be delayed. The second full renourishment of the beach adjacent to Jupiter Inlet in Palm Beach County, where 80% of the beachfront is public park or hotel, is now scheduled for November 2017.

### **OCEAN RIDGE**

Palm Beach County is again requesting reimbursement of \$1,359,257 for renourishment costs associated with the Ocean Ridge Segment of the Palm Beach County, Florida Shore Protection Project completed in 2005.

## **WATER RESOURCES DEVELOPMENT PROJECTS**

Support the County proposed Continuing Authorities Projects for habitat restoration in Lake Okeechobee and Lake Worth Lagoon through funding for the required Appraisal Reports and the initiation of the required feasibility studies.

## **CLIMATE COMPACT**

### **SOUTHEAST FLORIDA REGIONAL CLIMATE CHANGE COMPACT**

For the purpose of continued regional collaboration and joint advocacy with the Regional Climate Change Compact Counties of Palm Beach, Broward, Miami-Dade and Monroe, the Board renews support for the Southeast Florida Regional Climate Change Compact Counties Federal Climate Legislative Program and affirms its support for the Compact Counties' 2015 Federal Energy and Climate Legislative Program, including the following specific provisions:

#### **Infrastructure Investments**

SUPPORT federal legislation to create and fund a national infrastructure bank or other new infrastructure funding source to finance projects needed by state and local governments to adapt to climate impacts and address aging infrastructure. Emphasis should be placed on investments in water management, water supply, transportation, and other projects that make urban infrastructure more resilient to extreme weather events and rising sea levels.

SUPPORT legislation prioritizing non-structural, nature-based infrastructure investments, including dunes, wetlands, marshes, reefs, mangroves, and other natural features.

SUPPORT legislation that creates incentives for the consideration of climate impacts, including sea level rise, in federal aid for transportation, water, and other infrastructure projects.

SUPPORT the use of emissions reduction and climate adaptation performance measures and standards to evaluate infrastructure investments, including transportation and water projects.

SUPPORT federal programs that shift priorities toward public transit and non-motorized travel, including reinvestment in existing infrastructure and

communities, support for public transportation and transit-oriented development, and congestion management strategies other than new road building.

### Adaptation and Resilience

SUPPORT specific recognition in federal legislation of land use designations made by local governments for the purposes of building community resilience, such as the Adaptation Action Areas (AAAs) defined in Chapter 163, Florida Statutes, and the development of regulations that give priority consideration to local land use designations for climate-resilient investments.

SUPPORT multiagency initiatives like the Partnership for Sustainable Communities that provide federal grants, technical support, and other services to aid community planning for sustainability and climate adaptation.

SUPPORT reform of the Stafford Act to allow greater flexibility in disaster reconstruction efforts to ensure that properties and infrastructure are not merely rebuilt to their previous condition, but to higher, more resilient standards (where appropriate).

SUPPORT funding for weatherization programs to harden buildings against flooding and windstorm impacts.

SUPPORT continued funding for the Federal Emergency Management Administration's (FEMA) natural hazard mitigation programs to include mitigation for hazards associated with climate change impacts.

SUPPORT the continued eligibility of funding for activities to adapt to climate change and extreme weather events under the Federal-Aid and Federal Lands Highway programs, including vulnerability/risk assessments, highway project development, environmental review and design, construction of projects or features to protect existing assets, and evaluation of life cycle costs.

### Climate and Energy Research

SUPPORT continued funding for the US Global Climate Change Research Program and the ongoing National Climate Assessments created by the US Global Change Research Act of 1990.

SUPPORT sufficient funding for weather- and climate-monitoring satellites to ensure that critical data needs continue to be met.

SUPPORT sufficient funding for the National Weather Service, National Hurricane Center, and other atmospheric and ocean research programs.

SUPPORT funding to downscale global and national climate models to regional and local levels and to develop reliable future climate and sea level rise scenarios for regional and local use.

SUPPORT funding for advanced energy research programs.

### Energy and Emissions

SUPPORT federal legislation or administrative action that removes federal restrictions on Property Assessed Clean Energy programs and expands the list of eligible improvements to include weatherization measures.

SUPPORT reauthorization of and renewed funding for the Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG) Program.

SUPPORT continued funding for the US Department of Energy to support the Southeast Florida Clean Cities Coalition and funding for implementation of projects developed under Drive Electric Florida plan and the US 1 Corridor Pilot Project.

SUPPORT continued funding for the US Environmental Protection Agency to support the Southeast Diesel Collaborative and the National Clean Diesel Funding Assistance Program.

### Oil Exploration and Drilling

OPPOSE oil exploration and drilling on federal lands in Florida, including the Everglades, and in federal waters on Florida's Outer Continental Shelf.

SUPPORT legislation or administrative action halting oil and gas exploration off the eastern seaboard of the United States.

SUPPORT legislation or administrative action restricting the use of seismic testing for offshore oil and gas exploration, which can severely impact marine animals.

SUPPORT - revisions to the Oil Protection Act of 1990 or other laws to ensure that:

- Local governments may act as first responders in an effort to protect local communities and will be reimbursed for actions undertaken to protect their resources and restore damaged areas during oil spill events.
- The Oil Spill Liability Trust Fund is capable of addressing Spills of National Significance where there is not a financially viable or legally responsible "Responsible Party."



## Everglades Restoration

SUPPORT continued focus on Everglades restoration as an essential component of protecting regional water resources and building regional climate resilience.

SUPPORT funding for authorized Everglades restoration projects and legislation authorizing the Central Everglades Planning Project (CEPP) and expediting other projects related to the Comprehensive Everglades Restoration Plan.

## Tax and Fiscal Policies

OPPOSE reductions in funding for critically important conservation, public health, and environmental protection efforts that reduce carbon emissions, support climate preparedness, build resilience to extreme weather, and protect the nation's natural resources.

SUPPORT renewal of tax incentives for renewable energy, particularly the Solar Investment Tax Credit.

SUPPORT the elimination of federal subsidies for oil and gas production and the raising of royalties for oil and gas drilling on federal lands.

SUPPORT legislation allowing for Master Limited Partnerships—publicly traded limited partnerships not subject to corporate income tax—for renewable energy businesses, just as they are already available for fossil fuel businesses.

SUPPORT renewal of the expired Section 179D of the Internal Revenue Code, which allows deductions for energy efficiency improvements in commercial buildings, and an increase in the per-square-foot value of the deduction from the previous value of \$1.80.

SUPPORT legislation that affirms equal treatment of pretax spending programs for transit and parking and makes future increases in the transit program maximums automatic (as the parking maximum increases already are).

## Other

SUPPORT the Invasive Fish and Wildlife Prevention Act or similar legislation to better regulate importation of, and interstate commerce in, nonnative, potentially invasive species.

## **COMPREHENSIVE EVERGLADES RESTORATION PROJECT/HERBERT HOOVER DIKE**

The federal share of the Comprehensive Everglades Restoration Plan (CERP) should be sufficient to fully implement all plan components at the agreed upon cost share in accordance with adopted project schedules.

The failure of the Herbert Hoover Dike surrounding Lake Okeechobee could have severe effects on the surrounding region, including Palm Beach County. The Dike is currently undergoing rehabilitation with an estimated date of completion of 2030. The Board supports any and all actions by the federal government to expedite full rehabilitation of the Herbert Hoover Dike.

The December 2014 Omnibus Appropriations Bill included \$65,551,000 for the South Florida Ecosystem Restoration and \$75,000,000 for the Herbert Hoover Dike (Seepage Control). The South Florida Ecosystem Restoration received an additional \$4,477,000 for operations and maintenance, which is \$4,554,000 less than the President's \$9,031,000 O&M budget request.

In 2016, continue to support the President's Budget Requests for the Hoover Dike rehabilitation and Everglades Restoration.

## **WATERS OF THE US (WOTUS)**

Despite multiple, constructive conversations regarding the applicability and implementation of the proposed Waters of the US rule in South Florida, the County remains concerned by the language of the proposed rule, definitions proposed therein, and the lack of clarity and direction from the federal agencies regarding its impacts to Palm Beach County and other local governments within South Florida. The County maintains the proposed rule arbitrarily expands the definition of "waters of the United States" to water bodies outside of current practices and permitting regimes and creates significant regulatory uncertainties regarding previously approved and highly effective state regulatory programs. To that end, the County requests the following suggestions regarding potential language to be incorporated into the final rule.

### **Suggested Amendments to the Proposed Rule**

To avoid regulatory uncertainty, legal deficiencies and the practical consequences that will result from finalization of the proposed rule, Palm Beach County proposes the following amendments to the rule language:

- 1) Definition of “upland” as any land that is not wetland or open water. The agencies should also exclude all ditches that are excavated in uplands from jurisdiction, including the point at which a ditch discharges to a water of the US, no matter how often the ditch holds water.
- 2) Ditches that develop wetland characteristics (as happens in South Florida as they are often wet and intended to collect water) should be explicitly exempted from jurisdiction.
- 3) Ditches that are part of permitted surface water or storm water management systems should be exempted from jurisdiction.
- 4) Clarify the waste treatment exemption to clearly include man-made storm water management and treatment systems that have been previously permitted under the MS4 permitting program or a federally approved state permitting program. Exempted man-made storm water features should include ditches, canals and conveyances, wetlands, inflow basins, and other features that should be clearly articulated in the rule. Alternatively, the proposed rule should be amended to include a new exemption for stormwater management facilities and features.
- 5) Clarify the waste treatment exemption to further clarify that innovative features other than treatment ponds or lagoons clearly fit within the exemption, including features that are designed to facilitate the delivery or disposal or reclaimed water that may not have been explicitly designed to meet the requirements of the Clean Water Act. In the case of Palm Beach County, these systems are included in the NPDES permit for the facilities; however, there are other situations where this is not the case and facility owners may see increased liability without an explicit change in the exemption.
- 6) Explicitly exempt green infrastructure from jurisdiction under the rule.

Palm Beach County understands the meaning and purpose of the Clean Water Act and the agencies’ goal of protecting our nation’s water resources while providing clarity and certainty for the regulated community. Any approach to protecting water quality in America must be accomplished through the Clean Water Act’s vision of cooperative federalism, including partnerships at the local, regional and state levels. As currently proposed, the rule will increase litigation, increase the burden on local governments with limited budgets and resources and will increase the administrative burden on federal agency staff. Palm Beach County continues to welcome the opportunity to work with the EPA, the Corps and our local, regional and state governments in promulgating a reasonable and rational rule that will achieve the protection of our nation’s water resources while recognizing the practical realities of specific regions.

## **PUBLIC SAFETY & DISASTER RELIEF**

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### **SOBER HOMES**

The Department of Housing and Urban Development (HUD) is charged with the interpretation of the Fair Housing Amendments Act. There is an urgent need for clarification from HUD regarding the language within the Fair Housing Amendments Act (“the Act”) and its application to sober homes. The courts have applied the Act inconsistently over the years and this has caused a great burden to be placed upon the states and local governments, some of which are currently facing over-concentration of sober homes in their single-family residential communities.

With a lack of regulation and/or oversight of such homes or their operators, there has been increasing abuse and exploitation of the patients/residents in the sober homes by the operators. Therefore, there is a real need for clarification from HUD regarding what actions, if any, may be taken by states and local governments in order to protect the health, safety, and welfare of both the residents of the homes and the surrounding areas.

The following clarifications to the Fair Housing Amendments Act could be helpful:

- provide a better definition of “currently using drugs or alcohol”
- provide that sober homes may be somewhat limited in single family zoning districts everywhere due to the more frequent turnover of a sober house dwelling unit
- provide for limitations of sober houses within single family zoning districts by providing an allotted percentage of sober houses to non-sober houses within each single family zoning district or by limiting them by location (no closer than 500 feet from one another) in order to avoid overconcentration of sober houses in single family zoning districts only
- provide clarification that sober houses must comply with the local zoning regulations pertaining to the number of unrelated persons allowed per dwelling unit.

### **PORT SECURITY FUNDING**

Monitor grant opportunities for port security funding. The FY 2015 Omnibus continued Department of Homeland Security programs into the early part of 2015, and no final decisions have been made on funding for State and Local Programs, which includes funding for several stand-alone DHS/FEMA grant programs, including: state homeland security grants, UASI, Port Security, and Fire Grants. The program would be administered primarily

through formula allocations to the states, but would also entail competitive grants to states and regions for specific policy areas, including critical infrastructure, counterterrorism, and transportation.

### **FEMA FUNDING FOR PARKS & RECREATION/PRE-DISASTER MITIGATION PROGRAMS**

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. In 2014, FEMA received 325 subapplications totaling \$77 million. One of the projects selected for review was the SFWMD Sea Level Rise Impact Pilot Program.

### **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.

Some of the FY15 Omnibus law enforcement funding highlights includes:

- \$376 million for Byrne-JAG grants, which is the same as the 2014 enacted level.
- \$208 million for the COPS program, which is \$6 million less than the 2014 enacted level.
- \$430 million for Violence Against Women Prevention and Prosecution Programs, which is \$13 million above the 2014 enacted level.
- \$125 million for the ongoing DNA Initiative program which funds the testing of sexual assault kits, the same the FY 2014 level and \$25 million above the request. In addition, \$41 million is included for the new Community Sexual Assault Kit Backlog Reduction program.

Support the President's proposed FY15/16 spending plan, which includes funding for COPS hiring and Byrne Justice Assistance Grants.

Support 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 and diversion programs, the FY15 Justice Department proposed

budget includes an additional \$47.3 million for a total of \$115 million for Second Chance Act programs and grants supporting drug courts, mental health services and other diversion programs. In addition, support the Labor Department request for reintegration of ex-offender training programs, and the Education Department's workplace and community training grants for incarcerated individuals. Support additional funding that promote re-entry programs.

### **MENTAL HEALTH SERVICES FUNDING**

The Board supports the continued appropriation of funds for mental health services. It is estimated that untreated and mistreated mental illness costs American business, government and taxpayers \$113 billion annually. Continue to support efforts to develop evidence based community care that is accessible to all as well as treatment models that provide for a coordinated continuum of care for patients. Funding efforts should not be solely focused on treating those with the most disabling forms of mental illness, but rather a range of prevention, wellness, and crisis treatment, as well as, educational outreach to reduce the stigmatism surrounding mental health.

### **FEDERAL CATASTROPHIC INSURANCE**

For years members of Congress from Florida and other coastal states have proposed creating a regional or national catastrophe fund to pool the risk for states and reduce the burden on taxpayers from natural disasters.

Previous House proposals called for a portion of homeowner's insurance premiums in participating states to be used to create a national fund. They provided reinsurance for state disaster funds, and would create federal financial backing of the fund if necessary.

Federal Catastrophic Insurance could be modeled similar to the Federal Flood Insurance Fund and could cover hurricanes, floods, tornados, earthquakes, and other natural disasters.

Amending the National Flood Insurance Program (NFIP) to allow multi-peril coverage from a national catastrophic insurance fund could help create solvency for the flood program.

### **INSURANCE AND MAPPING FOR FLOOD AREAS**

In March of 2014, the Homeowner Flood Insurance Affordability Act (H.R. 3370) was signed into law. The bill reformed the National Flood Insurance Program (NFIP) by easing several flood insurance premium increases associated with the 2012 enactment of the Biggert-Waters Act.

The legislation restored NFIP subsidized premium rates for “grandfathered” policies, meaning that properties insured by the program would permanently pay rates based on the flood zone designation when the property was built, even if floodplain mapping later re-designates the property in a higher-risk category.

The legislation would require rates to rise at an average of 5 percent per year (minimum), while only allowing for a 15 percent annual rate increase for each of the property categories listed by FEMA until actuarial rates are met. Individual policyholder rate increases are capped at 18 percent. The legislation also applies an annual surcharge of \$25 for primary residences and \$250 for second homes and businesses, until those subsidized policies reach full risk rates.

While H.R. 3370 addressed insurance issues, additional problems remain with mapping for flood areas.

#### National Flood Insurance Program (NFIP) Reform

Support legislative efforts, policies, and programs that ensure all property owners can receive affordable flood insurance within a program framework that helps the NFIP become financially stable.

#### ACOE Herbert Hoover Dike issue

In December 2014, Palm Beach County drafted a letter to the Army Corps of Engineers (ACOE) asking them to certify the work done on the South Eastern portion of the Herbert Hoover Dike so FEMA could use that data when drafting an updated flood map for the County. Under the current flood map draft, most of the Glades region of the County is designated a flood area and thus would be subject to increased insurance premiums. Without updated data, FEMA cannot make the necessary changes to the flood map calculations. Demand the ACOE certify completed work on the Dike so it can be used to calculate newly proposed FEMA flood map.

### **VETERANS/PENSION POACHER**

Language sponsored by Congressman Tom Rooney and included in HR 2189 provides criminal penalties against any person who solicits, contracts for, charges, or receives any fee or compensation from a veteran other than that currently permitted under law.

Individuals known as “pension poachers” are those who charge to ostensibly assist seniors with applying for benefits, but often times are trying to do little more than prey on America's elderly and disabled veterans. Support legislation that would make it easier to

identify individuals participating in these types of scams that have compromised a veteran's ability to receive their pension benefits.

HR 2189 passed the House of Representatives in October 2013 and included these "pension poaching" provisions. Support similar legislation to be considered in the House and Senate during 2015.

### **FUNDING FOR ENHANCED LIGHTING IN HIGH CRIME AREAS**

In an effort to continue promoting safety in high crime areas, grant opportunities should be created to enhance lighting in these areas.

### **THE GRASSLEY/WHITEHOUSE JUVENILE JUSTICE & DELINQUENCY PREVENTION REAUTHORIZATION OF 2014**

For the past 40 years, the Juvenile Justice and Delinquency Prevention Act (JJDP A) has set federal standards for the custody and care of youth in the juvenile justice system and provided critical federal funding to assist states in meeting these standards. Efforts to remove youth from adult jails and halt the detention of status offenders were initiated under the JJDP A, and have been very successful.

Sen. Chuck Grassley of Iowa and Sen. Sheldon Whitehouse of Rhode Island have filed the reauthorization of the JJDP A which is needed to overhaul the law to meet the most current issues in juvenile justice, such as reducing racial and ethnic disparities, keeping kids out of adult court and giving states incentives to stop using incarceration and implement effective alternatives to incarceration.

The Reauthorization Act would address many of the key issues in juvenile justice today, including:

- Phasing out any exceptions that would allow the detention of status offenders, i.e. youth who have not been charged with a crime
- Substantially reducing the placement of youth in adult jails
- Dramatically decreasing racial and ethnic disparities
- Giving states incentives to rely less on incarceration
- Promoting the use of alternatives to incarceration and
- Improving conditions and educational services for incarcerated youth.

Support hearings of the bill in U.S. Senate Judiciary Committee during the 2015 Congressional session.



## **ECONOMIC DEVELOPMENT & FINANCE**

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### **TAX EXEMPT STATUS OF MUNICIPAL BONDS**

As Congress and the Obama administration work to reduce the federal deficit, one of the issues being discussed would threaten the tax-exempt status of municipal bonds. This is a major concern to counties across the nation as these bonds are used to fund infrastructure projects at the state and local levels.

Since the federal income tax was imposed in 1913, the interest earned on municipal bonds has been exempt from federal taxation. This is not a tax loophole. The tax law was specifically designed this way to encourage investment in public infrastructure.

The projects funded through municipal financing are engines of job creation and economic growth. According to national statistics, state and local governments shoulder more than 75% of the costs of financing the nation's public infra-structure. Eliminating or limiting the tax-exempt status on municipal bonds will increase the costs borne by taxpayers. Between 2003-2012, Florida's state and local governments issued \$103.1 billion in tax-exempt municipal bonds. Repeal of the tax status during that time would have cost taxpayers and additional \$30.9 billion. Under the Administration's proposed 28% cap, \$10.8 billion in additional revenue would have been required.

### **SOUTH FLORIDA INLAND PORT**

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 identified for the project.

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. Support workforce and funding opportunities to further develop the inland port facility.

## **COMMUNITY DEVELOPMENT BLOCK GRANT**

Section 108 is the loan guarantee provision of the Community Development Block Grant (CDBG) program. Section 108 provides communities with a source of financing for economic development, housing rehabilitation, public facilities, and large-scale physical development projects. A public entity may apply for up to five times the public entity's latest approved CDBG entitlement amount, minus any outstanding Section 108 commitments and/or principal balances of Section 108 loans. Support future federal allocations for section 108 funding and work with the federal and state government to increase funding eligibility from five times the budget to a higher ratio. This would allow for additional economic development through housing investments.

## **NEW MARKET TAX CREDIT GRANT**

In 2014, Palm Beach County submitted a \$40 million New Market Tax Credit application (Control Number: 13NMA005881). The County's Department of Economic Sustainability (DES) Loan Programs Experience and Success Rate over the past three years, including programs from HUD, EPA, USDA, DOE, has created over 1600 jobs to date. Of the \$35 Million in local loan pool, \$23 million in loans have been made, creating over \$82 million of private investment in Palm Beach County. The loan program has had a 100% success rate – meaning there have been no defaults since first loan in 2009. Support County efforts to secure future NMTC grants.

## **MARKETPLACE FAIRNESS ACT**

Support The Marketplace Fairness Act similar to S. 2609 that grants states the authority to compel online and catalog retailers ("remote sellers"), no matter where they are located, to collect sales tax at the time of a transaction - exactly like local retailers are already required to do.

## **CADILLAC TAX UNDER THE AFFORDABLE CARE ACT**

The "Cadillac tax" is a component of the Affordable Care Act that will trigger a 40 percent excise tax on health benefits that exceed a certain threshold. The tax was developed as an alternative to placing a cap on the existing tax exclusion for health benefits. It is not set to go into effect until 2018, but employers are already taking action to plan for and/or avoid the tax.

Affected employers in 2018 will pay an average \$1 million that year and an average \$2.1 million, or \$2,700 per employee, from 2018 to 2024. A recent survey found that nearly half of large employers could be hit by the tax in 2018, and that figure could rise to 82 percent by 2023 despite business efforts to control costs.

Under the ACA, plans whose values exceed \$10,200 for individuals and \$27,500 for families will be subject to a 40 percent excise tax starting in 2018. The value is indexed to the Consumer Price Index plus one percentage point for 2019 and then increases at just CPI in 2020 and thereafter.

This potential has already caused businesses to make changes to plans. One policy change is that 29 percent of large employers are implementing a surcharge for spouses who can get coverage through their own employer for 2015, mainly due to efforts to avoid the tax.

The preferred solution is repeal of the tax, but if that is not possible due to high costs (revenue estimates of the tax are between \$88 and \$120 billion), one potential change would be to alter the inflation index so that the threshold for the tax is tied to medical inflation instead of CPI, which is typically much lower.

Also, the current structure of the tax applies it to the costs of all benefits provided by an employer, including on-site medical clinics, and that should be changed. More employers should be encouraged to create clinics, and including them in the calculation does not incentivize that approach. Pursue a legislative track to carve the clinics out of the calculation.

Another option would be to create a "safe harbor" that, for example, could exempt plans certified as having a 90 percent actuarial value from the tax.

## **USDA BRYANT/MCFADDEN HOUSE RESTORATION**

Two people had a lasting impact on the northern Everglades these were William Conners and Frank Bryant. Conners built a toll road that linked the City of Okeechobee to West Palm Beach. Bryant provided an economic engine for the area to develop. Conners's toll road is SR 98 today and has a historic marker relating the importance of the road to the development of the Palm Beach County.

Mr. Bryant was the head engineer of the Lake Worth Drainage District (LWDD) (Bryant Park in Lake Worth is named after him) While completing the drainage efforts on the eastern seaboard he began cultivating sugarcane (ca1919) in the Glades. As time progressed he spent more time draining 400 acres just east of Canal Point planting different types of sugarcane. In 1920 he and G.T. Anderson formed the Florida Sugar and Food Products Company. When his work was completed in 1922 with the LWDD he brought to the first industrial scale (400 ton) sugar mill to the Town of Zugar (now the ghost town of Bryant) just east of Canal Point on Connor's Toll Road. By 1923 there were 900 acres of sugar cane in the entire Glades region, 800 of these were in Canal Point on Bryant and Anderson's farms. Eventually, Bryant's farms became US. Sugar.

Mr. Bryant built the house. His home was considered palatial because of its scale. When

completed he moved his wife and daughters from Lake Worth to Canal Point. His family decided they liked the social life of Lake Worth and Palm Beach over Canal Point and moved back east. Mr. Bryant then used the house as his office and "guest house" for visitors and business partners who came to the mill.

The USDA-ARS established the research station in 1920 to combat the Mosaic Virus that was killing Sugarcane plants. The Station was located in Canal Point because of Bryant's nearby mill, farms and office.

Palm Beach County requests the State Historic Preservation Officer that the house and servant's quarters be restored and used as the USDAs offices as they were originally used by Bryant. The buildings to be restored should be turned into a museum/visitor center for the USDA. The USDA-ARS has done and continues to do research at the station and yet few know about the critical role they play.

Encourage USDA to restore the historic Bryant/McFadden home in Canal Point instead of demolishing the structure as they have proposed.