

**MARTIN COUNTY, FLORIDA
SUPPLEMENTAL MEMORANDUM**

TO: Honorable Members of the Board of County Commissioners **DATE:** April 6, 2021

VIA: Taryn Kryzda
County Administrator

FROM: Jennifer Manning
Director of the Office of Management & Budget

REF: 21-0387

**SUBJECT: OFFICE OF MANAGEMENT AND BUDGET ITEMS WHICH REQUIRE
BOARD APPROVAL**

PERMISSION TO APPLY

1. **PERMISSION TO APPLY FOR THE FY 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM (JAG)**

- **Requestor** – Human Services
- **Granting Agency** – Florida Department of Law Enforcement
- **Project Description** – The County recently received notification that the Florida Department of Law Enforcement (FDLE) anticipates their annual Edward Byrne Memorial Justice Assistance Grant (JAG) Program award from the United States Department of Justice (USDOJ). FDLE has allocated \$53,186 for the County from JAG fiscal year 2020 funding. Human Services anticipates applying for funding to support Case Management staff for Juvenile Diversion programs and/or Case Management staff for the County's Risk Protection Order program. Before the County can apply for the funds, a Certificate of Participation Letter must be signed by the Chair and submitted to FDLE. The Certificate of Participation must also include the identification of a County Coordinator who is responsible for submitting the application and coordinating with other units of government to reach a minimum of agreement of 51% of municipalities within the County for the expenditure of the funds. Staff is requesting Board approval to authorize Philip Ratchford, the Grants Supervisor for Human Services, to serve as the County Coordinator.
- **Requested Grant award** – \$53,186
- **Budgetary Impact** – None
- **Annual operating costs** – Staff time to administer grant.

ALTERNATIVE ACTION:

- **Programmatic Implication if not approved** – There will be no direct programmatic supports dedicated solely to this programming.
- **Financial Fiscal Impact if not approved** – There will be no direct programmatic funding dedicated solely to this programming.

DOCUMENTS REQUIRING ACTION:

- Certificate of Participation
- Letter of Support for the expenditure of the JAG funds

RECOMMENDATION:

- Move that the Board appoint Philip Ratchford as the JAG County Coordinator and authorize him, as the JAG County Coordinator, to apply for the FDLE JAG Program grant; and
- Move that the Board authorize the Chair to sign the Certificate of Participation Letter; and
- Move that the Board authorize the Chair to sign the Lobbying, Debarment, and Drug Free Workplace Certification; and
- Move that the Board authorize the Chair to sign a Letter of Support for the expenditure of the JAG funds

REVIEWED BY COUNTY ATTORNEY'S OFFICE

PERMISSION TO ACCEPT

2. PERMISSION TO ACCEPT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM GRANT #21MI1 FOR THE MARTIN COUNTY SHORE PROTECTION PROJECT

- **Agreement/Contract drafted by** – Florida Department of Environmental Protection.
- **Parties to the Agreement/Contract** – Florida Department of Environmental Protection and Martin County Board of County Commissioners.
- **Purpose of the Agreement/Contract** – On July 30, 2019 staff received permission to apply for FDEP funding for the Martin County Shore Protection Project/Hutchinson Island 4-Mile Beach Project. Staff is requesting authorization to accept funds for design and monitoring of the Hutchinson Island 4-Mile Beach Project. The grant total is \$700,000 (FDEP share is 45.97%: \$321,790 and Martin County share is 54.03%: \$378,210).
- **New/Renewal/Modified** – New.
- **Duration**: July 1, 2020 through June 30, 2023
- **Benefits to Martin County** – New work covered in this request includes the design and permitting for upcoming project planned in FY24 and all permit-required monitoring for Hutchinson Island 4-Mile Beach Project.
- **Cost to Martin County** – Staff time to administer the grant and the total Martin County share of 54.03%: \$378,210 programmed in the Hutchinson Island 4-Mile Beach Project CIP.

ALTERNATIVE ACTION:

- **Programmatic Implication if not approved** – County would be responsible for all expenses related to this project.
- **Financial Fiscal impact if not approved** – Funding for this work would be the County's sole responsibility.

DOCUMENTS REQUIRING ACTION:

- Grant Agreement
- Budget resolution

RECOMMENDATION:

- Move that the Board authorize the Chair to execute the FDEP grant 21MI1, as well as to authorize the County Administrator to approve any future non-monetary grant related documents upon review and concurrence of the County Attorney's Office; and
- Move that the Board adopt the Budget Resolution.

REVIEWED BY COUNTY ATTORNEY'S OFFICE

3. PERMISSION TO ACCEPT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) PUBLIC TRANSPORTATION GRANT AGREEMENT (PTGA) 448892 FOR CONSTRUCTION OF STORMWATER IMPROVEMENTS AND AN AGREEMENT FOR STUART JET CENTER, LLC TO CONTRIBUTE FUNDS

The County owns and has jurisdiction over the development, operation and maintenance of Martin County/Witham Field Airport (the "Airport"). Stuart Jet Center is a Fixed Based Operator at the Airport and leases certain Airport premises from the County.

Pursuant to the FAA's Advisory Circular 150/5200-33B concerning Hazardous Wildlife Attractants at or near Airports, the County and the Airport are required to improve stormwater drainage to fill the two airside wet ponds and convert them to open space/turf and to fill in a dry-retention area, all of which are on Stuart Jet's leasehold (the "Project").

Accordingly, the County has obtained certain design and engineering plans and specifications for the Project with a cost estimated in the amount of \$600,000. The Project will include site grading and construction of drainage pipes, inlets and other structures to facilitate proper drainage.

To fund the Project, the Airport, using an FDOT form, has prepared for the Board's approval a FDOT Public Transportation Grant Agreement for FDOT to grant the County eighty percent of the Project cost, that is, \$480,000. Upon the Board's approval, the County will submit the Agreement to FDOT for its signatures.

To cover the balance, Stuart Jet has executed a contract subject to Board approval for Stuart Jet to provide the balance of twenty percent of the Project cost, that is, \$120,000. In anticipation of the Board's approval and FDOT's execution of the Grant Agreement, Stuart Jet has delivered the Project balance to the County, which shall be returned if the Board rejects this agenda item or FDOT refuses to sign the Grant Agreement.

This is a request for the approval of the two separate agreements. Approval of both is required for the Project to be sufficiently funded.

FDOT AGREEMENT

- **Agreement/Contract drafted by** – FDOT
- **Parties to the Agreement/Contract** – Martin County and FDOT
- **Purpose of the Agreement/Contract** – FDOT to award to the County the amount of \$480,000 as a grant for the construction of Airport stormwater improvements.
- **New/Renewal/Modified** – New
- **Duration:** Date of full execution to 12/31/23
- **Benefits to Martin County** – FDOT grant would cover 80% of the total cost of the project, that is, \$480,000 out of the projected total cost of \$600,000.
- **Cost to Martin County** – None

STUART JET AGREEMENT

- **Agreement/Contract drafted by** – Martin County and Stuart Jet Center, LLC (“Stuart Jet”)
- **Parties to the Agreement/Contract** – Martin County and Stuart Jet Center
- **Purpose of the Agreement/Contract** – Stuart Jet to contribute to County the amount of \$120,000 for the Airport stormwater improvements.
- **New/Renewal/Modified** – New
- **Duration** – Stuart Jet has already provided the funds to the County contingent on the Board’s approval of this agenda item and FDOT approving the grant agreement.
- **Benefits to Martin County** – Stuart Jet’s contribution would cover 20% of the total cost of the project, that is, \$120,000 out of the projected total cost of \$600,000.
- **Cost to Martin County** – None

ALTERNATIVE ACTION:

- **Programmatic Implication if not approved** – Airport will not be able to address the drainage issues for the safety areas of the airport.
- **Financial Fiscal impact if not approved** – Airport would need to fund 100% of the cost to repair the draining issues at the airport.

This project is being brought forward from the FY22 Airport CIP and a revision to the current FY21 Airport CIP is required to recognize this project.

DOCUMENTS REQUIRING ACTION:

- Grant Contract (2 copies)
- County Stormwater Drainage Agreement (2 copies)
- Budget resolution (2 copies)
- Revised CIP Sheet

RECOMMENDATION:

- Move that the Board authorize the Chair to execute the FDOT PTGA grant as well as any non-monetary grant related documents upon review and concurrence of the County Attorney’s Office; and
- Move that the Board authorize the Chair to execute the County Stormwater Drainage Agreement; and
- Move that the Board adopt the Budget Resolution; and
- Move that the Board approved the revised CIP Sheet.

REVIEWED BY COUNTY ATTORNEY’S OFFICE

4. PERMISSION TO ACCEPT FOR SMALL COUNTY OUTREACH PROGRAM (SCOP) SUPPLEMENTAL GRANT AGREEMENT FUNDING THROUGH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE MURPHY ROAD RESURFACING PROJECT (FM# 436378-1-58-01)

- **Agreement/Contract drafted by** – State of Florida Department of Transportation (FDOT)
- **Parties to the Agreement/Contract** – FDOT and the Martin County Board of County Commissioners

- **Purpose of the Agreement/Contract** – The Supplemental Agreement increases total funding for construction for the project by \$39,330. The revised SCOP Grant Agreement amount is now \$720,899, 75% of the project cost of \$961,198. Refer to Exhibit "B" attached hereto and made apart hereof which replaces Exhibit "B" attached to the original agreement.
- **New/Renewal/Modified** – Addendum to Contract
- **Duration** – Martin County agrees to complete the Project on or before December 31, 2021 (date of Agreement expiration).
- **Benefits to Martin County** – To replace highly needed infrastructure and reduce maintenance. Policy 14.1A.10 of the Comprehensive Plan requires staff to identify project that eliminate public hazards and repair, remodeling, renovations, or replacement of obsolete or worn out facilities.
- **Cost to Martin County:**
 - Local funding match money (25%) has been increased from \$227,190 to \$240,299 per Exhibit B. These costs in excess of the programmed Federal funding or attributable to actions which have not received the required approval of FDOT shall not be considered eligible costs and shall be funded with FY 21 Capital Improvement Funds (CIP)
 - Annual maintenance cost is estimated to be \$2,000 per year.
 - Staffs time to administer the grant.

ALTERNATIVE ACTION:

- **Programmatic Implication if not approved** – The project would be put on hold until an alternative funding source was identified.
- **Financial Fiscal impact if not approved** – The County will forfeit \$ \$720,899 in grant funding for the Construction of the project.

DOCUMENTS REQUIRING ACTION:

- SCOP Supplemental Agreement (1 copies)
- Board Resolution (2 copies)
- Budget Resolution

RECOMMENDATION:

- Move that the Board authorize the Chair to execute the SCOP Supplemental Agreement; to authorize any non-monetary Small County Outreach Program Supplemental Agreements and/or time extensions upon review and approval of the Martin County Attorney's Office.
- Move that the Board adopt the Board Resolution; and
- Move that the Board adopt the Budget Resolution.

REVIEWED BY COUNTY ATTORNEY'S OFFICE

5. PERMISSION TO ACCEPT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM GRANT #21MI2 FOR THE BATHTUB BEACH/SAILFISH POINT BEACH NOURISHMENT

- **Agreement/Contract drafted by** – Florida Department of Environmental Protection.
- **Parties to the Agreement/Contract** – Florida Department of Environmental Protection and Martin County Board of County Commissioners.

- **Purpose of the Agreement/Contract** – On July 30, 2019 staff received permission to apply for FDEP funding for the Bathtub Beach/ Sailfish Point Nourishment Project. Staff is requesting authorization to accept funds for feasibility and design funds, and construction funds. The grant total is \$3,250,000 (FDEP share is 36.99%: \$1,202,175 and Martin County share is 63.01%: \$2,047,825).
- **New/Renewal/Modified** – New.
- **Duration** – July 1, 2020 through June 30, 2023
- **Benefits to Martin County** – New work covered in this request includes feasibility and design funds and construction funds.
- **Cost to Martin County** – Staff time to administer the grant and the total Martin County share of 63.01%: \$2,047,825 programmed in the Bathtub Beach/Sailfish Point Project CIP.

ALTERNATIVE ACTION:

- **Programmatic Implication if not approved** – County would be responsible for all expenses related to this project.
- **Financial Fiscal impact if not approved** – Funding for this work would be the County's sole responsibility.

DOCUMENTS REQUIRING ACTION:

- Grant Agreement
- Budget resolution

RECOMMENDATION:

- Move that the Board authorize the Chair to execute the FDEP grant 21MI2, as well as to authorize the County Administrator to approve any future non-monetary grant related documents upon review and concurrence of the County Attorney's Office; and
- Move that the Board adopt the Budget Resolution.

REVIEWED BY COUNTY ATTORNEY'S OFFICE

6. PERMISSION TO ACCEPT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM GRANT #21MI3 FOR THE ST. LUCIE INLET MANAGEMENT PLAN (IMP) IMPLEMENTATION

- **Agreement/Contract drafted by** – Florida Department of Environmental Protection.
- **Parties to the Agreement/Contract** – Florida Department of Environmental Protection and Martin County Board of County Commissioners.
- **Purpose of the Agreement/Contract** – On July 30, 2019 staff received permission to apply for FDEP funding for the St. Lucie Inlet Management Plan Implementation Project. Staff is requesting authorization to accept funds for reimbursement of feasibility and design funds, construction funds and all permit-required monitoring for all bypass projects. The grant total is \$12,210,621.72 (FDEP share is 50%: \$6,105,310.86 and Martin County share is 50%: \$6,105,310.86).
- **New/Renewal/Modified** – New.
- **Duration** – July 1, 2020 through September 30, 2023
- **Benefits to Martin County** – New work covered in this request includes feasibility and design funds, construction funds and all permit-required monitoring for all St. Lucie Inlet bypass projects

- **Cost to Martin County** – Staff time to administer the grant and the total Martin County share of 50%: \$6,105,310.86 programmed in the St. Lucie Inlet Management CIP.

ALTERNATIVE ACTION:

- **Programmatic Implication if not approved** – Effective implementation of the Inlet Management Plan would be put in jeopardy based on a lack of adequate funding for projects.
- **Financial Fiscal impact if not approved** – Funding for the implementation of the Inlet Management Plan would be the County's sole responsibility.

DOCUMENTS REQUIRING ACTION:

- Grant Agreement
- Budget resolution

RECOMMENDATION:

- Move that the Board authorize the Chair to execute the FDEP grant 21MI3, as well as to authorize the County Administrator to approve any future non-monetary grant related documents upon review and concurrence of the County Attorney's Office; and
- Move that the Board adopt the Budget Resolution.

REVIEWED BY COUNTY ATTORNEY'S OFFICE

OTHER OMB ITEMS

7. COUNTY ATTORNEY'S OFFICE REQUEST FOR FUNDS FROM GENERAL FUND RESTRICTED RESERVES FOR HOBE SOUND RANCH, LTD. V. MARTIN COUNTY, CASE No.: CASE No. 2018-CA-000710

Hobe Sound Ranch, Ltd, (HSR) has sued Martin County for Inverse Condemnation and a claim under the Bert J. Harris Act. At this point in the litigation, HSR has claimed the alleged impacts to the value of their property is \$99,000,000. This lawsuit is in the Circuit Court for Martin County. Judge Sweet Presiding. Both claims relate to property owned by HSR, also known as part of the larger "Harmony Ranch." The County Attorney's office engaged the law firm of Weiss, Serota, Helfman, Cole, and Bierman, P.L. (Weiss, Serota) as lead outside counsel. Weiss, Serota has engaged the two experts for the case. The primary attorney for this case is Susan L. Trevarthen who updated a previously provided estimate. This updated budget estimates the fees and costs to take the case through summary judgment rulings and then through the liability and the valuation parts of the trial. The updated estimated budget reflects unanticipated fees and costs arising from additional issues brought about by the Plaintiff during litigation. The detailed updated budget estimate is attached.

- Estimated Attorney's Fees - \$ 208,300
- Fees and Costs for Appraisal Expert and Real Estate Analyst - \$27,000
- Total Fees and Costs - \$235,300

These cost estimates include legal fees, costs and expert witness fees.

DOCUMENTS REQUIRING ACTION:

- Budget Transfer from General Fund Reserves for Contingencies.

BCC MEETING DATE: April 13, 2021
AGENDA ITEM: DEPT-1

RECOMMENDATION:

- Move that the Board approve a Budget Transfer in the amount of \$235,300 from General Fund Restricted Reserves.

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