

Meeting Date
September 28, 2017



AGENDA	
Section	New Business
Item No.	A

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Resolution re: USACE DFA mission to perform temporary repairs to the Sea Ray Drive Bridge over Sykes Creek
DEPT/OFFICE:	County Manager's Office

Requested Action:

Per attached letter from the Florida Department of Transportation, it is requested the Board of County Commissioners approve an emergency resolution requested by the State of Florida.

Summary Explanation & Background:

It is requested the Board of County Commissioners approve an emergency resolution stating that, after the completion of the USACE DFA mission the County will conduct:

- The necessary repairs to restore the Bridge to its pre-disaster function (which may include FEMA reimbursement)
- The necessary repairs to restore the nearby subaqueous main to its pre-disaster function (which may include FEMA reimbursement); and
- Any additional repairs needed to address damages or deterioration not caused by a disaster (which would not be include FEMA reimbursement).

Clerk to the Board instruction:

Exhibits Attached Letter from FDOT, Resolution

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager Frank Abbate	Interim Assistant County Manager Jim Liesenfelt	Department Director / Extension
	Assistant County Manager John Denninghoff	



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September 29, 2017

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item I.A., Emergency Resolution for U.S. Army Corps of Engineers (USACE) Direct Federal Assistance (DFA) Mission for Performing Rehabilitation and Restoration Work to Sea Ray Drive Bridge over Sykes Creek

The Board of County Commissioners, in special session on September 28, 2017, adopted Emergency Resolution No. 17-191E, for the USACE DFA mission to perform rehabilitation and restoration work to the Sea Ray Drive Bridge over Sykes Creek. Enclosed are two certified copies of the Resolution for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for *Donna Scott*
Tammy Rowe, Deputy Clerk

/ds

Encls. (2)

cc: Each Commissioner
Assistant County Manager Denninghoff
County Attorney
Finance
Budget

RESOLUTION No. 2017-191 E

RESOLUTION OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
REGARDING REHABILITATION AND RESTORATION WORK
TO SEA RAY DRIVE BRIDGE OVER SYKES CREEK,
UPON COMPLETION OF THE
U.S. ARMY CORPS OF ENGINEER DIRECT FEDERAL ASSISTANCE MISSION

WHEREAS, between September 10-11, 2017, Hurricane Irma inflicted damage upon Brevard County, including scouring of the Sea Ray Drive Bridge Over Sykes Creek ("the Bridge"); and

WHEREAS, Hurricane Season (June 1 to November 30) is continuing with more damaging weather-related events possible; and

WHEREAS, under the authority of the Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq), the President of the United States declared a major disaster for the State of Florida (FEMA-4337-DR) authorizing direct federal assistance in Brevard County with a 100% Federal cost share for Category B (emergency protective measures) for the first 30 days, and a 75% Federal cost share thereafter; and

WHEREAS, the Bridge provides support for critical water and sewer mains between the mainland and coastal communities, and a nearby sub-aqueous water main also sustained damage as a result of Hurricane Irma, and the compromised structural integrity of the Bridge poses an immediate public health and safety threat; and

WHEREAS, Brevard officials contacted the State Emergency Response Team (SERT) and requested the U.S. Army Corps of Engineers (USACE) perform emergency stabilization repairs under Category B (emergency protective measures) of the Federal Emergency Management Agency's (FEMA) Public Assistance Program; and

WHEREAS, FEMA and the State of Florida support Brevard County's request for a USACE Direct Federal Assistance (DFA) mission to perform temporary emergency repairs to the Bridge to stabilize the critical water and sewer mains and reduce immediate threat of failure; and

WHEREAS, the USACE is prepared to immediately perform the DFA mission at the Bridge to lessen the immediate threat to lives, public health and safety;

WHEREAS, to delineate between emergency protective measures and permanent work, the State of Florida requests a formal emergency resolution from the Brevard County Board of Commissioners that after completion of the USACE DFA mission, the county will conduct certain follow-on permanent restorative or rehabilitative work;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, in emergency session duly assembled, that Brevard County firmly commits to work expeditiously towards a permanent restorative and rehabilitative solution for the Bridge, as follows:

(1) To restore or rehabilitate the Bridge to its pre-disaster function (which may include FEMA reimbursement);

(2) To continue working in a collaborative and supportive manner with the City of Cocoa as it makes necessary repairs to restore a nearby key sub-aqueous water main to its pre-disaster function (which may include FEMA reimbursement); and

(3) To address pertinent damages or deterioration to the Bridge not caused by a disaster (which would not include FEMA reimbursement); and

(4) Brevard County agrees to give best efforts to meet the following project timelines:

(a) To begin preliminary survey, investigation and design work as soon as possible but not later than 30 days after completion of the USACE DFA mission; and

(b) To begin construction within six months, subject to compliance with required procurement regulations, permitting regulations and Florida Department of Transportation reviews; and

(c) To complete construction within 12 to 18 months of construction initiation.

DONE, ORDERED AND RESOLVED, in Emergency Session by the Board of County Commissioners of Brevard County, this 28th day of September, 2017 A.D.

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Anto Putschett
By: *Vice Chair*
For CURT SMITH, CHAIRMAN
As approved by the Board on Sept. 28, 2017

ATTEST:

SCOTT ELLIS, CLERK



Florida Disaster

Florida Division of Emergency Management

September 27, 2017

To: Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

Re: Sea Ray Drive Bridge Over Sykes Creek

Dear Commissioners:

At 9:10 a.m. on September 10, 2017, Hurricane Irma made landfall near Cudjoe Key as a Category 4 Hurricane with maximum sustained winds of 130 mph. At 3:35 p.m. that same day, Hurricane Irma made a second landfall at Marco Island as a Category 3 Hurricane with maximum sustained winds of 115 mph (and with a reported gust of 130 mph). From there, Hurricane Irma continued north up the Florida peninsula before finally exiting the State as a Tropical Storm on September 11.

During its run up the peninsula, Hurricane Irma raked the State with high winds and torrential rains, left over half the State without power, and caused record flooding on the St. Johns River. Additionally, many of the communities impacted by Hurricane Irma are still recovering from the damage inflicted last year by Hurricane Hermine and Hurricane Matthew.

On the same day that Hurricane Irma made landfall, the President granted the Governor's request for a major disaster declaration and declared DR-4337 with an incident period start date of September 4. In addition to authorizing Direct Federal Assistance ("DFA"), the DR-4337 declaration established the following cost shares:

- 100% Federal cost share for Category B for the first 30 days, with a 75% Federal cost share thereafter; and,
- 75% Federal cost share for Category and Categories C through G.

Recently, officials from Brevard County reached out to the State Emergency Response Team ("SERT") and requested a DFA mission to stabilize the Sea Ray Drive Bridge Over Sykes Creek ("the Bridge"). According to those officials, the Bridge sustained damage as a result of Hurricane Irma in the form of scouring. Because the

Bridge provides support for critical water and sewer mains between the mainland and coastal communities, and because a nearby subaqueous main sustained damage as a result of Hurricane Irma, Brevard officials requested the U.S. Army Corps of Engineers ("USACE") perform stabilization repairs under Category B (Emergency protective measures) of the Federal Emergency Management Agency's ("FEMA") Public Assistance Program.

The FEMA Public Assistance Program and Policy Guide ("PAPPG") defines Category B emergency protective measures as those that:

- Eliminate or lessen immediate threats to lives, public health, or safety; or,
- Eliminate or lessen immediate threats of significant additional damage to improved public or private property in a cost-effective manner.

With regard to stabilization as an emergency protective measure, the PAPPG draws a clear distinction between temporary repairs and complete restoration to pre-disaster function:

Temporary emergency repair or stabilization of an eligible facility is eligible as Emergency Work if it eliminates or lessens an immediate threat. Work performed under an exigent circumstance that restores the pre-disaster design and function of the facility in accordance with codes and standards is Permanent Work, not Emergency Work.

Given the public health and safety threat posed by the compromised structural integrity of the Bridge, the State supports Brevard County's request for a USACE DFA mission to perform temporary repairs to the Bridge to stabilize the critical water and sewer mains.

To meet the Department's obligation of delineating between emergency protective measures and permanent work, the State is respectfully requesting a formal emergency resolution stating that, after the completion of the USACE DFA mission, the County will conduct:

- The necessary repairs to restore the Bridge to its pre-disaster function (which may include FEMA reimbursement);
- The necessary repairs to restore the nearby subaqueous main to its pre-disaster function (which may include FEMA reimbursement); and,
- Any additional repairs needed to address damages or deterioration not caused by a disaster (which would not include FEMA reimbursement).

The emergency resolution should contain a project timeline for the restoration work. Once the State receives those assurances (written commitment and project timeline), the State will authorize the USACE DFA mission.

Sincerely,

A handwritten signature in black ink, appearing to be 'MD' with a long horizontal flourish extending to the right.

Mike Dew
Secretary,
Florida Dept. of Transportation

A handwritten signature in black ink, appearing to be 'Wes Maul' with a large loop at the end.

Wes Maul
Interim Director,
Florida Div. of Emergency Management