

LEGISLATIVE FACT SHEET

DATE: 07/31/19

BT or RC No: _____
(Administration & City Council Bills)

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

Contact for all inquiries and presentations: Eric Fuller, Environmental Programs Manager

Provide Name: Eric Fuller, Environmental Programs Manager

Contact Number: 255-7513

Email Address: efuller@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.)

The purpose of this legislation is to allow the placement of a Declaration of Restrictive Covenant (DRC) on a portion of the property known as Gefen Park in order to achieve regulatory closure of environmental conditions at the site through the Florida Department of Environmental Protection (FDEP). The site has been remediated; however, soil impacts remain below the asphalt parking lot and areas covered with two feet of clean soils. FDEP has agreed to regulatory closure of the site pending the approval and placement of a DRC on the property. This does not prevent future work/modification of the site but does require proper regulatory handling of activities that will go below the cap or encounter contaminated soils. It also requires a documented annual inspection of site conditions to ensure the cap be maintained. The restrictive covenant could be removed in the future when the site is completely clean. This regulatory closure is being done so the parking lot/sidewalks do not have to be ripped up and replaced due to soil impacts beneath them.

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.)

N/A. No financial impact.

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.

Federal or State Mandate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Explanation: If yes, explanation must include detailed nature of mandate including Statute or Provision.

This is part of a conditional regulatory closure of the site through FDEP per Chapter 62-780, FAC.

Fiscal Year Carryover?

Note: If yes, note must include explanation of all-year subfund carryover language.

CIP Amendment?

Attachment: If yes, attach appropriate CIP form(s). Include justification for mid-year amendment.

Contract / Agreement Approval?

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?

Kealey West with OGC has drafted/reviewed the declaration of restrictive covenant. FDEP has approved the regulatory closure of the site pending the declaration of restrictive covenant being formalized.

Related RC/BT?

Attachment: If yes, attach appropriate RC/BT form(s).

Waiver of Code?

Code Reference: If yes, identify code section(s) in box below and provide detailed explanation (including impacts) within white paper.

Code Exception?

Code Reference: If yes, identify code in box below and provide detailed explanation (including impacts) within white paper.

Related Enacted Ordinances?

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.

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?


Attachment: If yes, attach appropriate form(s).

Reporting Requirements?

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

No reporting is required; however, an annual review of site conditions is required by a Professional Engineer and a record of the inspection is to be kept on file.

Division Chief:


(signature)

Date:

7/31/2019

Prepared By:


(signature)

Date:

7/31/2019

ADMINISTRATIVE TRANSMITTAL

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

Thru: John P. Pappas, P.E., Director of Public Works
(Name, Job Title, Department)

Phone: 255 - 8707 E-mail: pappas@coj.net

From: Eric B. Fuller, Environmental Programs Manager, Department of Public Works
Initiating Department Representative (Name, Job Title, Department)

Phone: 255-7513 E-mail: efuller@coj.net

Primary Contact: Eric Fuller, Environmental Programs Manager
(Name, Job Title, Department)

Phone: 255-7513 E-mail: efuller@coj.net

CC: Jordan Elsbury, Director of Intergovernmental Affairs, Office of the Mayor
904-630-1825 E-mail: Jelsbury@coj.net

COUNCIL MEMBER / INDEPENDENT AGENCY / CONSTITUTIONAL OFFICER TRANSMITTAL

To: Peggy Sidman, Office of General Counsel, St. James Suite 480
Phone: 904-630-4647 E-mail: psidman@coj.net

From: _____
Initiating Council Member / Independent Agency / Constitutional Officer

Phone: _____ E-mail: _____

Primary Contact: _____
(Name, Job Title, Department)

Phone: _____ E-mail: _____

CC: Jordan Elsbury, Director of Intergovernmental Affairs, Office of the Mayor
904-630-1825 E-mail: Jelsbury@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