

**F. Consent Agenda - Natural Resources Management
ITEM 1.**



**AGENDA REPORT
March 26, 2019**

**Permission to Accept a Grant from the Florida Inland Navigation District to
Supplement County Derelict Vessel Removal Funding**

SUBJECT:

Permission to Accept a Grant from the Florida Inland Navigation District to Supplement County Derelict Vessel Removal Funding

FISCAL IMPACT:

FY 19/20 - \$29,883 in Grant Funds and \$9,962 in local match funded by vessel registrations distributed to the Brevard Boating Improvement Fund (3113/330040).
FY 20/21 - No Fiscal Impact.

DEPT/OFFICE:

Natural Resources Management

REQUESTED ACTION:

It is requested that the Board: 1) Authorize the County Manager to execute a Derelict Vessel Removal Grant Agreement between Brevard County and the Florida Inland Navigation District, including legal venue in Palm Beach County, with County Attorney and Risk Management approval; 2) Authorize the Vessel Registration Matching Funds; and 3) Authorize associated Budget Change Requests.

SUMMARY EXPLANATION and BACKGROUND:

Brevard County is constantly combating the dereliction and/or abandonment of vessels within the Indian River Lagoon system. Since 2007, the Brevard County Boating & Waterways Program has removed over 170 derelict and/or abandoned vessels from the County's waterways. This equates to over 560 tons of debris and over 300 gallons of fuel/oil removed. Working through partnerships with the Florida Fish and Wildlife Conservation Commission (FWC) and the Brevard County Sheriff's Office (BCSO), the program actively tracks derelict and potentially derelict vessels to determine the appropriate action for each case.

At present, law enforcement officials working in Brevard County have officially reported and/or designated more than 30 vessels within County jurisdiction as derelict. A vessel removal project, funded by Tourism Development Lagoon Project Grant Funds, is presently underway and will remove 9 vessels. The 3 vessels targeted for this project have been identified as potential public safety and/or navigational hazards. Formal reports from the FWC and/or the BCSO are completed for these identified vessels. No

vessel will be removed without the appropriate vessel report and removal authorization from the State in County possession. As always, staff will make all efforts to work with local law enforcement to recover expended funds from the vessel owners. As with previous removal projects, state and federal protocols will be followed.

As authorized through Florida Statute Chapter 328, the County collects a percentage of all vessel registration fees collected within Brevard, Brevard Boating Improvement Program (BBIP) funds. Per statute, those fees are to be used exclusively for derelict vessel removal, waterway marker projects, and improvements related to waterway access facilities. Staff requests permission to accept a derelict vessel removal grant from the Florida Inland Navigation District (FIND) to supplement available BBIP vessel registration funds. The FIND grant, entitled ***Small-Scale Derelict Vessel Removal***, requires a minimum 25% match of funds with a maximum yearly award of \$30,000. BBIP vessel registration funds, in the amount of \$9,962, will serve as match for this grant. Upon execution of this FIND grant, the total budget for removal of the identified vessels will be \$39,845.

CLERK TO THE BOARD INSTRUCTIONS:

None

ATTACHMENTS:

Description

- ▢ **FIND Derelict Vessel Grant**
- ▢ **Vessel Location Details**
- ▢ **AO-29 Risk/Attorney Approvals**

BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

INITIAL CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

1. Contractor: Florida Inland Navigation District	
2. Fund/Account #: 0032/223211	3. Department Name: Natural Resources
4. Contract Description: Derelict Vessel Removal Grant	
5. Contract Monitor: Matt Culver	7. Contract Type: GRANT
6. Dept/Office Director: Virginia Barker	

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

<u>COUNTY OFFICE</u>	<u>APPROVAL</u>		<u>SIGNATURE</u>	<u>DATE</u>
	<u>YES</u>	<u>NO</u>		
User Agency	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

SECTION III - REVIEW AND APPROVAL TO EXECUTE

<u>COUNTY OFFICE</u>	<u>APPROVAL</u>		<u>SIGNATURE</u>	<u>DATE</u>
	<u>YES</u>	<u>NO</u>		
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Culver, Matt <small>Signature signed by Culver, Matt on 02/27/2019 Contracted County Clerk's Office Date 2019.02.27 14:25:00</small>	02/27/2019
Risk Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Matt Lairsey <small>Signature signed by Matt Lairsey on 02/27/2019 Contracted County Clerk's Office Date 2019.02.27 14:25:00</small>	02/27/2019
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status	<input type="checkbox"/>
Contract Title	<input type="checkbox"/>
Contract Type	<input type="checkbox"/>
Contract Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date	<input type="checkbox"/>
Contract Effective Date	<input type="checkbox"/>
Contract Expiration Date	<input type="checkbox"/>
Contract Absolute End Date (No Additional Renewals/Extensions)	<input type="checkbox"/>
Material Group	<input type="checkbox"/>
Contract Documents Uploaded in CM database (Initial Contract Form with County Attorney/ Risk Management Approval; Signed/Executed Contract)	<input type="checkbox"/>
"Right To Audit" Clause Included in Contract	<input type="checkbox"/>
Monitored items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

INITIAL CONTRACT REVIEW AND APPROVAL FORM

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	<u>YES</u>	<u>NO</u>		
User Agency	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

SECTION III - REVIEW AND APPROVAL TO EXECUTE

<u>COUNTY OFFICE</u>	<u>APPROVAL</u>		<u>SIGNATURE</u>	<u>DATE</u>
	<u>YES</u>	<u>NO</u>		
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Culver, Matt <small>Digitally signed by Matt Culver, DN: cn=Matt Culver, o=Brevard County, ou=Florida Inland Navigation District, email=matt.culver@flinad.com, c=US</small>	02/27/2019
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
County Attorney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Valliere, Christine <small>Digitally signed by Christine Valliere, DN: cn=Christine Valliere, o=Brevard County, ou=Florida Inland Navigation District, email=christine.valliere@flinad.com, c=US</small>	02/28/2019

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
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"Right To Audit" Clause Included in Contract	<input type="checkbox"/>
Monitored items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

March 27, 2019

M E M O R A N D U M

TO: Virginia Barker, Natural Resources Management Director

RE: Item F.1., Permission to Accept a Grant from the Florida Inland Navigation District (FIND)
to Supplement County Derelict Vessel Removal Funding

The Board of County Commissioners, in regular session on March 26, 2019, authorized the County Manager to execute a Derelict Vessel Removal Grant Agreement between Florida Inland Navigation District (FIND), including legal venue in Palm Beach County, with County Attorney and Risk Management approval; authorized the Vessel Registration Matching Funds; and authorized associated Budget Change Requests. Enclosed is the Agreement for your action.

Upon execution by FIND, please return a fully-executed copy of the Agreement to this office for inclusion in the official minutes.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for Donna Scott
for Tammy Rowe, Deputy Clerk

/cmw

Encl. (1)

cc: Finance
Budget
Contracts Administration

SMALL-SCALE DERELICT VESSEL REMOVAL
PROJECT AGREEMENT

PROJECT NO. ICW-BV-19-01

This Agreement is entered into this ____ day of _____, 20__ by and between the FLORIDA INLAND NAVIGATION DISTRICT ("FIND") and BREVARD COUNTY (the "Project Sponsor"). Nothing contained herein shall constitute a waiver by either party of its sovereign immunity under Section 768.28 Florida Statutes.

WHEREAS, Project Sponsor has requested that FIND provide a portion of the funding needed for a Small-Scale Derelict Vessel Removal Project in Brevard County, as detailed in Exhibit A; and

WHEREAS, FIND is willing to provide such assistance for the removal of eligible derelict vessel(s) along the Intracoastal Waterway in Brevard County, subject to the terms and provisions of this Agreement.

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

1. Subject to the provisions of this Agreement, Project Sponsor shall coordinate the work for the Project. Project Sponsor agrees, with respect to the Project, that as between the parties to this Agreement, it shall be solely responsible for any claims for damages resulting therefrom. Project Sponsor agrees to indemnify FIND, its Commissioners, employees, and agents, from any and all liabilities, claims, costs, damages, and expenses (including court costs and attorneys' fees) arising from or related to Project Sponsor's actions regarding the Project.

2. FIND shall provide an amount not to exceed \$29,883.00 for the components of the project set forth in Exhibit A, with FIND paying the Project Sponsor up to seventy-five percent (75%) of the amount actually expended for each component, up to the amount listed on Exhibit A for said component, which shall also be in compliance with the District's policy on Small-Scale Derelict Vessel Removal projects Exhibit D.

3. Project Sponsor shall complete, or cause to be completed, the Project and submit all required payment reimbursement information on or before September 30, 2020. The District, by prior written approval, may extend funding under this Interlocal Agreement for one (1) year to September 30, 2021, with such extension of the Project period being at the sole discretion of the District. Any request for extension of the Project period and associated funding beyond September 30, 2020, shall require

submittal by the Project Sponsor of a request for extension to the District, accompanied by a status report of the Project, no later than July 30, 2020. This extension request will then be considered by the District's Board, which decision shall be final.

4. The Project Sponsor, upon completion of the PROJECT, shall submit to the DISTRICT a request for final reimbursement of the PROJECT AMOUNT less any prior installment payments. The Payment amounts previously retained by the DISTRICT shall be paid upon (1) receipt of the Final Audit report of expenses incurred on the PROJECT by the DISTRICT (proof of payment and reimbursement request (Exhibit C), (2) full completion of the PROJECT to the reasonable satisfaction of the DISTRICT, (3) submission of Project Completion Certification Form No. 90-13 (Exhibit B), and (4) submission of a photograph(s) of the completed PROJECT(s).

5. Project Sponsor shall, upon request by FIND, provide a report of final expenses incurred on the Project. The Project Sponsor shall also retain all records supporting costs of the Project for three (3) years after the end of the fiscal year in which the Project is completed, except that such records shall be retained by Project Sponsor until final resolution of matters resulting from any litigation, claim, or special audit that starts prior to the expiration of the three-year retention period.

6. If Project Sponsor shall fail to fulfill in a timely and proper manner the obligations under this Agreement, or if Project Sponsor shall violate any of the covenants, terms, or stipulations of this Agreement, FIND shall thereupon have the rights to terminate this Agreement.

Notwithstanding the above, Project Sponsor shall not be relieved of liability for damages or expenses as contemplated herein sustained by FIND by virtue of any breach of the Agreement by Project Sponsor.

7. Any notice or other written communications between Project Sponsor and FIND shall be considered delivered when posted by certified mail or delivered in person to the respective party at the address indicated below:

To FIND: Florida Inland Navigation District
1314 Marcinski Road
Jupiter, Florida 33477
Attention: Executive Director

To the Project Sponsor: Brevard County
2725 Judge Fran Jamieson Way, A219
Viera, FL 32940
Attention: Boating & Waterway Program Coordinator

8. This instrument embodies the entire agreement of the parties. There are no provisions, terms, conditions or obligations other than those contained herein; and this Agreement shall supersede all previous communication, representation or agreements, either verbal or written between the parties hereto. This Agreement shall not be modified unless in writing and signed by both parties hereto.

9. This Agreement shall be interpreted and construed pursuant to the laws of the State of Florida. In the event of any litigation arising hereunder, the venue of any such litigation shall be had only in the courts of Palm Beach County, Florida.

10. The rights and duties arising under this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. Neither party may assign this Agreement nor any interest hereunder without the express prior written consent of the other party.

11. Waiver of a breach of any provision of this Agreement shall not be deemed a waiver of any other breach of the same or different provision.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as of the date first above written.

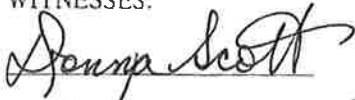
WITNESSES:

FLORIDA INLAND NAVIGATION DISTRICT

By: _____
Executive Director

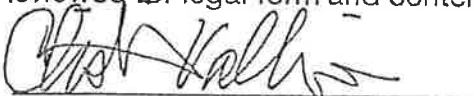
DATE: _____

WITNESSES:





Reviewed for legal form and content:



Assistant County Attorney

PROJECT SPONSOR - FRANK ABBATE

By: 

Title: COUNTY MANAGER

DATE: MARCH 26, 2019

As approved by Board 3/26/19

**FLORIDA INLAND NAVIGATION DISTRICT
SMALL-SCALE DERELICT VESSEL REMOVAL PROGRAM APPLICATION**

(See Rule Sections 66B-2.005, 2.008 & 2.015 for eligibility and funding ratios)

VESSEL LOCATION AND IDENTIFICATION: Indian River Lagoon within Brevard County

**** TOTALS=** \$ 39,845 \$ 9,962 \$ 29,883

EXHIBIT B

**FLORIDA INLAND NAVIGATION DISTRICT
SMALL-SCALE DERELICT VESSEL REMVOAL PROGRAM**

Project Completion Certification

Sponsor: _____

Project Title: _____ Project #: _____

I hereby certify that the above referenced project was completed in accordance with the Assistance Program Project Agreement between the Florida Inland Navigation District and _____, dated _____, 20____, and that all funds were expended in accordance with Attachment "A" and Paragraph 2 of the Project Agreement. *

Project Liaison Name: _____

Project Liaison Signature: _____

Date: _____

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

EXHIBIT C

FLORIDA INLAND NAVIGATION DISTRICT
DERELICT VESSEL REMOVAL PROGRAM
PAYMENT REIMBURSEMENT REQUEST FORM

PROJECT NAME: _____ PROJECT #: _____

PROJECT SPONSOR: _____

Amount of Assistance		_____
All Funds Previously Requested	✂	_____
Balance Available	=	_____
Funds Requested		_____
Less Retainage (-10% unless final)	✂	_____
Check Amount	=	_____
Balance Available		_____
Less Check Amount	✂	_____
Balance Remaining	=	_____

SCHEDULE OF EXPENDITURES

Expense Description (Should correspond to Cost Estimate Sheet Categories in Exhibit "A")	Check No. Vendor Name and Date	Total Cost	Applicant Cost	FIND Cost

EXHIBIT D (CONTINUED)
SCHEDULE OF EXPENDITURES

Expense Description (Should correspond to Cost Estimate Sheet Categories in Exhibit "A")	Vendor Name	Check No. and Date	Total Cost	Applicant Cost	FIND Cost
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Certification for Reimbursement: I certify that the above expenses were necessary and reasonable for the accomplishment of the approved project and that these expenses are in accordance with Exhibit "A" of the Project Agreement. *

Project Liaison

Date

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

EXHIBIT D
Small-Scale Derelict Vessel Removal Projects Rule (Rule 66B-2.015)

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$30,000.00 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C. The applicant shall include a map clearly delineating the location of all vessels included in the application.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

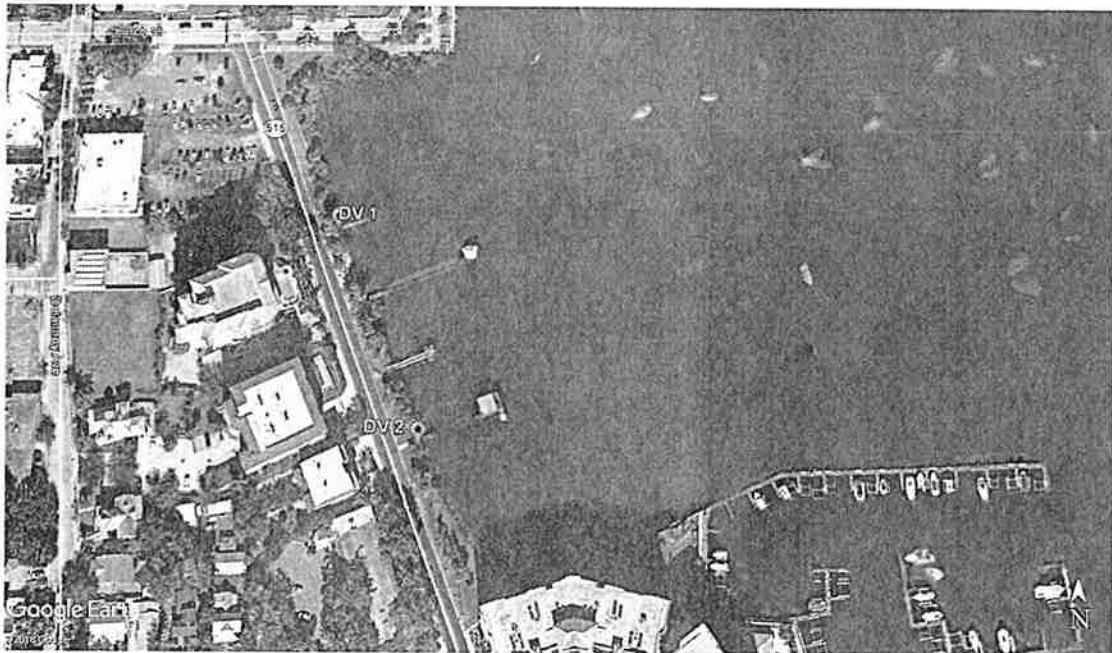
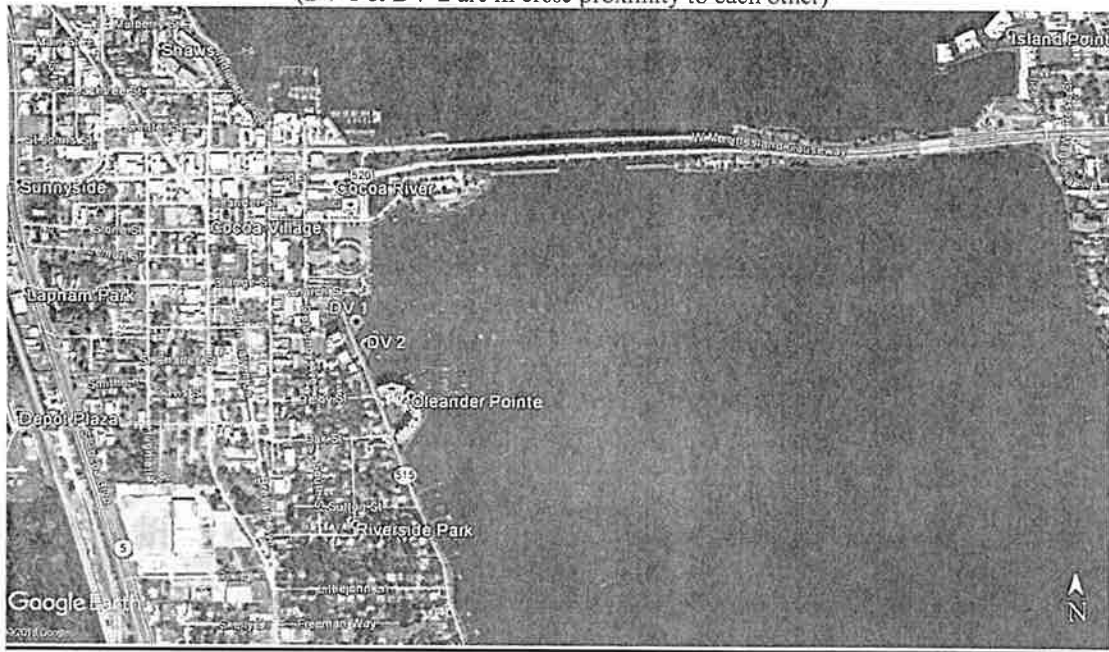
Derelict Vessel Removal 2019 Brevard County

DV-1 & DV-2

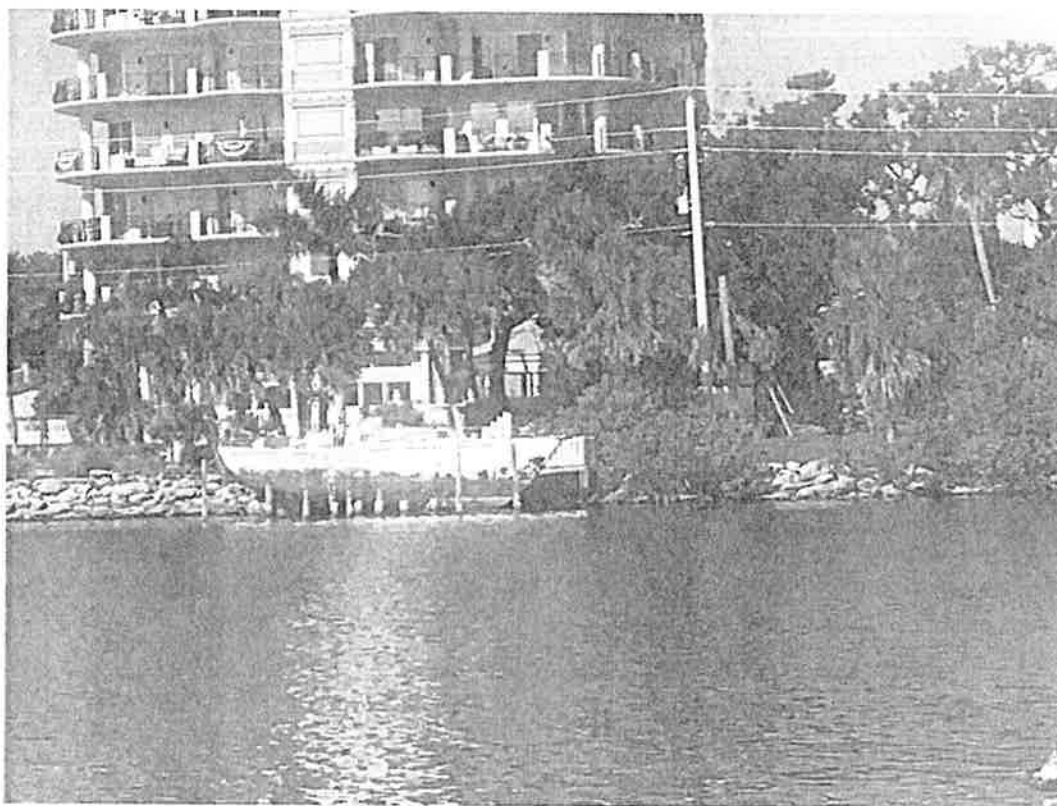
Vessel Location and Photos

Central Brevard near Hwy 520

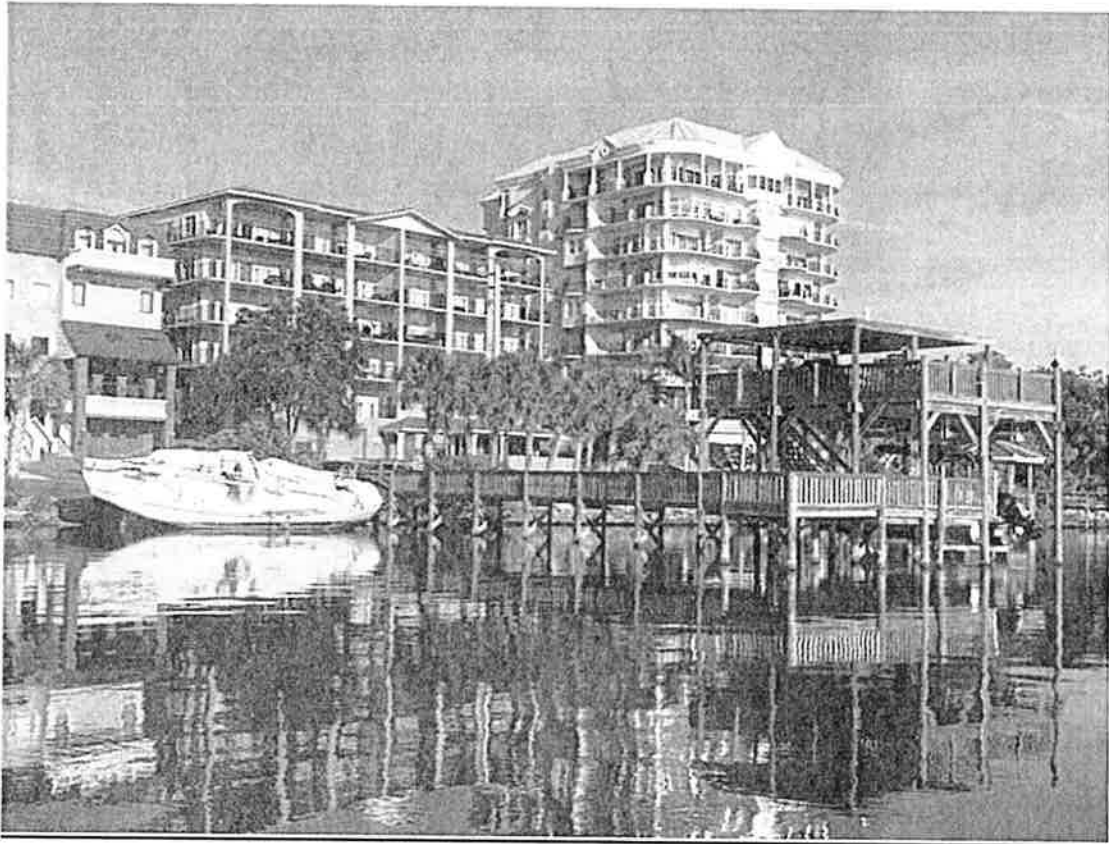
(DV-1 & DV-2 are in close proximity to each other)



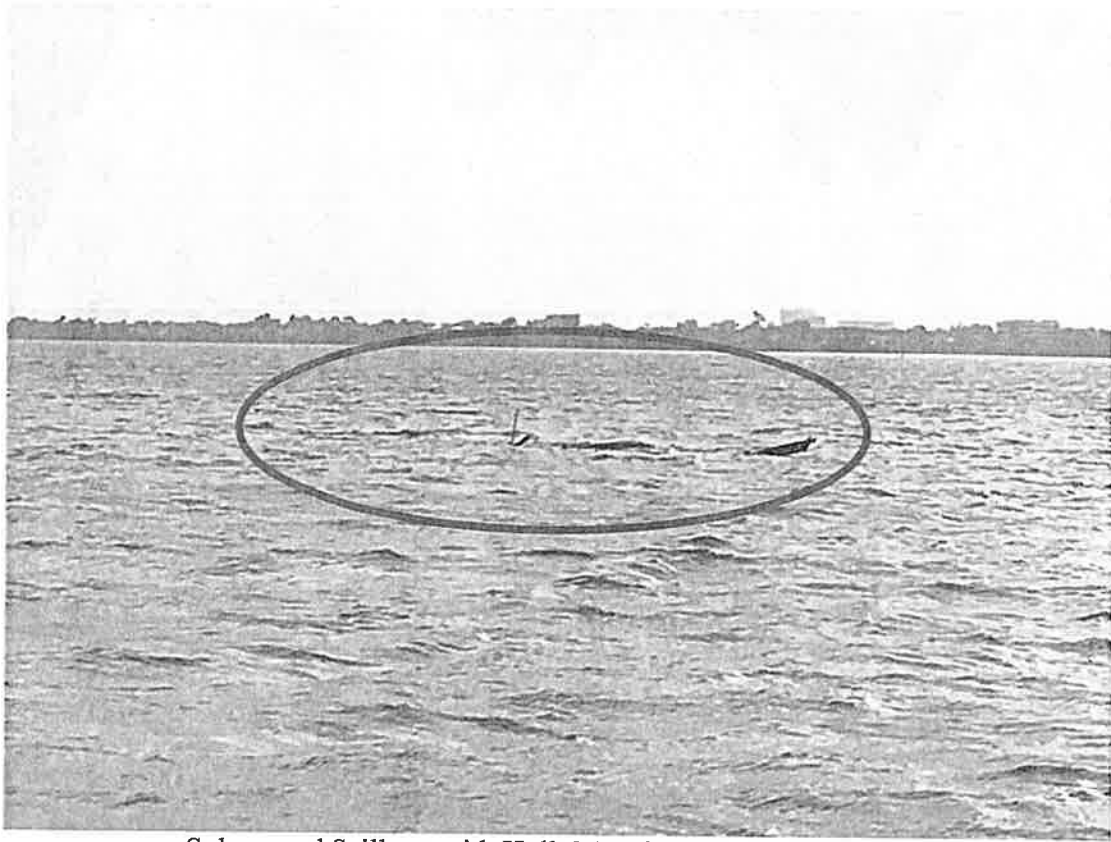
DV-1



DV-2



[illegible]



Submerged Sailboat with Hull & Broken Masts at Waterline
Intracoastal Waterway in the Background