

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 15, 2012

Division: Growth Management

Bulk Item: Yes X No

Department: Planning & Env. Resources

Staff Contact Person: Richard Jones/289-2805

AGENDA ITEM WORDING: Approval of a resolution rescinding Resolution No. 371-2011 and establishing policy for the expenditure of Boating Improvement Funds and procedures for the award of Boating Improvement Funds to the municipalities within Monroe County.

ITEM BACKGROUND: At the October 19, 2011 BOCC meeting the Board approved Resolution No.371-2011 which established policy for the general use of Boating Improvement Funds (BIF) and procedures for the selection and award of reimbursement funding from BIF to the various municipalities for work previously performed. At its December 14, 2011 BOCC meeting the Board indicated the need to revise the selection procedures, and shift the funding awards from work previously performed to projects to be completed in the upcoming fiscal year. The emphasis of the shift was to encourage the use of BIF for new boating and waterway projects, and provide for improved budgeting by both the County and the municipalities. At the January 19, 2012 BOCC meeting the Board approved policy recommendations provided by staff (based on the guidance provided by the Board at its December 14, 2011 BOCC meeting) and directed staff to draft a new resolution. This agenda item provides for rescinding the previous resolution (No.371-2011) and approving a new resolution which provides policy for the use of BIF, and revised selection and award procedures for reimbursement funding to the municipalities.

PREVIOUS RELEVANT BOCC ACTION:

September 21, 2011- discussion of the need for a policy for the use and distribution of BIF.

October 19, 2011- approval of Resolution No.371-2011 establishing policy for the reimbursement of BIF to the municipalities.

January 19, 2012- approval of recommended BIF reimbursement funding policy elements and direction for staff to draft a revised resolution which would replace Resolution No.371-2011.

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS: Approval

TOTAL COST: n/a **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 X OMB/Purchasing Risk Management

DOCUMENTATION: Included X Not Required

DISPOSITION: **AGENDA ITEM #**

RESOLUTION NO. -2012

A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS RESCINDING RESOLUTION NO. 371-2011 AND ESTABLISHING POLICY FOR THE EXPENDITURE OF BOATING IMPROVEMENT FUNDS AND PROCEDURES FOR THE AWARD OF BOATING IMPROVEMENT FUNDS TO THE MUNICIPALITIES WITHIN MONROE COUNTY.

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, 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 may provide Boating Improvement Fund dollars to the various municipalities for boating and waterway projects in accordance with the allowed uses described in F.S.327.53 and F.S.328.66; and

WHEREAS, the County approved Resolution No.371-2011 which established criteria for the general use of Boating Improvement Funds and procedures for the reimbursement of Boating Improvement Funds to the municipalities; and

WHEREAS, the County desires to revise the policy established by Resolution No.371-2011, refining the purpose of reimbursement funding to the municipalities from Boating Improvement Funds, establishing funding request submission procedures, and providing for a selection process for the award of reimbursement funding;

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

Section 1. Resolution No.371-2011 is hereby rescinded.

Section 2. 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 3. The Monroe County Board of County Commissioners and municipalities within Monroe County shall only perform boating and waterway related projects that serve the general boating public.

Section 4. The Monroe County Board of County Commissioners may provide reimbursement funding from Boating Improvement Funds to the various municipalities for the purpose of providing for repair and maintenance of existing infrastructure, as well as for capital improvement projects. The following procedures are established:

Funding Requests. Reimbursement funding requests shall be received by the County no later than April 1 of the fiscal year for funding from the upcoming fiscal year. Funding request forms will be available accompanied by guidelines including the following criteria:

- 1- Projects for consideration must occur over public upland or public bay bottom.
- 2- Funding shall not be provided for projects previously completed.
- 3- Requests for repair and maintenance funding for projects involving revenue producing infrastructure (such as, but not limited to, mooring fields or marinas or fee generating boat ramps) which should be completely self-funding are discouraged. Requests for project funding for revenue producing infrastructure shall include evidence and written analysis by the applicant of unmet costs, such as a current annual financial report, indicating total revenue, total expenses, and unmet availability of funds for repairs and maintenance. Boater Improvement Funds should not be used to simply supplant repair and maintenance funding.
- 4- Requests for new improvement funding for projects that may involve future revenue producing infrastructure should include a fiscal analysis and assurance from the municipality that the improvement will be self-supportive and include operating and maintenance funding for future needs.

- 5- Project Selection. Municipality funding request forms received shall be reviewed by County Growth Management staff (Staff) after April 1 of the fiscal year. Staff shall score each funding request and make selection recommendations based on community need, project merit, and funding availability. Staff recommendations may include awarding all of, or a portion of the amount requested. Staff shall provide funding requests and selection recommendations to the BOCC by June of each fiscal year. The BOCC shall evaluate the staff's recommendations and provide Board approval in ranking order, based on funding availability.
- 6- Funding Awards. After the Board approved projects are known, each applicant shall enter into an Inter-local Agreement (ILA) with the County indicating the municipality shall expend the funds and show evidence of expenditures, prior to reimbursement.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 15th day of February, 2012.

Mayor David Rice	_____
Mayor Pro Tem Kim Wigington	_____
Commissioner Heather Carruthers	_____
Commissioner George Neugent	_____
Commissioner Sylvia J. Murphy	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____
Mayor David Rice

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
J.M. Jumsley
Date: 02-31-12