

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	April 18, 2023	(X) Consent	() Regular
		() Workshop	() Public Hearing
 Department:	<u>Environmental Resources Management</u>		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) approve Agreement No. 22006 with the Florida Fish and Wildlife Conservation Commission (FWC) (Agreement) to provide up to \$57,660 of Federal funding (F20AF11284-A2) for the construction of the 2023 Delray Dredge Hole Artificial Reef (Project), expiring December 30, 2023;

B) adopt a Resolution authorizing the Clerk of the Circuit Court and Comptroller to disburse \$64,090 from the Vessel Registration Fee Trust Fund to provide matching funding for the Project, including \$10,000 for contingencies;

C) approve a Budget Amendment of \$57,660 in the Environmental Enhancement Saltwater Fund, and a transfer from Reserves of \$64,090 for a total of \$121,750 in funding for the Project; and

D) authorize the County Administrator, or designee, to sign all future time extensions, task assignments, certifications, and other forms associated with this Agreement, and any necessary minor amendments that do not significantly change the scope of work, terms, or conditions of this Agreement.


Summary: The Agreement reimburses the County up to \$57,660 for the placement of a minimum of 500 tons of limestone boulders, designed concrete modules, or other suitable material at Delray Dredge Hole Artificial Reef site. The estimated total Project cost is \$121,750. The Resolution and budget transfer from County Vessel Registration Fees, a non-ad valorem source, will cover the County’s 52% match of \$54,090 with an additional \$10,000 contingency.

The Agreement contains indemnification and termination provisions that differ from that adopted for use by the County under PPM CW-F-049. In accordance with PPM CW-F-049, the Risk Management Department and the County Attorney’s Office have reviewed the terms and agreed to the deviations, taking into consideration the County’s desire to deploy this artificial reef, the amount of the grant award, County’s current performance of such habitat enhancement projects and liability for its acts, and the non-waiver of sovereign immunity beyond the statutory caps of 768.28, Florida Statutes. District 4 (SF)

Background and Justification: The 2023 Delray Dredge Hole Artificial Reef site lies in 65-70 feet of water approximately 6.2 nautical miles southeast of the South Lake Worth Inlet. This site will provide additional habitat for marine species offshore of Delray Beach, Florida.

Attachments:

1. Agreement
2. Resolution
3. Budget Amendment (1224) / Transfer

Recommended by:		3/7/23	SF2/21/23
	Department Director	Date	

Approved by:		4/4/23
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	\$121,750	_____	_____	_____	_____
External Revenues	<\$57,660>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	\$64,090	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No X

Does this item include the use of federal funds? Yes X No _____

Budget Account No.:

Fund 1224 Department 380 Unit 1038 Object 3401 Program _____

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

Construction \$111,750
 Contingency \$ 10,000
 Total \$121,750

FWC Grant Agreement #22006 (-\$ 57,660)
 Saltwater Vessel Registration Fee Trust Fund \$ 64,090

C. Department Fiscal Review:

_____ *A. Henry*

III. REVIEW COMMENTS

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

Patricia MacLean 3/20/23
 OFMB QA 3/17 LM 3/16
 B. Legal Sufficiency: _____
 Contract Development & Control 3/30/23
 ml 3/22/23

_____ *Sammy Day*
 Assistant County Attorney

C. Other Department Review:

_____ Department Director