

**PALM BEACH COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**AGENDA ITEM SUMMARY**

Meeting Date:       **March 5, 2024**                         **Consent**        **Regular**  
     **Workshop**    **Public Hearing**

Department:       **Planning, Zoning & Building**  
 Submitted By:     **Building Division**  
 Submitted For:    **Building Division**

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to:**

- A. Receive and file** a Hazard Mitigation Grant extension with the Florida Department of Emergency Management (FDEM) for a modification extension. The initial agreement was from December 1, 2022 to December 31, 2023; the modification extension will end on September 30, 2024.
  
- B. Receive and file** a Master Research Agreement No. C-23-229 between Palm Beach County and Florida Atlantic University (FAU) for a modification extension. This will be to complete the Hazard Mitigation Grant project and will extend the agreement to September 30, 2024.

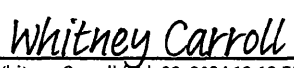
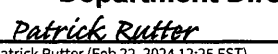
**Summary:** On April 7, 2022, the FDEM announced a grant opportunity for Community Rating System (CRS) communities to aid them in the development of a Watershed Master Plan (WMP) to help improve their CRS ratings. On May 17, 2022, the Board of County Commissioners granted delegated authority to County Administrator or designee to submit the grant application and enter into the agreement with FDEM. FDEM executed the agreement on December 1, 2022 for the Hazard Mitigation Grant reflecting their commitment of funding to the above reference project for \$210,000.

In collaboration with Florida Atlantic University (FAU), the funding will provide for the development of a WMP as a prerequisite for all communities to achieve a Class 4 or higher CRS rating. The CRS program allows participating communities to achieve significant discounts for National Flood Insurance Program (NFIP) policyholders on flood insurance premiums for their properties. CRS ratings rank from 1 (highest rating/discount) to 10 (lowest rating/discount). A Class 5 rating allows policyholders in the County to receive discounts of up to 25% from the standard NFIP premiums. A Class 4 rating (or higher) would achieve discounts of 30% (or more). Working in coordination with the County Emergency Management Division CRS Coordinator, as well as other County Agencies, County staff continuously work to maintain and improve the County's CRS rating and achieve greater discounts for County property owners. **Unincorporated (RM)**

**Background and Justification on page 3**

**Attachment(s):**

- 1) FDEM 4337-004-Pi Sub-Recipient Modification Agreement
- 2) FAU Task Order #1 Amendment – C-23-229

<b>Recommended By:</b>	 <small>Whitney Carroll (Feb 22, 2024 12:13 EST)</small>	Feb 22, 2024
	<b>Department Director</b>	<b>Date</b>
<b>Approved By:</b>	 <small>Patrick Rutter (Feb 22, 2024 12:25 EST)</small>	Feb 22, 2024
	<b>Deputy County Administrator</b>	<b>Date</b>

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	0	0	0	0	0
Operating Costs	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income(County)	0	0	0	0	0
In-Kind Match(County)		0	0	0	0
NET FISCAL IMPACT	0	0	0	0	0
#ADDITIONAL FTE	0	0	0	0	0
POSITIONS (CUMULATIVE)	0	0	0	0	0

Is Item Included in Current Budget? Yes X No    

Is this item using Federal Funds? Yes X No    

Is this item using State Funds? Yes     No X

Budget Account No.: Fund 1400 Department 600 Unit 6115 Object 3401

Fund 1400 Department 600 Unit 6115 Rsc 3139

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**  
No fiscal impact

**C. Departmental Fiscal Review:** *DeHovay*

**III. REVIEW COMMENTS**

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

*Laura Matus* *2/14/24*  
OFMB      *CB 2/14/24*  
                 *MP 2/19*

*Brenda Mackel* *2/14/24*  
Contract Dev. and Control  
*Feb 2/14/24*

**B. Legal Sufficiency:**

*[Signature]* *2/15/24*  
Assistant County Attorney

**C. Other Department Review:**

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

**Continued from page 1**

**Background Justification:** The CRS is a national program developed by Federal Emergency Management Agency (FEMA). The program is voluntary and designed to incentivize local communities to do what they can to minimize flood risks in their communities. Once in the program, there are annual updates. Participating in the program allows insurable properties in the community to be eligible for reduced flood insurance premiums through the NFIP. A WMP is important to understand floodplain management and the way in which water travels. Providing this information to FEMA and to the community is essential for improving the current CRS rating. There are nearly 38,000 active NFIP policies in the County valued at more than 12 billion dollars. Improving the CRS rating will have a substantial impact on the flood insurance premiums for County property owners. FAU staff have assisted a number of other communities to develop WMPs.



STATE OF FLORIDA

**DIVISION OF EMERGENCY MANAGEMENT**Ron DeSantis  
GovernorKevin Guthrie  
Director

February 1, 2024

Mr. Doug Wise  
PBC Building Director  
2300 N Jog Road  
West Palm Beach, FL 33411

**Re: Project #4337-004-Pi, Palm Beach County**

Dear Mr. Wise:

Enclosed is the executed Hazard Mitigation Grant Program (HMGP) contract modification number two (#2) (Contract #H0864) between Palm Beach County and the Division of Emergency Management.

Please email all Requests for Reimbursement (Attachment D) to the project manager at [Caitlyn.Stroik@em.myflorida.com](mailto:Caitlyn.Stroik@em.myflorida.com). The Project Manager for this contract is:

Caitlyn Stroik, Project Manager  
Florida Division of Emergency Management  
2555 Shumard Oak Blvd,  
Tallahassee, Florida 32399

If you have any specific questions regarding the contract or the Request for Reimbursement form, please contact Caitlyn Stroik at (850) 328-5736.

Respectfully,

**Laura Dhuwe**

Digitally signed by Laura Dhuwe  
Date: 2024.02.05 12:35:23  
-05'00'

Laura Dhuwe  
Bureau Chief, Mitigation  
State Hazard Mitigation Officer

Enclosure

**DIVISION HEADQUARTERS**  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

Telephone: 850-815-4000  
[www.FloridaDisaster.org](http://www.FloridaDisaster.org)

**STATE LOGISTICS RESPONSE CENTER**  
2702 Directors Row  
Orlando, FL 32809-5631

Contract Number: H0864

Project Number: 4337-004-Pi

**MODIFICATION TO SUBGRANT AGREEMENT BETWEEN  
THE DIVISION OF EMERGENCY MANAGEMENT AND  
PALM BEACH COUNTY**

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This Modification Number Two made and entered into by and between the State of Florida, Division of Emergency Management ("the Division"), and Palm Beach County ("the Sub-Recipient") to modify Contract Number H0864, dated, December 1, 2022 ("the Agreement").

WHEREAS, the Division and the Sub-Recipient have entered into the Agreement, pursuant to which the Division has provided a subgrant to the Sub-Recipient under the Hazard Mitigation Grant Program of \$210,000.00, in Federal Funds; and

WHEREAS, the Division and the Sub-Recipient intend to modify the Agreement; and

WHEREAS, the Agreement expired on December 31, 2023; and

WHEREAS, the Division and the Sub-Recipient intend to reinstate and extend the terms of the Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. The Agreement is hereby reinstated and extended as though it had never expired.
2. Paragraph 8 of the Agreement is hereby amended to read as follows:  
**(8) PERIOD OF AGREEMENT**  
This Agreement shall begin December 1, 2022 and shall end September 30, 2024, unless terminated earlier in accordance with the provisions of Paragraph (17) of this Agreement.
3. The Budget and Scope of Work, Attachment A to the Agreement, are hereby modified as set forth in 2nd Revision Attachment A to this Modification, a copy of which is attached hereto and incorporated herein by reference.
4. All provisions of the Agreement being modified and any attachments in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective on the date of execution of this Modification by both parties.
5. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.
6. Quarterly Reports are due to the Division no later than 15 days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are March 31, June 30, September 30 and December 31.

IN WITNESS WHEREOF, the parties hereto have executed this Modification as of the dates set out below.

**SUB-RECIPIENT: PALM BEACH COUNTY**

By: 

Name and Title: Verdenia C. Baker, County Administrator

Date: 1/12/23

**STATE OF FLORIDA  
DIVISION OF EMERGENCY MANAGEMENT**

By: Laura Dhuwe Digitally signed by Laura Dhuwe  
Date: 2024.02.05 12:35:11 -05'00'

Name and Title: Kevin Guthrie, Director

Date: 05-FEB-2024

**Attachment A**  
**Watershed Master Planning Initiative**  
**Palm Beach County, Phase 2 FDEM Watershed Planning Grant**  
**Scope of Work and Budget**

**Statement of Purpose**

The Florida Division of Emergency Management's (the Division) Bureau of Mitigation prioritizes flood risk management as an integral part of its mission. The goals of this project are to assist local communities in developing a Watershed Master Plan for the purposes of moving up in the Community Rating System (CRS) of the National Flood Insurance Program (NFIP) and to increase resiliency in Florida communities.

This project is funded through the Hazard Mitigation Grant Program (HMGP) DR-4337-004-P, as approved by the Division and the Federal Emergency Management Agency (FEMA) to create and update Watershed Master Plans (WMPs) throughout the state of Florida.

The Project Manager for the Division will be:

Laura Dhuwe, Project Manager  
Hazard Mitigation Grant Program  
Florida Division of Emergency Management  
850-879-0872  
[watershedplanning@em.myflorida.com](mailto:watershedplanning@em.myflorida.com)

**Scope of Work**

The Division will coordinate with eligible Florida entities to produce a Watershed Master Plan (WMP) for credit under CRS. This project is preceded by the WMP Pilot Program, which consisted of research and the creation of guidance materials to ensure a consistent statewide approach to WMP development.

Guidance materials produced in the WMP Pilot Program can be found at: <https://www.floridadisaster.org/dem/mitigation/watershed-planning-initiative> or <https://www.fau.edu/engineering/research/cwr3/clearinghouse/>. The Sub-Recipient may use other materials provided by ISO and located at <https://fema.gov>. The Sub-Recipient shall follow the Credit Criteria for Element WMP under CRS Activity 452.b (please refer to the 2017 CRS Coordinator's Manual<sup>1</sup> and the 2021 Addendum to the Coordinator's Manual<sup>2</sup>). The Sub-Recipient will finalize the process by submitting their WMP to ISO/CRS for review and providing the Division with a signed letter from their applicable county's Local Mitigation Strategy (LMS) Chairperson attesting that the WMP will be adopted in the Sub-Recipient's next LMS update.

Tasks necessary to the completion of a WMP include:

**Task 1 – Create Preliminary Project Plan based on Initial Flood Modeling, and Submit Draft WMP**

The Sub-Recipient shall create a preliminary Project Plan, which is a narrative detailing how the initial flood modeling has sufficient detail on the data that went into the model, model specifications, and possible solutions for addressing flood risks that the model identified. There must be enough detail in the preliminary Project Plan to verify the required analysis has been completed. Specifically, the required analysis for the preliminary Project Plan shall include all the Minimum Criteria required for a creditable WMP<sup>3</sup> under the two categories of Data Inventory and Collection and Initial Flood Modeling as follows:

**Data Inventory and Collection:**

1. Data inventory (used for initial flood modeling):

<sup>1</sup> [https://www.fema.gov/sites/default/files/documents/fema\\_community-rating-system\\_coordinators-manual\\_2017.pdf](https://www.fema.gov/sites/default/files/documents/fema_community-rating-system_coordinators-manual_2017.pdf)

<sup>2</sup> [https://www.fema.gov/sites/default/files/documents/fema\\_community-rating-system\\_coordinator-manual\\_addendum-2021.pdf](https://www.fema.gov/sites/default/files/documents/fema_community-rating-system_coordinator-manual_addendum-2021.pdf)

<sup>3</sup> See 2017 CRS Coordinator's Manual at [https://www.fema.gov/sites/default/files/documents/fema\\_community-rating-system\\_coordinators-manual\\_2017.pdf](https://www.fema.gov/sites/default/files/documents/fema_community-rating-system_coordinators-manual_2017.pdf); the 2021 Addendum to the Coordinator's Manual at [https://www.fema.gov/sites/default/files/documents/fema\\_community-rating-system\\_coordinator-manual\\_addendum-2021.pdf](https://www.fema.gov/sites/default/files/documents/fema_community-rating-system_coordinator-manual_addendum-2021.pdf); and other materials provided by ISO located at <https://fema.gov>.

- a. Inventory of ground characteristics (e.g., soil type, impervious surfaces, wetlands)
  - b. Inventory of existing drainage system
  - c. Inventory of data availability
2. Locations of:
    - a. critical facilities, cultural/historical, and other places/areas of interest
    - b. vulnerable areas and their descriptions
    - c. natural and constructed drainage systems and channels
  3. Existing regulations and plans in place for reducing flood risks

Initial Flood Modeling

4. For current/existing conditions land use, future land use, and the fully developed watershed scenarios:
  - a. Evaluations of the existing drainage system's runoff response from design storms using a hydrologic and hydraulic study with a hydrograph approach under current and predicted future land use conditions with assessments of the impacts of climate change and sea level rise for 10-, 25- & 100-year storm events
  - b. For currently fully developed watersheds: studies of existing development and the potential impact of any redevelopment
  - c. Evaluations of different management scenarios for at least the 100-year rainfall event for a fully developed watershed at a scale sufficient to determine local problems.
  - d. Determinations of the change in runoff from current to future, fully developed conditions
  - e. Recommendations for managing at least the 10-year and the 25-year rainfall events
5. For communities impacted by sea level rise: evaluations of the impacts of the NOAA Intermediate 2100 sea level rise scenario on the 100-year rainfall event
  - a. It is highly recommended to include 2 other scenarios up to 2100, which could be based on sea level for 2 time frames into the future or a number of feet of sea level rise within this timeframe.
6. The plan must include a strategy and action plan to address the results of the studies for:
  - a. controlling the timing of peak flows to prevent or minimize problems for the entire watershed due to new development, redevelopment, and fully developed conditions
  - b. the impact of climate change and sea level rise on fully developed conditions
  - c. at least the 25-year rainfall event in fully developed conditions, with a list of possible solutions for addressing at least the 25-year rainfall event
  - d. at least one event larger than the 25-year rainfall event, with a list of possible solutions for addressing this event
  - e. ensuring that flood hazards from the 10-year and the 25-year events are not increased by future development (the 2-year storm is also recommended).
7. The community must adopt the final plan.
8. If applicable, WMP plans more than 5 years old must be evaluated to ensure that they remain applicable to current conditions. For instance, are previous assumptions on hydrology, sea level rise and future land use still applicable.

**Jurisdiction Specific Comments for Task 1:**

Task 1 for the Sub-Recipient grant includes the following Steps 1-6 which will be performed by FAU under subcontract with support from County staff. The table below summarizes Steps 1 through 6 with the responsible parties, deliverables, schedule, and payment schedule.



Step	Responsible Party	Deliverable	Month																
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15		
Step 1- Background Info Gathering	FAU	Chapters 1 and 2 of the Watershed plan	█	█															
Step 2- Policy Documentation for HUCS	FAU	Chapter 3 of the Watershed plan	█	█	█														
Step 3- Risk Models for HUCS	FAU	Chapter 4 of the Watershed plan with all applicable modeling scenarios for the HUC and relationship to involved HUCs; drilldown to community issue modeling	█	█	█	█	█	█											
Step 4- Identifying Critical Areas/Solutions in HUCS	FAU	Update and completion of Chapter 4 and Chapter 5 of the Watershed plan with applicable modeling scenarios for the HUC					█	█	█										
Step 5- Action Plan	FAU	Chapter 6 of the Watershed plan – this should complete the planning document								█	█	█							
Step 6 - Submit for Staff Review	County Staff	Delivery and receipt of comments from staff for the planning document																	

**Deliverable 1 – Create Preliminary Project Plan based on Initial Flood Modeling, and Submit Draft WMP:**

An (1) electronic copy of Chapters 1 through 6 of the preliminary Watershed Project Plan; (2) a separate electronic document with all comments from County staff from their review of Chapters 1 through 6 of the preliminary Watershed Project Plan; (3) a separate electronic document listing how and where in Chapters 1 through 6 of the preliminary Watershed Project Plan the Minimum Criteria listed above are met; and (4) a separate electronic document clarifying the Sub-Recipient's existing data inventory at the time of contract execution, how the data are used, and which tasks and efforts have already been completed prior to contract execution. These four electronic documents must be submitted to the Division for review no later than 15 months after the beginning of the Period of Performance. The Sub-Recipient will provide Deliverable 1 to the Division via email to [watershedplanning@em.myflorida.com](mailto:watershedplanning@em.myflorida.com). Payment for Deliverable 1 will occur once the Sub-Recipient has received feedback from the Division confirming that Chapters 1 through 6 of their preliminary Watershed Project Plan have been approved. To be approved, Chapters 1 through 6 of the preliminary Watershed Project Plan must show how all the listed Minimum Criteria are met, all comments from County staff must be submitted, and the Sub-Recipient's inventory of data must clearly explain what the Sub-Recipient had at the time of contract execution.

The Period of Performance begins with the date of execution of the subgrant agreement by both parties,

and the Sub-Recipient shall provide the Division with Deliverable 1 no later than 15 months from the beginning of the Period of Performance before payment will be processed.

**Task 2 – Revise Draft WMP and Submit Completed WMP**

After receiving feedback from the Division on the preliminary Project Plan from Task 1, the Sub-Recipient shall finalize the flood modeling process and submit their completed WMP. At a minimum, the modeling and WMP must meet the Minimum Criteria required for a creditable WMP shown above. The Sub-Recipient shall update their WMP, if revisions are necessary based on the Division's feedback, and submit the completed WMP to the Division for review.

Throughout the activities for Task 2, the Sub-Recipient shall coordinate with the applicable LMS working group to ensure that the working group will adopt the WMP as an annex in the next LMS update, and use the data to inform the risk assessment and mitigation strategy.

**Jurisdiction Specific Comments for Task 2:**

Task 2 for the Sub-Recipient grant includes the following Steps 7-10 which will be performed by FAU under subcontract with support from County staff. The table below summarizes Steps 7 through 10 with the responsible parties, deliverables, schedule, and payment schedule.

Step	Responsible Party	Deliverable	Month																		
			7	8	9	10	11	12	13	14	15	16	17	18	19	20	21				
Revise Draft WMP	FAU																				
Step 7- Submit draft WMP to the Division for Review	Staff with FAU support	Chapter 6 of the Watershed plan – this should complete the planning document																			
Revisions based on the Division's feedback	FAU																				
Step 8 – Submit completed WMP	Staff with FAU support	n/a																			
Step 9 - Commission Approval	Staff with FAU support	n/a																			

**Deliverable 2 - Revise Draft WMP and Submit Completed WMP:** An (1) electronic copy of the completed WMP; (2) a separate electronic document with the feedback from County Staff from their review of the completed WMP and explanations of how FAU addressed the feedback; (3) a separate electronic document listing how and where in the completed WMP the Minimum Criteria listed above are met; and (4) a signed letter from the applicable county's Local Mitigation Strategy (LMS) Chairperson attesting that the completed WMP will be adopted and used to update the risk assessment and mitigation strategy during the next LMS plan update.

If applicable, the Sub-Recipient will revise the submitted WMP to comply with required revisions and feedback from the Division received from Deliverable 1, and then resubmit the WMP to the Division no later than 15 months after the beginning of the Period of Performance. These four electronic documents comprising Deliverable 2 must be submitted to the Division for review no later than 21 months after the beginning of the Period of Performance.

The Period of Performance begins with the date of execution of the subgrant agreement by both parties,

and the Sub-Recipient shall provide the Division with the four electronic documents comprising Deliverable 2 no later than 21 months from the beginning of the Period of Performance before payment will be processed. The Sub-Recipient will provide Deliverable 2 to the Division via email to [watershedplanning@em.myflorida.com](mailto:watershedplanning@em.myflorida.com).

**Method of Compensation:**

All deliverables submitted to the Project Manager or to the Division shall be completed by the Sub-Recipient and approved for completeness and accuracy by the Project Manager or the Division to qualify as reaching the minimum required criteria for each invoice period.

All tasks shall be performed under the direct supervision of the Division.

The project shall be reimbursed upon receipt of invoices submitted at the completion and acceptance of each deliverable defined above unless this agreement is terminated early. This is a cost reimbursement agreement, which will be reimbursed on a fixed-fee, fixed-price agreement as follows:

Deliverables	Total Deliverable Value	Due Date
Deliverable 1 – Create Preliminary Project Plan based on Initial Flood Modeling, and Submit Draft WMP (Task 1)	\$186,666.67	15 Months after beginning of POP
Deliverable 2 – Revise Draft WMP and Submit Completed WMP (Task 2)	\$93,333.33	21 months after beginning of POP
<b>Total</b>	<b>\$280,000.00</b>	

**Financial Consequences for Non-Performance:**

The failure to provide the Division with the required deliverables within the stated timelines shall result in a penalty of 5 % of the determined deliverable amount for each late deliverable. Penalty may be waived based upon reasonable explanation with documentation by Sub-Recipient.

Should the Sub-Recipient determine that there are significant barriers to conduct any of the minimum deliverables due to extenuating circumstances, the Division may re-evaluate performance expectations upon a formal request from the Sub-Recipient.

If the Sub-Recipient fails to comply with any terms of the agreement, the Division shall take one or more of the following actions:

1. Temporarily withhold cash payments pending correction of the deficiency by the Sub-Recipient;
2. Disallow all or part of the cost of the activity or action not in compliance;
3. Wholly or partially suspend or terminate the current agreement for the Sub-Recipient's project;
4. Withhold further agreements for the project; or
5. Take other actions that are legally allowed.

**Schedule of Work**

Task(s)	Number of Months to Complete
Data Collection (Task 1)	5
Initial Flood Modelling (Task 1)	5
Preliminary Project Plan (Task 1)	5
Completed WMP (Task 2)	1
WMP Review (Task 2)	2
WMP Revisions (Task 2)	1
Division and Commission Approval (Task 2)	2
<b>Total Period of Performance:</b>	<b>21</b>

**Total Period of Performance**

The Period of Performance for this project begins on the date of execution of the subgrant agreement by both parties and ends no later than September 30, 2024.

**Budget**

Cost Item	Project Cost	Federal Share	Non-Federal Share
Personnel	\$70,000.00	\$52,500.00	\$17,500.00
Fringe Benefits			
Travel			
Equipment			
Supplies			
Contractual	\$210,000.00	\$157,500.00	\$52,500.00
Other			
<b>Project Total:</b>	<b>\$280,000.00</b>	<b>\$210,000.00</b>	<b>\$70,000.00</b>

**Funding Summary Totals**

Federal Share:	\$210,000.00	75.00%
Non-Federal Share:	\$70,000.00	25.00%
<b>Total Project Cost:</b>	<b>\$280,000.00</b>	<b>100.00%</b>

AMENDMENT #2  
TO  
MASTER RESEARCH AGREEMENT C-23-229  
TASK ORDER NO: 1  
BETWEEN  
FLORIDA ATLANTIC UNIVERSITY  
AND  
PALM BEACH COUNTY

The TASK ORDER issued under Master Research Agreement No. C-23-229, between Florida Atlantic University ("UNIVERSITY") and Palm Beach County ("SPONSOR") which was fully executed on January 13, 2023, is hereby amended to reflect the following modification:

Replace Period of Performance with the following:

Period of Performance: December 1, 2022 to September 30, 2024

Except as hereby modified, all other terms and conditions of the Task Order remain unchanged and in full force.

In WITNESS OF THE FOREGOING, the parties have signed this AMENDMENT, effective on the last date appearing below.

UNIVERSITY

SPONSOR

Miriam Campo  
Name: Miriam Campo  
Title: Assistant Vice President for Research  
Date: 11/8/2023

Verdenia C. Baker  
Name: Verdenia C. Baker  
Title: County Administrator  
Date: December 12, 2023

Agreement Amendment #2 – C-24-156  
Revised: August 3, 2023