County Commission Meeting
August 21, 2019
Agenda Item Number: D.5
Agenda Item Summary #5860

BULK ITEM: Yes
DEPARTMENT: Local Disaster Recovery

TIME APPROXIMATE: 2524
10:00am

STAFF CONTACT: Helene Wetherington (305) 289-2524

AGENDA ITEM WORDING: Public Meeting for citizens and municipalities to provide input on an application for non-matching grant funds for a mitigation project encompassing road repairs/elevation and drainage improvements in the amount of $2.5 Million in the Sands Subdivision on Big Pine Key utilizing Community Development Block Grant - Disaster Recovery Infrastructure Repair and Mitigation Program funding from the Florida Department of Economic Opportunity (DEO) funded through the Federal Housing and Urban Development Agency (HUD), after being recommended by the Citizen's Advisory Task Force, after a duly noticed 10 day public comment period; after a 5 day public notice to municipalities and Approval to submit grant application to DEO.

ITEM BACKGROUND:
Hurricane Irma, a Category 4 hurricane, made landfall in the Florida Keys on September 10, 2017, causing the destruction and significant flooding of low-lying areas throughout the Florida Keys. Congress appropriated $616 Million for the State of Florida in the aftermath of Hurricane Irma. The Department of Economic Opportunity (DEO) developed a Community Development Block Grant - Disaster Recovery (CDBG-DR) Action Plan and allocated $85 Million for the Infrastructure Repair and Mitigation Program. This program does not require a local match.

The purpose of Rebuild Florida’s CDBG-DR Infrastructure Repair and Mitigation Program is to repair damage to infrastructure while mitigating against future damage and make the community more resilient. These funds will support the elevation and reconstruction with proper drainage facilities of Father Tony Way in the Sands Subdivision on Big Pine Key. This improvement addresses drainage issues shown on the attached map in white. It further protects access to abutting roadways by eliminating the risk of flooding of a main road that connects to residential street shown in yellow on the map. The pilot project should prevent repetitive flooding and ensure continued access to the residential area creating economic benefit to the community and protecting health and safety.

DEO Program Parameters follow:
Infrastructure Repair and Mitigation Activities

The State of Florida has made significant investments in mitigation over the past 25 years to ensure that infrastructure is able to withstand the impacts of wind and flood events. Hurricane Irma was a success story for the state in that infrastructure damage assessments were not as high as initially projected due to this major statewide investment. DEO will continue to strengthen the state’s infrastructure by creating an Infrastructure Repair and Mitigation Program that allows communities to use CDBG-DR to leverage other funding sources such as the Hazard Mitigation Grant Program (HMGP), 406 Public Assistance (406 PA) Mitigation Program. Some communities are not able to fully utilize these other resources following a disaster because reserve cash funds are exhausted by disaster recovery efforts and they cannot meet local match requirements. Allowing local governments to leverage CDBG-DR funding as match will enable communities, especially smaller and rural local governments, to better utilize all resources available to them.

In the development of policies and procedures, cost benefit will be addressed. DEO acknowledges infrastructure activities may have unintended risks that could potentially effect communities. With this understanding, DEO will follow guidance provided in the Federal Register to avoid disproportionate impacts on vulnerable populations and environmental injustice. Additionally, DEO recognizes the importance of resiliency against future storms and will employ adaptable and reliable technologies to guard against premature obsolescence of
infrastructure. DEO will describe the implementation of utilizing these technologies, when applicable, in its program policies and procedures manual.

Infrastructure Repair and Mitigation Program
DEO has received an additional allocation totaling in approximately $156 million. Approximately $85 million will be distributed in the Infrastructure Repair and Mitigation Program. Hurricane Irma affected many community’s infrastructure systems such as damaging roadways, bridges and state beaches. Funding will be dispersed to communities impacted by Hurricane Irma through a competitive application cycle with priority given to projects that can demonstrate urgent need, readiness to proceed, and that benefit LMI. Where possible, DEO will leverage other sources such as FEMA Public Assistance funding to first address remaining urgent and unmet needs in communities.

Eligible activities within this program may include, but are not limited to the following:

- Restoration of infrastructure damaged by Hurricane Irma (such as water and sewer facilities, streets, removal of debris, drainage, bridges, etc.).
- Demolition and rehabilitation of publicly or privately owned commercial or industrial buildings.
- Renourishment of protective coastal dunes systems and state beaches.
- Repairs to damaged buildings that are essential to the health, safety and welfare of a community when repairs to these buildings constitutes an urgent need (this can include police stations, fire stations, parks and recreational centers, community and senior centers, hospitals, clinics, schools and educational facilities, other public properties).
- Repairs to water lines and systems, sewer lines and systems, drainage and flood mitigation systems.

Prior to opening the competitive application cycle for the Infrastructure Repair and Mitigation Program, DEO will send an announcement through its mailing list describing the details of this program as well as an announcement on DEO’s webpage which can be found here. DEO will hold a pre-application training to those interested in the program. The pre-application training will go over the full details of the program. This training will also be advertised on the webpage. Then, following a tentative award, DEO will hold another pre-implementation training. This training will cover all materials and expectations for subrecipients. Following an award, DEO will hold trainings, as needed.

HUD has announced that Florida will receive an additional allocation of funds specifically for mitigation. Additional Guidance will be released in the federal register on how the funding can be used by states. The state of Florida will further define its program and adjust the budget in an amendment to this action plan, based on this guidance.

Competitive Application Cycle
Applicants will select projects or programs to propose to DEO for funding in accordance with DEO thresholds and objectives. These thresholds are:

- Projects must demonstrate tie-back to Hurricane Irma
- Projects must not duplicate benefits

DEO will also consider to what extent proposed projects or programs support the following objectives:
• Projects must support LMI housing needs in some way,
• Projects must primarily serve LMI populations, or
• Demonstrate an urgent need in the community

DEO will first consider LMI as the national objective for infrastructure projects. The urgent need national objective will only be used if the project is not LMI, but is needed to alleviate emergency conditions. When using urgent need as a national objective, DEO will obtain justification from the local government or municipality to certify the urgency of the condition.

Applicants may pursue a range of eligible activities as allowed under CDBG-DR regulations for this appropriation, so long as they are in accordance with DEO threshold requirements and the requirements for the applicable activity as outlined in the Action Plan and Federal Register. Applicants will be required to meet HUD regulations, such as environmental, supplantation of benefits, fair housing and others.

The state has adopted monitoring standards, including procedures to (i) ensure program requirements (including non-duplication of benefits) are met, and (ii) provide for continual quality assurance and adequate program oversight. These standards and procedures are included in the pre-award Implementation Plan as required by the Federal Register. Monitoring will be conducted by DEO who will be supported by an external vendor procured through competitive solicitation to ensure that program activities progress toward timely completion and to allow for the early identification of potential issues and problems so they can be prevented or corrected.

Monitoring will also include environmental compliance under 24 CFR Part 58. DEO currently has staff that will oversee environmental compliance. Additionally, the current staff will be augmented by external vendors procured through competitive solicitation.

The DEO Disaster Recovery monitoring program includes desk monitoring and onsite monitoring with priority and frequency based on the results of a risk assessment of each subrecipient. The purpose of the risk assessment is to define the scope and focus of the monitoring efforts, including establishing a framework for determining the appropriate level of monitoring consistent with available resources. In addition, the risk assessment will be required each state fiscal year to guarantee continuous review of risks. DEO monitoring is based on criteria consistent with HUD guidance in assessing program risk. The risk assessment provides the basis for developing individual monitoring strategies and documents the decisions and recommendations regarding where to apply staff and travel resources for monitoring, training, and/or technical assistance.

The Florida Auditor General and staff will act as the state’s independent auditor and conduct financial audits of the accounts and records of state agencies. Where applicable, accounting policies and procedures of DEO should mirror the requirements of the Office of Auditor General.

The State of Florida is dedicated to the prevention of fraud, waste, and abuse. DEO’s Office of the Inspector General serves as DEO’s internal auditor. Internal audit functions associated with Disaster Recovery funding may be supported by external vendors procured through competitive solicitation. All suspected cases of fraud will be taken seriously and complaints will be reported to DEO’s Office of the Inspector General at OIG@deo.myflorida.com or 1-855-455-0650. If the Office of Inspector General has reasonable grounds to believe there has been a violation of criminal law, the Office will report expeditiously to the appropriate law enforcement agency.

Allocation for Activity: $85,819,653 Competitive Cycle

Maximum Award: N/A
To be eligible to receive funds, Monroe County must consider the needs of all municipalities within the incorporated as well as unincorporated area of the county. This meeting serves as a public meeting with city governments. The County has met the CDBG-DR and DEO requirements for notice and documentation.

The Type of project is a stormwater repair and road elevation project in an area that frequently floods.

Deadline for Comments is 8/20/19.

Contact Person: Helene Wetherington, 305-504-3036 and Wetherington-Helene@monroecounty-fl.gov

As per the grant requirements, public notice of this public meeting and public notice of the 10-day public comment period was published in the Citizen, as the newspaper of general circulation in Monroe County and also posted to the County’s website. The notices are attached for reference.

Monroe County’s application for CDBG-DR Infrastructure repair and mitigation funds can be found at monroecounty-fl.gov/irmarecovery.

PREVIOUS RELEVANT BOCC ACTION: NA

CONTRACT/AGREEMENT CHANGES: NA

STAFF RECOMMENDATION: APPROVE

DOCUMENTATION:

Citizens Advisory Task Force Resolution to BOCC only 08-01-19 signed
NOTICE OF 10-day comment period
NOTICE OF PUBLIC MEETING 8 21 19

FINANCIAL IMPACT:

Effective Date: PENDING
Expiration Date:

Total Dollar Value of Contract: NA
Total Cost to County: None
Current Year Portion: NA
Budgeted: No
Source of Funds: NA
CPI:
Indirect Costs:
Estimated Ongoing Costs Not Included in above dollar amounts:

Revenue Producing: NA If yes, amount:
Grant: $2,500,000
County Match: $ 0
Insurance Required: 0

Additional Details:

REVIEWED BY:
Helene Wetherington Completed 07/31/2019 12:22 PM
Assistant County Administrator Christine Hurley Completed 08/05/2019 9:34 AM
Christine Limbert Completed 08/05/2019 3:51 PM
Budget and Finance Completed 08/06/2019 11:19 AM
Maria Slavik Skipped 08/05/2019 1:26 PM
Helene Wetherington Skipped 08/06/2019 9:12 AM
Kathy Peters Completed 08/06/2019 11:31 AM
Board of County Commissioners Pending 08/21/2019 9:00 AM