

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 26, 2016 () Consent (X) Regular
Department () Workshop () Public Hearing

Submitted By: Legislative Affaris

Submitted For: Legislative Affairs

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: the proposed 2016 Federal Legislative Agenda, which includes priority appropriation and legislative issues.

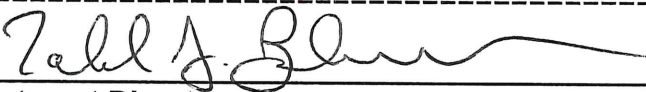
Summary: The proposed 2016 Federal Legislative Agenda includes priority appropriation and legislative issues, general appropriations, and general issues to monitor. The Federal Legislative Agenda outlines issues the County's Legislative Affairs Office, in conjunction with the County's federal lobbyists, will be working on for the upcoming Congressional session.


The Board of County Commissioners requested an update on the current status of federal offshore drilling and seismic testing. Staff has drafted an attached memo to that regard and will provide that update as part of the presentation on the Federal Legislative Agenda. In addition, staff will provide a brief recap of highlights and accomplishments from the 2015 Federal Agenda. Countywide (DW)

Background and Justification:

Attachments:

- 1. Proposed 2016/17 Federal Legislative Agenda
- 2. Staff Memorandum on Offshore Oil Drilling

Recommended by:  1/9/16
Department Director Date

Approved by:  1/11/16
Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* 0	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget?	Yes _____		No _____		
Budget Account No.:	Fund _____	Agency _____	Org _____	Object _____	Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Department Fiscal Review:

* There is no fiscal impact associated with this item.

III. REVIEW COMMENTS

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


OFMB *1/13/16*



Contract Administrator *1-13-16*

B. Legal Sufficiency:


Assistant County Attorney *1/20/16*

C. Other Department Review:

Department Director



Palm Beach County 2016/2017 Proposed Federal Agenda

Board of County Commissioners

**Mary Lou Berger, Mayor
Hal R. Valeche, Vice Mayor
Paulette Burdick
Shelley Vana
Steven L. Abrams
Melissa McKinlay
Priscilla A. Taylor**



Verdenia C. Baker, County Administrator

**Todd J. Bonlarron, Legislative Affairs Director
301 North Olive Avenue, 11th Floor
West Palm Beach, Florida 33401
(561) 355-3451**

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS



MARY LOU BERGER
MAYOR
DISTRICT 5
561/355-2205
MBERGER@pbcgov.org



HAL R. VALECHE
VICE MAYOR
DISTRICT 1
561/355-2201
HVALECHE@pbcgov.org



PAULETTE BURDICK
DISTRICT 2
561/355-2202
PBURDICK@pbcgov.org



SHELLEY VANA
DISTRICT 3
561/355-2203
SVANA@pbcgov.org



STEVEN L. ABRAMS
DISTRICT 4
561/355-2204
SABRAMS@pbcgov.org



MELISSA MCKINLAY
DISTRICT 6
561/355-2206
MMCKINLA@pbcgov.org



PRISCILLA A. TAYLOR
DISTRICT 7
561/355-2207
PTAYLOR@pbcgov.org

Table of Contents

2016/2017 Federal Legislative Issues

TRANSPORTATION	4
AIRPORT CUSTOMS	4
PILOT SAFETY STANDARDS/FAA RULES.....	4
ROAD CONSTRUCTION, RAIL AND TRAFFIC ENGINEERING.....	5
PASSENGER RAIL ON FEC CORRIDOR	5
STATE ROAD 7 EXTENSION	5
GLADES AREA ROAD CONSTRUCTION/STREET REPAIR – PHASE TWO - \$2,500,000	5
TRUCK SIZE AND WEIGHT (NEW)	5
PALM TRAN	6
ENVIRONMENTAL & NATURAL RESOURCES.....	7
GLADES CITIES WATER INFRASTRUCTURE PROJECT	7
ENVIRONMENTAL PROJECTS.....	7
BEACH RESTORATION	7
JUPITER CARLIN.....	7
OCEAN RIDGE	8
WATER RESOURCES DEVELOPMENT PROJECTS	8
NATIONAL ENVIRONMENTAL POLICY ACT (NEW)	8
ARMY CORPS OF ENGINEERS REGULATORY CHANGES (NEW)	9
SAND TRANSFER PLANT	9
CLIMATE COMPACT	9
SOUTHEAST FLORIDA REGIONAL CLIMATE CHANGE COMPACT	9
COMPREHENSIVE EVERGLADES RESTORATION PROJECT/HERBERT HOOVER DIKE	13
WATERS OF THE US (WOTUS).....	14
PUBLIC SAFETY & DISASTER RELIEF.....	15
SOBER HOMES	15
PORT SECURITY FUNDING	15
FEMA FUNDING FOR PARKS & RECREATION/PRE-DISASTER MITIGATION PROGRAMS.....	16
LAW ENFORCEMENT FUNDING (BYRNE GRANTS, GANG VIOLENCE & REENTRY PROGRAMS).....	16
MENTAL HEALTH SERVICES FUNDING	17
FEDERAL CATASTROPHIC INSURANCE.....	17
INSURANCE AND MAPPING FOR FLOOD AREAS.....	17
VETERANS/PENSION POACHER.....	18
FUNDING FOR ENHANCED LIGHTING IN HIGH CRIME AREAS	19
THE GRASSLEY/WHITEHOUSE JUVENILE JUSTICE & DELINQUENCY PREVENTION REAUTHORIZATION OF 2015.....	19
ECONOMIC DEVELOPMENT & FINANCE	20
TAX EXEMPT STATUS OF MUNICIPAL BONDS	20
SOUTH FLORIDA INLAND PORT	21
COMMUNITY DEVELOPMENT BLOCK GRANT.....	21
NEW MARKET TAX CREDIT GRANT	21
MARKETPLACE FAIRNESS ACT.....	22
CADILLAC TAX UNDER THE AFFORDABLE CARE ACT	22
FREE TRADE (NEW)	22
MY BROTHER’S KEEPER (NEW).....	23

TRANSPORTATION

AIRPORT CUSTOMS

The Department of Airports has had discussions with US Customs and Border Patrol (CBP) 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 PBIA 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 PBIA in addition to visits to all US domestic airlines that serve international destinations. However, if CBP cannot or will not provide service at PBIA's main terminal after 4:00pm, it becomes difficult if not impossible to have expanded international service at PBIA.

PBIA will continue to work with CBP towards a solution. One solution may involve PBIA entering into a reimbursable fee agreement, which allows 5 airports per year to seek additional services from CBP on a reimbursement basis. PBIA will consider applying for one of these slots and will continue to work with CBP to provide flexibility in securing additional officers for international travel entering PBIA 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 seek opportunities for Tri-Rail service area expansion, mitigate adverse noise impacts through investment in safety equipment to establish quiet zone, and encourage minimizing traffic impacts where possible.

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 60th Street. This roadway extension is considered a necessary connection for adequate traffic flow in the central/western area. Support efforts to continue the extension of State Road 7.

GLADES AREA 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 FY 13, over \$4 million in FY 14, and \$1 million in FY 15 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.

TRUCK SIZE AND WEIGHT (NEW)

There is concern that Congress is considering changes to federal standards that would increase the allowed truck size and weight on roads. Longer and heavier trucks accelerate the deterioration of roads and bridges, putting additional pressure on financially strained local governments to fund infrastructure. Since most truck trips begin and end on the local road system, local government agencies would face increased responsibility for impacts and repairs. Taxpayers subsidize heavy truck operations by nearly \$2 billion each year on federally funded roadways, and an equal amount annually on state and local funded roadways, since truck fees do not cover the damage that trucks do to roads and bridges.

Additionally, road safety would be strongly affected. Longer trucks are harder to steer and have poorer stability, a longer stopping distance, and a larger crash footprint. These characteristics contribute to them having a higher fatal accident involvement rate than smaller trucks.

Oppose any legislation that seeks to increase truck size or weight limits beyond those in current federal law because of the tremendous highway safety, infrastructure damage, and transportation funding implications of changes in truck size or weight.

PALM TRAN

Transit Technology Enhancement Projects

Palm Beach County is requesting \$9 million for the procurement, installation and integration of various technology programs to enhance the effectiveness and efficiency of transportation services. The highest priority included in this request is for modernization of our fare collection equipment (new fare boxes and related technology) to allow the public the opportunity to pay with Debit and Credit cards. This will include development of an interoperable fare system, whereby customers can transfer seamlessly to and from any of the transit providers in the region. Significant upgrades are required in the system, including development of new faremedia and fare-distribution systems and retraining of all personnel and the public. The anticipated cost to implement these modernizations is \$7 million. The other enhancement project is upgrading the Mobile Data Terminals (MDT) on the fleet of our 175 buses. The MDTs are necessary for the transfer of information between our buses and facilities. It aids in ensuring safety by maintaining communication with drivers and enhancing service to ensure on-time performance by using GPS. The current MDT system operates on 3G technology that is being phased out by our carrier. The upgrade to 4G is necessary to ensure continuity of service and safety of our riders.

Facility Renovation

Palm Beach County is requesting \$1.5 million for the construction of an additional bus maintenance bay that will accommodate an articulated bus. While our fleet has grown to include articulated buses to provide more service to users, more efficiently, our maintenance facility has not been upgraded for them. This has resulted in longer down time of buses, which adversely affects service and on-time performance.

Bus Shelter Expansion

Palm Beach County is requesting \$11.8 million to completely overhaul our bus shelter inventory. This includes replacing 334 existing shelters that are between 10 and 15 years old, and 250 additional shelters for a new total of 584. Currently, only 10% of our 3,200 stops have shelters. The existing shelters are deteriorating and need replacement as well

as upgrades to shelter pads to maintain ADA compliance. Additional shelters are necessary to protect riders from the weather, especially during the summer months and rainy season.

ENVIRONMENTAL & NATURAL RESOURCES

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. Discussions with the

Corps of Engineers about the 934 report included expanding the project limits to include the Juno Beach 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 2018.

OCEAN RIDGE

Palm Beach County again requested 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. Both requests for reimbursement of these costs were rejected based on Corps of Engineers interpretation of the 2005 Project Cooperation Agreement (PCA). The County believes the PCA language supports reimbursement.

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.

NATIONAL ENVIRONMENTAL POLICY ACT (NEW)

Administration of the **National Environmental Policy Act** plays a part in nearly all of our habitat restoration activities, unfortunately in a detrimental way. Changes to NEPA would be the only way to address these reoccurring issues.

1. Support efforts to hold Agencies accountable for their review timelines. Revise 50 CFR 402.14 with the following suggested language: **“Failure to provide a biological opinion within the prescribed time frames shall result in termination of the services’ participation in the review of the application.”**
2. Support a revision to 40 CFR 1508.7 allowing flexibility in the interpretation of NEPA language to allow counties to utilize non-traditional alternatives to beach maintenance. The following language is suggested: **“Where cumulative impact uncertainties remain or multiple resource objectives exist, adaptive management provisions for flexible project implementation, such as pilot project configuration, may be incorporated into the selected alternative.”**

ARMY CORPS OF ENGINEERS REGULATORY CHANGES (NEW)

Corps regulations contain time-clocks for issuing or denying permits. However, federal commenting agencies do not adhere to such clocks. When the Corps' process (including time waiting on other agency comments) exceeds the time-clocks, there is no consequence. Rule-required time-clocks are frequently not met.

Amend 33 CFR Part 325 (d) (10) such that a complete application (public notice) starts not only the Corps' internal time-clocks but also the Section 7 Consultation time-clocks of commenting agencies as well.

SAND TRANSFER PLANT

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. As the Army 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. We seek directive language such as: **ANNUAL OPERATIONS AND MAINTENANCE BUDGET. The Secretary shall include operation and maintenance costs associated with sand transfer plants in the annual operations and maintenance budget of the Corps of Engineers.**

CLIMATE COMPACT

SOUTHEAST FLORIDA REGIONAL CLIMATE CHANGE COMPACT

Background

Southeast Florida is one of the most vulnerable areas in the country to climate change and sea level rise. Recognizing their shared challenges, Palm Beach, Broward, Miami-Dade and Monroe counties ("Compact counties") adopted the Southeast Florida Regional Climate Change Compact ("Compact") in 2010. The Compact includes a commitment to develop and advocate for joint state and federal legislative policies. Accordingly, the Compact counties have adopted a *Federal Energy and Climate Legislative Program* each year since 2011.

The following federal policies and priorities form the *Southeast Florida Regional Climate Change Compact Counties 2016 Federal Energy and Climate Legislative Program*:

Infrastructure Investments

SUPPORT language in the federal transportation bill that defines "resilience" and "vulnerability" to extreme weather events in the context of transportation planning, design, and investment.

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 investments in coastal protection and flood control, including dunes, wetlands, marshes, reefs, mangroves, and other natural features, alone and in combination with built infrastructure.

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 coordinated implementation of the Federal Flood Risk Management Standard by federal agencies and specific guidance and flexibility for local communities affected by the federal rules.

SUPPORT enactment of the Preparedness and Risk Management for Extreme Weather Patterns Assuring Resilience and Effectiveness Act (PREPARE Act) of 2015, establishing the Interagency Council on Extreme Weather Resilience, Preparedness and Risk Management, tasked with establishing government-wide goals and priorities for extreme weather resilience, preparedness, and risk management and ensuring that consideration of extreme weather events is incorporated into agencies' everyday activities.

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.

SUPPORT the explicit inclusion of resilience funding in the FEMA budget, including minimum FY 2016 appropriations of:

- a) \$279 million for the Flood Hazard Mapping and Risk Analysis Program.
- b) \$200 million for the National Pre-Disaster Mitigation Fund.
- c) \$175 million for National Flood Insurance Program Mitigation Grants.

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 additional federal research on physical and dynamic meteorology to better understand how climate change will impact precipitation patterns.

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 legislation similar to the Invasive Fish and Wildlife Prevention Act filed in the 113th Congress (2013-2014) to better regulate importation of, and interstate commerce in, nonnative, potentially invasive species which threaten the resilience of southeast Florida ecosystems.

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 President's FY 2016 Budget Request includes \$123,742,000 for the South Florida Ecosystem Restoration and \$64,141,000 for the Herbert Hoover Dike (Seepage Control). The South Florida Ecosystem Restoration received an additional \$7,181,000 for operations and maintenance in the President's request.

In FY 2017, 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 (WOTUS) rule in South Florida, the County remains concerned by the expansive language of the final rule that was adopted by the Environmental Protection Agency and US Army Corps of Engineers and the definitions proposed therein. The County is additionally concerned by the lack of clarity in the final rule, particularly regarding the exemptions for stormwater and reclaimed water systems, as well as the lack of guidance or policy explanations from the federal agencies regarding its potential impacts to Palm Beach County and other local governments within South Florida. The County maintains the final WOTUS 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. The County supports the stay of the final rule that was put into place by the 6th Circuit Court of Appeals and encourages the federal agencies to consider pulling back the final rule for additional conversation and input from local governments and other interested stakeholders.

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 promulgated, 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

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 related to sober homes, 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 where homes are located.

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 included \$1.5 billion for State and Local Programs, which includes funding for several stand-alone DHS/FEMA grant programs, including: state homeland security grants, UASI, and Port Security. The FY’16 Senate DHS Appropriations Bill maintains \$1.5 billion for State and

Local Programs. The programs are administered primarily through formula allocations to the states, but 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.

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 FY16 budget request, 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 promotes 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. Continue to request seclusion from the flood maps for the area abutting the dike under federal rule guidelines until such time as repair work on the Dike is certified by the ACOE.

VETERANS/PENSION POACHER

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. It is illegal for anyone who is not an approved agent or attorney to charge veterans a fee for assisting them in filing a claim or appeal with the VA; however, there is currently no penalty for violations. Due to this, veterans are being defrauded, by often up to thousands of dollars, by financial predators who charge fees and provide little to no help.

Congressman Tom Rooney has introduced two bills focused on protecting veterans from

fraud and other types of crime. The first, HR 2863—The Secure Legal Services for Veterans Act—would prohibit an individual who is not an agent or attorney from soliciting, contracting for, charging, or receiving any fee or compensation for services rendered in the preparation, presentation, or prosecution of an appeal before the Department of Veterans Affairs or the Board of Veterans' Appeals. Penalties for violators include a fine, imprisonment not to exceed one year, or both.

The second bill, HR 2862—the Veterans Protection Enhancement Act—would increase the federal penalty for any crime in which the defendant deliberately selected the victim because of their veteran status by two levels under federal sentencing guidelines.

Support legislation that would make it easier to identify and penalize individuals participating in these types of scams that have compromised a veteran's ability to receive their pension benefits.

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. According to a systematic review published by the Campbell Collaboration, improved street lighting is thought to affect crime in two ways: by increasing surveillance, thus deterring potential offenders, and by signifying community investment and pride in an area.

In Palm Beach County, Countywide Community Revitalization Team (CCRT) areas are residential neighborhoods generally characterized by infrastructure deficiencies (such as lack of water, unpaved roads or roads in substandard conditions, etc.); a need for neighborhood parks; a high number of code enforcement violations; and a high level of law enforcement need. These 85 designated areas may also be characterized by a concentration of very low to moderate-income populations and lower property values with an increased neighborhood crime rate.

Palm Beach County has adopted and currently applies Crime Prevention Through Environmental Design (CPTED) principles in order to use lighting, amongst others, as a crime deterrent and enhance public safety in numerous areas of the County.

THE GRASSLEY/WHITEHOUSE JUVENILE JUSTICE & DELINQUENCY PREVENTION REAUTHORIZATION OF 2015

For the past 40 years, the Juvenile Justice and Delinquency Prevention Act (JJDP Act) 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 Act, and have been very successful.

Sen. Chuck Grassley of Iowa and Sen. Sheldon Whitehouse of Rhode Island have filed the reauthorization of the JJDPa 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.

The bill has cleared the U.S. Senate Judiciary Committee. Support the passage of the legislation by Congress.

ECONOMIC DEVELOPMENT & FINANCE

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 infrastructure. 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. Changes in federal law during 2015 extended the effective date of the tax from 2018 to 2020, but employers are already taking action to plan for and/or avoid the tax.

Affected employers will pay an average \$1 million that year and an average \$2.1 million, or \$2,700 per employee.

Continue to monitor additional developments related to the Cadillac Tax.

FREE TRADE (NEW)

Existing trade agreements such as NAFTA have had beneficial and deleterious effects on Florida's farmers and consumers. Proposed agreements such as the Trans-Pacific Partnership (TPP) could further complicate these effects. Such agreements have opened new export markets for farmers, and the competition has resulted in increased varieties and lower prices of certain fruits and vegetables for consumers. However, local farmers have faced difficulties in competing due to other countries having, for example, lower labor costs and less stringent environmental oversight laws. According to the Florida Farm Bureau Federation, a future trade agreement with Cuba would be particularly difficult for Florida farmers since its climate is so similar to ours, and Cuban farmers receive strong government assistance. These variables would distort the market and allow Cuban farmers a competitive advantage.

Monitor the implementation of federal trade agreements so that jobs related to Palm Beach County's agricultural industry are not adversely impacted. Support language in trade agreements that include strict measures to control the spread of animal, insect, and animal pests to protect Florida's crops.

MY BROTHER'S KEEPER (NEW)

Support the following legislative recommendations on the federal My Brother's Keeper program:

- "Ban the box" on employment applications
- Programs or grants to increase wages, youth employment and entrepreneurship
- Programs or grants targeting disconnected youth to bring them into education and employment opportunities
- Increase in diversion opportunities and lessening of criminal penalties on certain drug and non-violent crimes, especially offenses that disproportionately impact boys and young men of color
- Programs or grants providing resources to successfully transition youth back into their community after detention
- Resources allocated towards improving health outcomes and training for parents
- Waivers for agencies who are receiving federal dollars, specifically as it relates to collective impact efforts and performance partnership pilot grants to allow for better coordination of services
- Training opportunities for teachers at the preschool, elementary, secondary and post-secondary levels



Palm Beach County Interoffice Memorandum

Date: January 9, 2016

To: Mayor Mary Lou Berger and Commissioners, Palm Beach County Board of County Commissioners

From: Todd Bonlarron, Director of Legislative Affairs
Natalie Schneider, Climate Change & Sustainability Coordinator

SUBJECT: Requested Information Offshore Oil Drilling

In April 2006, the Board of County Commissioners adopted Resolution 2006-0622, supporting federal legislation that would establish an Act permanently prohibiting offshore drilling on the outer continental shelf off the State of Florida. At the time, federal moratoriums on offshore drilling off the Florida coast were set to expire in 2012; the current Congressional Moratorium now expires June 30, 2022.

The Board adopted a second offshore oil drilling resolution in 2010, in response to the Deepwater Horizon oil spill. This resolution requested the Governor to convene a Summit for the Preservation of Florida's Shores for the purpose of creating a Protection and Restoration Program to assure the recovery of Florida's natural resources and tourism economy, a funding strategy for such a program, and a possible call to action to the federal government. Furthermore, it reaffirmed the Board's opposition to drilling as expressed in the 2006 resolution.

Presently, there are two significant issues relevant to Florida regarding the federal discussion of offshore oil drilling. The first issue is the Draft Proposed Program (DPP) published by the Bureau of Ocean Energy Management on January 29, 2015.

- The DPP is the next step in the nation's Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2017-2022, which proposes 14 potential lease sales in eight OCS planning areas (which include ten in the Gulf of Mexico, three off Alaska, and one off the Mid-/South Atlantic).
- The Proposed Program is scheduled to be released for further public comment in 2016.
- The eastern seaboard of Florida is currently in a Planning Area Boundary but not in a Program Area boundary – the DPP does not list any leases off the coast of Florida for the 2017-2022 Program.

The second issue is regarding seismic testing for offshore gas and oil reserves.

- Conversations with federal agency staff disclosed that seismic surveying in search of oil reserves occurs along the Atlantic seaboard.
- In May 2015, Senator Bill Nelson and Representative Patrick Murphy filed companion bills to set a moratorium on oil- and gas-related seismic activities off the coastline of Florida, neither of which has moved in its respective chamber.
- Murphy also signed onto a bipartisan letter with over thirty House members requesting that BOEM rescind its decision allowing companies to explore for energy resources off the country's southeastern coast and prepare a new environmental review of the economic and ecological impacts of seismic testing.