

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: January 19, 2012

Division: Growth Management

Bulk Item: Yes  No

Department: Planning & Env. Resources

Staff Contact: Richard Jones/289-2805

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**AGENDA ITEM WORDING:** Discussion of policy regarding reimbursement funding to the municipalities from Boating Improvement Funds (BIF) and possible future revisions to Resolution No. 371-2011 which would establish additional criteria and procedures.

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**ITEM BACKGROUND:** At the October 19, 2011 BOCC meeting the Board approved Resolution No. 371-2011 establishing policy for the general use of BIF and procedures for municipality requests for BIF reimbursements. At that meeting the Board asked staff to return with another resolution disallowing the use of BIF for revenue producing municipal infrastructure. Staff developed that resolution language and brought a draft resolution back to the Board at the December 14, 2011 BOCC meeting. The Board denied approval of that resolution, but discussed other criteria for consideration which would provide for reimbursement of capital improvement projects, budgeting, prioritization of funding requests, and specific uses of BIF funds. The attached memo describes existing policy, and additional criteria for consideration for policy revisions. Staff anticipates discussing various scenarios and potential criteria, and will ask for guidance from the Board.

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**PREVIOUS RELEVANT BOCC ACTION:**

October 2011- approval of Resolution No.371-2011 establishing procedures for the reimbursement of BIF to the municipalities

December 2011- denied approval of a resolution establishing criteria for the use of BIF

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATIONS:**

N/A

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**TOTAL COST:** \_\_\_\_\_ **INDIRECT COST:** \_\_\_\_\_ **BUDGETED:** Yes  No

**DIFFERENTIAL OF LOCAL PREFERENCE:** \_\_\_\_\_

**COST TO COUNTY:** \_\_\_\_\_ **SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes  No  **AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Atty  OMB/Purchasing  Risk Management

**DOCUMENTATION:** Included  Not Required \_\_\_\_\_

**DISPOSITION:** \_\_\_\_\_ **AGENDA ITEM #** \_\_\_\_\_

**MEMORANDUM**  
**MONROE COUNTY GROWTH MANAGEMENT DIVISION**  
*We strive to be caring, professional and fair*

To: Board of County Commissioners  
From: Richard Jones, Marine Resources Senior Administrator  
Date: January 3, 2012  
RE: Boating Improvement Fund reimbursement funding policy



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The purpose of this memo is to describe current policy for reimbursement funding to the various municipalities from Boating Improvement Funds (BIF), and recommended policy revisions for the establishment of additional funding criteria and procedures.

Background and current BIF funding policy:

Due to an influx of BIF reimbursement requests from both public and private entities, staff brought a resolution before the Board at its October 19, 2011 BOCC meeting which would provide clarification on the uses of BIF, reimbursement procedures, and provide for the distribution of BIF (by allocation) to the various municipalities. The Board approved sections of that resolution (No. 371-2011 attached) pertaining to the general use of BIF, request submission/review timelines, and the mechanism for reimbursement. The Board deleted sections pertaining to the distribution of BIF and annual allocations to the various cities. Policy elements approved by the Board include the following:

- 1- BIF will be expended only for County and municipal boating and waterway related projects, and which serve the general public.
- 2- Funding requests from municipalities will be submitted by April 1st each fiscal year.
- 3- Staff will compile and review funding requests on, or around, June each year and make recommendations to the BOCC accordingly, and in consideration of funding availability.
- 4- Reimbursement funding will be provided for by Inter-local Agreement (ILA).
- 5- Unused funds allocated for a municipality may be provided to other municipalities. \*

*\* No. 5 (above) was inadvertently left in the resolution after deletion of other sections pertaining the distribution and allocation of BIF to the municipalities. This section should be removed from the policy.*

Upon approving the resolution described above, the Board discussed the issue of providing reimbursement to the City of Marathon for repair and maintenance of its mooring field. The Board indicated a concern for subsidizing municipal infrastructure which is revenue producing. The Board directed staff to develop another resolution which would provide additional policy for BIF reimbursements by disallowing funding for the repair and/or maintenance of revenue producing infrastructure such as mooring

fields. At the December 14, 2011 BOCC meeting staff presented a resolution providing that language, however the Board denied approval of the resolution. As an alternative the Board directed staff to review other similar programs and bring back to the BOCC criteria that may be used for a future resolution, further refining BIF reimbursement policy and procedures.

Additional BIF reimbursement funding policy:

Based on the direction of the Board at its December BOCC meeting, staff has reviewed a variety of information (e.g. Tourist Development Council manual for capital project grants and Broward County’s BIF funding procedures) to see the procedures used by other entities for the receipt of requests for funding, the processing of those requests, and the awarding of funds. Staff’s evaluation of that information, as well as consideration of comments from commissioners at the December BOCC meeting, determined that while current County policy does provide for the basic mechanism and timelines for receipt of funding requests, evaluation, and awarding of BIF reimbursement funding to the municipalities, additional criteria would help refine the funding request submission and selection processes, as well as providing clarification on the purpose of the funding.

The following table provides elements for consideration for inclusion in BIF reimbursement funding policy.

Recommendations for BIF Reimbursement Funding Policy			
Element Category	Element Description	1/19/2012 Recommendations	
		Staff Recommendation	BOCC Recommendation
Purpose of Funding	For work to be performed in next fiscal year	X	
	For repair and maintenance	X	
	For new/capital projects	X	
Request Submission Requirements	Only projects occurring over public upland or public bay bottom	X	
	For repair/maintenance of revenue producing infrastructure must provide current annual financial reports indicating unmet costs	X	
Scoring and Prioritization	Staff will score and prioritize funding requests	X	
Policy by Resolution	Consolidate all BIF policy in a single resolution	X	
	Delete policy language referencing allocations (no. 5 on previous page)	X	

In addition to the above policy elements, staff anticipates developing a BIF Funding Request Form to be completed and submitted by the municipalities. The request form will provide information necessary to assist in the evaluation, scoring and prioritization of funding requests (to be developed at a future date). Information that may be included on the request form may include:

- a) Total project cost
- b) Funding amount requested
- c) Description of public benefit related to boating and waterways
- d) Description of how project may promote public water access
- e) Timeframe for project start/completion
- f) Status of project (designed, permitted, etc)
- g) Does project occur entirely over publicly owned upland or submerged lands?
- h) Is the request for routine maintenance of revenue generating infrastructure? If so, describe and provide documentation (such as current annual financial reports) justifying the need for the infrastructure to be subsidized

Summary and staff recommendation:

All of the elements described in the section above, in addition to current policy and procedures provided under Resolution No. 371-2011 (with the exception of language referencing unused allocations), are considered by staff to be appropriate for inclusion in a policy for BIF reimbursement funding. The primary shift in BIF reimbursement funding policy would be from projects previously performed to projects to be performed in the following fiscal year, but funds would still only be reimbursed after expenditures are made. This change will allow for budgeting of anticipated expenditures by both the County and the municipalities, and provide an emphasis on funding of capital improvement projects.

The structuring of reimbursement funding procedures by policy (and adopted by resolution) would streamline current procedures by having the all funding requests and staff recommendations presented to the BOCC at one meeting.

**RESOLUTION NO. 371 -2011**

**A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS PROVIDING A POLICY FOR THE USE OF BOATING IMPROVEMENT FUNDS AND THE DISTRIBUTION OF A PORTION OF COUNTY BOATING IMPROVEMENT FUNDS TO THE MUNICIPALITIES.**

**WHEREAS**, moneys from vessel registration fees designated for the use of the counties is distributed by the tax collector to the Board of County Commissioners, pursuant to F.S. 328.72, hereafter referred to as State Boating Improvement Funds; and

**WHEREAS**, State Boating Improvement Funds are for the sole purposes of providing recreational channel marking and other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, and other public launching facilities, derelict vessel removal, and removal of vessels and floating structures deemed a hazard to public safety and health for failure to comply with F.S.327.53; and

**WHEREAS**, State Boating Improvement Fund revenues provide approximately \$250,000 annually; and

**WHEREAS**, the County approved Ordinance No.034-2002 to impose an annual registration fee on vessels registered, operated, or stored in the water within its jurisdiction pursuant to F.S.328.66, hereafter referred to as County Boating Improvement Funds; and

**WHEREAS**, County Boating Improvement Funds shall be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities of municipalities or counties; and

**WHEREAS**, County Boating Improvement Fund revenues provide approximately \$400,000 annually; and

**WHEREAS**, the County has expended County Boating Improvement Funds for new pumpout vessel match payments, boating and waterways studies, pumpout staff salary, and pumpout vessel operational costs; and

**WHEREAS**, the County has been providing reimbursement funding to the municipalities for boating and waterways related projects from State and County Boating Improvement Funds based on funding requests averaging \$51,094 in the past four calendar years; and

**WHEREAS**, requests have recently been received from several incorporated cities exceeding the typical annual amount the County has awarded; and

**WHEREAS**, State and County Boating Improvement Funds are utilized by the County for County channel marker and boat ramp maintenance, derelict vessel removals, pumpout program costs, and other boating and waterway related projects Keys-wide; and

**WHEREAS**, the County currently has no policy regarding the distribution of State and County Boating Improvement Funds, nor a maximum annual amount for cities; and

**WHEREAS**, the State allows for the distribution of Boating Improvement Funds to municipalities, but holds the County responsible for the appropriate expenditure of such funds; and

**WHEREAS**, it is in the best interest of the County to create a policy regarding the use of Boating Improvement Funds, and the distribution of a portion of State and County Boating Improvement Funds to the municipalities; and

**WHEREAS**, an evaluation of State and County Boating Improvement Fund revenues and expenditures indicates that the County can provide a portion of Boating Improvement Funds, in an amount up to \$75,000 per year, to the municipalities within the County, subject to annual funding availability, and still maintain State and County funds adequate to fund County obligations, including: channel marker maintenance, derelict vessel removals, pumpout program costs, and boat ramp construction;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:**

**Section 1.** The Monroe County Board of County Commissioners shall expend State and County Boating Improvement Funds only for County boating and waterway related projects, and municipal boating and waterway related projects in the form of reimbursement funding, in accordance with the allowed uses of Boating Improvement Funds as described in F.S. 328.72 and F.S. 328.66.

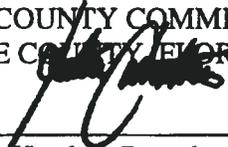
**Section 2.** The Monroe County Board of County Commissioners and municipalities within Monroe County shall execute boating and waterway related projects that serve the general boating public.

**Section 3.** Municipality reimbursement funding requests for Boating Improvement Funds shall be received by the County no later than April, 1 of the fiscal year and shall be reviewed by the County, approximately four months prior to the end of the County's fiscal year (on or around June of the fiscal year). At that time staff will review the collective funding requests and make recommendations to the BOCC for reimbursement accordingly, and in consideration of funding availability. Reimbursement funding shall be provided for by Inter-local Agreement (ILA). Any unused funds allocated for a particular municipality may be provided to other municipalities based on their funding requests.

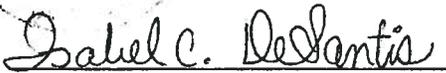
**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 19th day of October, 2011.

Mayor Heather Carruthers	<u>Yes</u>
Mayor Pro Tem David Rice	<u>Yes</u>
Commissioner Kim Wigington	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>
Commissioner Sylvia J. Murphy	<u>Yes</u>

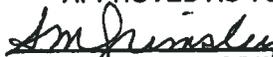
BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY:   
Mayor Heather Carruthers

(SEAL)  
ATTEST: DANNY L. KOLHAGE, CLERK

  
Deputy Clerk

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:

  
SUSAN M. GRIMSLEY  
ASSISTANT COUNTY ATTORNEY  
Date October 28, 2011

FILED FOR RECORD  
2011 NOV - 1 AM 8:26