



## Legislation Details (With Text)

**File #:** 23-0771

**Type:** Consent **Status:** Agenda Ready

**In control:** Board of County Commissioners

**On agenda:** 6/20/2023 **Final action:**

**Title:** STAFF REQUESTS AUTHORIZATION TO AMEND THE USE AGREEMENT WITH PALM BEACH COUNTY (PBC) FOR THE 96TH STREET ARTIFICIAL REEF STAGING AREA

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2021-07-28\_AR Deploymt Area Use Agreement-Recorded Final .pdf, 2. AR Deployment use area amendment #1 SAS 5 2 23.pdf, 3. PBC - delegated authority.pdf

Date	Ver.	Action By	Action	Result
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**PLACEMENT:** Consent

**TITLE:**

**STAFF REQUESTS AUTHORIZATION TO AMEND THE USE AGREEMENT WITH PALM BEACH COUNTY (PBC) FOR THE 96TH STREET ARTIFICIAL REEF STAGING AREA**

**EXECUTIVE SUMMARY:**

County staff requests approval to amend the Use Agreement with PBC for the 96th Street Artificial Reef Staging Area within Martin County (MC) for the purpose of short-term storage, fabrication, and deployment of artificial reef materials in connection with Palm Beach County's Artificial Reef Program. The amendment is a time extension of five years.

**DEPARTMENT:** Public Works

**PREPARED BY:** **Name:** Jessica Garland  
**Title:** Coastal Program Manager

**REQUESTED BY:** Katelyn Armstrong, Environmental Analyst - Reef Coordinator Palm Beach County, Department of Environmental Resources Management

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

1. Documents prepared by: Martin County
2. Parties to the Agreement: Palm Beach County BOCC & Martin County BOCC
3. Purpose of the document: Extend the Artificial Reef Deployment Area Use Agreement with

PBC for five years beginning on July 13, 2023 and remaining in effect until July 12, 2028.

4. New/Revised/Modified: Modified
5. Duration: July 13, 2023, to July 12, 2028
6. Benefits to Martin County: Coordination between Artificial Reef Programs
7. Cost to Martin County: Staff time to administer coordination of site

Palm Beach County wishes to amend the use agreement with Martin County for access to the 96th Street Artificial Reef Staging Area as a temporary staging and fabrication site for artificial reef material and to load PBC contractor's barge with artificial reef material for offshore deployment. This agreement has been in place for two years without issue and both Martin County and PBC wish to continue the agreement as it benefits both counties' artificial reef programs. PBC does not have consistent access to any waterfront property for artificial reef projects and has been utilizing MC's staging area on a case-by-case basis for the past two years. This use agreement would provide PBC artificial reef program with a reliable staging and loading site and allow the program staff to plan future projects with more certainty. By having both MC and PBC artificial reef programs staging material out of the same site there will be more options to partner on projects in the future. There will be an open line of communication on material and the ability to share material between counties that may not have been as open in the past. The parcel located along the St. Lucie Canal south of SW 96th Street will be used by PBC for short-term storage, fabrication, deployment, and loading of artificial reef materials for offshore deployment.

In an Interoffice Memorandum dated July 14, 2021 (attached), Palm Beach County Administrator Verdenia C. Baker authorized Deborah Drum, Director of Environmental Resources Management, the delegation of approval authority for the Artificial Reef Deployment Area Use Agreement with Martin County.

### **ISSUES:**

None

### **LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

### **RECOMMENDED ACTION:**

#### **RECOMMENDATION**

- Move that the Board authorize the Chairman to execute Amendment No. 1 to Artificial Reef Area Use Agreement with Palm Beach County; and
- Move that the Board 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.

#### **ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and direct staff accordingly.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☒ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☐ Other:

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