

LEGISLATIVE FACT SHEET

DATE: 03/30/23

BT or RC No: BT23-082
(Administration & City Council Bills)

SPONSOR: Public Works
(Department/Division/Agency/Council Member)

Contact for all inquiries and presentations: Robin Smith

Provide Name: Robin Smith

Contact Number: 255-8710

Email Address: robinsmith@coj.net

PURPOSE: White Paper (Explain Why this legislation is necessary? Provide; Who, What, When, Where, How and the Impact.) Council Research will complete this form for Council introduced legislation and the Administration is responsible for all other legislation. (Minimum of 350 words - Maximum of 1 page.)

This BT is necessary in order to appropriate the State of Florida Department of Environmental Protection's cost share of the City of Jacksonville's beach renourishment efforts, including a feasibility study, construction, and the United States Army Corps of Engineers' (USACE) multiphase project. Beach renourishment is governed by a Local Cooperation Agreement among the City of Jacksonville and the State and Federal governments. The USACE is responsible for project management and the majority of the cost, with the City and the State are responsible for the remaining costs, or "local share."

APPROPRIATION: Total Amount Appropriated \$5,107,956.60 as follows:
List the source **name** and provide Object and Subobject Numbers for each category listed below:

(Name of Fund as it will appear in title of legislation)

Name of Federal Funding Source(s)	From: _____	Amount: _____
	To: _____	Amount: _____

Name of State Funding Source(s):	From: FDEP	Amount: \$5,107,956.60
	To: COJ	Amount: \$5,107,956.60

Name of City of Jacksonville Fundir	From: _____	Amount: _____
	To: _____	Amount: _____

Name of In-Kind Contribution(s):	From: _____	Amount: _____
	To: _____	Amount: _____

Name & Number of Bond Account(s):	From: _____	Amount: _____
	To: _____	Amount: _____

PLAIN LANGUAGE OF APPROPRIATION / FINANCIAL IMPACT / OTHER:

Explain: Where are the funds coming from, going to, how will the funds be used? Does the funding require a match? Is the funding for a specific time frame? Will there be an ongoing maintenance? ... and staffing obligation? Per Chapters 122 & 106 regarding funding of anticipated post-construction operation costs.

(Minimum of 350 words - Maximum of 1 page.)

This is a request to appropriate FDEP grant funding and will not result in additional debt to COJ.

ACTION ITEMS: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

ACTION ITEMS:

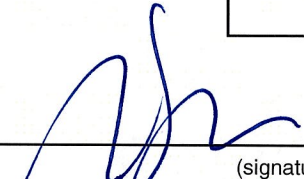
	Yes	No	
Emergency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Justification of Emergency: If yes, explanation must include detailed nature of emergency. <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>
Federal or State Mandate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation: If yes, explanation must include detailed nature of mandate including Statute or Provision. <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>
Fiscal Year Carryover?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Note: If yes, note must include explanation of all-year subfund carryover language. <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>
CIP Amendment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Attachment: If yes, attach appropriate CIP form(s). Include justification for mid-year amendment.
Contract / Agreement Approval?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attachment & Explanation: If yes, attach the Contract / Agreement and name of Department (and contact name) that will provide oversight. Indicate if negotiations are on-going and with whom. Has OGC reviewed / drafted? <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Public Works, Engineering & Construction Management will provide oversight. OGC and Risk have both reviewed.</div>
Related RC/BT?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attachment: If yes, attach appropriate RC/BT form(s).
Waiver of Code?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Code Reference: If yes, identify code section(s) in box below and provide detailed explanation (including impacts) within white paper. <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>
Code Exception?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Code Reference: If yes, identify code in box below and provide detailed explanation (including impacts) within white paper. <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>
Related Enacted Ordinances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Code Reference: If yes, identify related code section(s) and ordinance reference number in the box below and provide detailed explanation and any changes necessary within white paper. <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>

ACTION ITEMS CONTINUED: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.


ACTION ITEMS:

	Yes	No	
Continuation of Grant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation: How will the funds be used? Does the funding require a match? Is the funding for a specific time frame and/or multi-year? If multi-year, note year of grant? Are there long-term implications for the General Fund?

Surplus Property Certification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Attachment: If yes, attach appropriate form(s).
Reporting Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation: List agencies (including City Council / Auditor) to receive reports and frequency of reports, including when reports are due. Provide Department (include contact name and telephone number) responsible for generating

Division Chief:  _____
(signature)

Date: 4/3/23

Prepared By:  _____
(signature)

Date: 4/3/23

ADMINISTRATIVE TRANSMITTAL

To: MBRC, c/o the Budget Office, St. James Suite 325

Thru: Steve Long, P.E., Director, Public Works Department

Phone: 255-8748

E-mail: slong@coj.net

From: Robin Smith, Chief, Engineering & Construction Management

Initiating Department Representative (Name, Job Title, Department)

Phone: 255-8710

E-mail: robinsmith@coj.net

Primary Contact: Robin Smith, Chief, Engineering & Construction Management

(Name, Job Title, Department)

Phone: 255-8710

E-mail: robinsmith@coj.net

CC: Rachel Zimmer, Director of Intergovernmental Affairs, Office of the Mayor

Phone: 255-5006

E-mail: rachelz@coj.net

COUNCIL MEMBER / INDEPENDENT AGENCY / CONSTITUTIONAL OFFICER TRANSMITTAL

To: Mary Staffopoulos, Office of General Counsel, St. James Suite 480
Phone: 904-255-5062 E-mail: mstaff@coj.net

From: _____
Initiating Council Member / Independent Agency / Constitutional Officer
Phone: _____ E-mail: _____

Primary Contact: _____
(Name, Job Title, Department)
Phone: _____ E-mail: _____

CC: Rachel Zimmer, Director of Intergovernmental Affairs, Office of the Mayor
Phone: 255-5006 E-mail: rachelz@coj.net

Legislation from Independent Agencies requires a resolution from the Independent Agency Board approving the legislation.

Independent Agency Action Item: **Yes** **No**
Boards Action / Resolution?

Attachment: If yes, attach appropriate documentation. If no, when is board action scheduled?

FACT SHEET IS REQUIRED BEFORE LEGISLATION IS INTRODUCED



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FDEP 23DU1 Grant – Beach Renourishment

BACKGROUND:

The Duval County Shore Protection Project is a cooperatively funded program among the Federal Government, through the U.S. Army Corps of Engineers (USACE), the State, through the Florida Department of Environmental Protection (FDEP), and the City of Jacksonville (COJ) focused on renourishing the beaches along Duval County. COJ is the non-federal sponsor of the project. While renourishment projects are accomplished by need that can fluctuate per contemporary erosion rates and hurricanes, under normal conditions these projects occur at approximately five year intervals. The two most recent were conducted in 2016-17 and 2018-19, after Hurricanes Matthew & Irma. The next renourishment, previously scheduled for 2024, is now being adapted to wholly repair beach & dune erosion from Hurricanes Ian & Nicole in fall 2022 to the pre-storm or post-2019 renourishment condition, from the north end of Hanna Park to the south end of Duval County.

PROJECT DESCRIPTION:

In a normal (non-storm) renourishment event, the federal government share of project funding would be 61.6% and the non-federal share would be 38.4%. This ratio is established by USACE through the Water Resources Development Act (WRDA). Of the non-federal costs, the FDEP share would be 46.89% and the COJ share would be 53.11%. The net cost to COJ for a normal renourishment, after USACE and FDEP cost-share, would be thus 20.39%. The FDEP/COJ ratio is established by FDEP and is based upon the amounts and location of public beach access (parking). This FDEP/COJ cost-share ratio is codified in the pending State Cost-Share Agreement between FDEP and COJ (“23DU1-Duval Agreement”), which upon adoption will replace the prior Agreement (“19DU1”) that expired in January 2023. Due to recent impacts incurred to the beaches and dunes by Hurricanes Ian and Nicole, the upcoming 2024 project is not a normal renourishment event. The federal cost-share (through USACE and FEMA) increases, and the net residual cost to COJ decreases. As this is not a normal renourishment event due to storm damage, the percentages of funds contribution have shifted. For this renourishment, the USACE will pay 100% of the beach berm repair [estimated \$22,800,000] and the non-federal share will be 100% of the dune repairs [estimated \$6,700,000]. Without storm damage the dunes would not normally require renourishment. Per the most recent valuation from USACE (February 2023), the non-Federal funds required for dune sand-fill repair construction is \$5,350,000 less up to estimated \$650,000 credit for funds already provided to the Corps for the 2024 project design, plus dune vegetation and engineering/permitting/monitoring costs of \$2,000,000, resulting in total non-federal costs of \$6,700,000 to be expended in FY’23, FY’24 and FY’25. Mostly all of this \$6,700,000 is eligible for FEMA reimbursement (75%), plus FDEM reimbursement (typically 5% or up to 12.5%), and 46.89% of the remainder is eligible for FDEP reimbursement through 23DU1.



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beach & dune renourishment for design/construction/re-vegetation & year-1 post construction monitoring, and (b) COJ's expenditures to extend the project's federally authorized life beyond 2028. The former specifically includes 46.89% FDEP reimbursement of COJ's net 2024 renourishment costs enumerated above (Item #4), after prior reimbursement by USACE, FEMA, and FDEM. FDEP 23DU1-Duval Agreement does not obligate the expenditure of funds identified in the Agreement (viz., \$15,976,000 from USACE, \$5,107,956.60 from FDEP and \$5,686,043.40). Instead, it allows for the State's FDEP reimbursement of COJ expenditures for the DCSPP up to a total of \$5,686,043.30. Per Item #4 above, the actual FDEP reimbursement will be likely less than \$1M, but conditions may change. There is no penalty for not expending the funds. FDEP Agreement funds that are allocated to DCSPP and not required nor requested for reimbursement are simply expired and used for other eligible FDEP beach projects. State funding in FDEP 23DU1-Duval Agreement was approved and allocated in early 2022, prior to (a) the Hurricanes Ian & Nicole in fall 2022, and (b) passage of WRDA'22. As such, it includes and implies a greater net non-federal expenditure than will probably occur during the April 2021-December 2025 life of the Agreement.