

Pinellas County Board of County Commissioners (BCC)  
BCC Assembly Room  
315 Court Street, 5<sup>th</sup> Floor  
Clearwater, Florida 33756

September 6, 2012

## WORK SESSION AGENDA

*Citizen's Comments Will Follow Presentations*

1:00 – 2:00 P.M.

1. [Interlocal Agreement for State Funding of Beach Nourishment](#)

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### *“Citizens’ Comments”*

Any Person Wishing to Speak During the “Citizens’ Comments” Portion of the Work or Budget Information Session Agenda Must Have a Yellow Card Completed and Given to the Board Secretary at the Staff Table. The Chairman Will Call the Speakers, One by One, to the Podium to be Heard. Each Speaker May Speak up to Three (3) Minutes.





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## MEMORANDUM

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TO: The Honorable Chair and Members of the Board of County Commissioners

THROUGH: Robert S. LaSala, County Administrator 

FROM: David E. Scott, P.E., Executive Director, Department of Environment & Infrastructure 

SUBJECT: Update on the Development of an Interlocal Agreement to Ensure Public Access for Full State Funding of Beach Nourishment

DIST.: Andy Squires, DEI \ Coastal Manager  
Jorge M. Quintas, P.E., DEI \ Director of Engineering & Technical Support

DATE: September 6, 2012

### BEACH NOURISHMENT FUNDING

Pinellas County federal beach nourishment projects are currently cost shared at about 60% Federal, 20% State, and 20% County. For shorelines to receive State funding, they must be publicly accessible as defined in FAC 62B-36. The number of publicly available parking spaces near beach access points is a key component used to achieve eligibility.

The length of eligible shoreline is determined by applying criteria in FAC 62B-36 to the Pinellas Beaches. County submittals documenting eligibility are reviewed and field checked by the State and eventually incorporated into a multi-year grant agreement with the County. Each grant agreement specifies the percent of the total project shoreline eligible for reimbursement. The grant agreements can provide for reimbursement of up to 50% of the non-federal project cost, if 100% of the shoreline has the required public access.

### PROPOSED INTERLOCAL AGREEMENT / FUNDING CONCERNS

The County is currently attempting to enter into an Interlocal Agreement with all the beach cities which are adjacent to coastlines that the County, the State, and the Federal governments provide funding to nourish. The proposed Interlocal Agreement contains two major components: 1) Beach cities would be required to assist the County in its annual public access eligibility review (a State requirement); and 2) Beach cities which fail to meet or maintain full public access eligibility, would be required to repay the County for the losses in State reimbursement revenue due to their public access deficiencies.

**Status:** The proposed Interlocal Agreement has been distributed to the beach cities for review. The County is working with each city to formulate a draft that is acceptable for all the communities. County staff believes the aforementioned tenets of the agreement are needed for the agreement to operate effectively. It is unclear at this point whether all the beach cities will agree to those terms.

The County is currently at risk to absorb funding reimbursement shortfalls if each beach city does not meet full public access eligibility along their shoreline. The existing public access deficiencies along Belleair Beach (using the active Sand Key project as an example) would result in a loss of revenue to the County of approximately \$200,000. The loss is calculated based upon the current grant agreement, which indicates that 95.9% of the shoreline is eligible, resulting in only a 47.95% reimbursement to the County of the non-federal share because of these parking deficiencies. For the active Sand Key project, the County paid in 2011 the estimated non-federal share of \$12,848,638 to the U.S. Army Corps of Engineers (Corps). Typically, several months following project completion, the County will receive the Corp's final costs. The County will then invoice the State for the exact non-federal cost reimbursement based upon the aforementioned percentage of eligible shoreline in the grant agreement.

However, the grant agreement requires the County to maintain public access eligibility levels throughout the agreement duration. Currently, there is no existing corresponding agreement between the County and beach cities. This leaves the County vulnerable to State funding reimbursement losses, if public access deficiencies occur within the cities.

## **OPTIONS MOVING FORWARD**

- 1) Status Quo - Do not pursue an Interlocal Agreement, continue to urge and work with each city to meet State public access eligibility requirements, and use County TDC beach nourishment funds to cover losses of State reimbursements for cities not meeting full public access eligibility requirements.
- 2) Revise and execute an Interlocal Agreement such that all cities agree to the terms. This would provide some level of assurance to the County from future loss of State reimbursements for beach nourishment projects depending upon the final terms of the agreement.
- 3) Revise and execute an Interlocal Agreement without all cities signing the agreement. For cities not part of the Interlocal Agreement, and not meeting full eligibility requirements, the County could pay for improvements to meet public access requirements so there would be no loss in State funding reimbursement.
- 4) Revise and execute an Interlocal Agreement without all cities signing the agreement. Work with the U.S. Army Corps of Engineers to skip nourishing beaches adjacent to cities that are not part of the Interlocal Agreement and not meeting full State public access eligibility requirements.



# BEACH NOURISHMENT INTERLOCAL AGREEMENT

# Workshop Agenda



- Beach Nourishment Funding
- Proposed Interlocal Agreements
- Options Moving Forward

# Beach Nourishment

- Federal Program
  - Pinellas County federal beach nourishment projects are currently cost shared at about 60% Federal, 20% State, and 20% County.
    - For shorelines to receive State funding, they must be publicly accessible as defined in FAC 62B-36.
      - The number of publicly available parking spaces near beach access points is a key component used to achieve eligibility.
    - Grant agreements can provide for reimbursement of up to 50% of the non-federal project cost, if 100% of the shoreline has the required public access.

# Interlocal Agreement

- The grant agreements require the County to maintain public access eligibility levels throughout the agreement duration.
- There currently exist no corresponding agreements between the County and the beach cities
- Proposed Interlocal Agreement with beach cities
  - Beach cities are required to assist the County in its annual public access eligibility review (a State requirement).
  - Beach cities, which fail to meet or maintain full public access eligibility, must repay the County for the losses in State reimbursement revenue due to their public access deficiencies.



# Interlocal Agreement

- Status
  - The proposed Interlocal Agreement has been distributed for review
    - Indian Shores is expected to construct sufficient additional parking to attain full eligibility by October 2012.
    - Belleair Beach has not yet announced specific plans to increase public access eligibility.
  - The County is currently at risk to absorb funding reimbursement shortfalls, if each beach city does not meet full public access eligibility along their shoreline.
    - Due to existing public access deficiencies along Belleair Beach, the resultant loss in revenue due to the public access deficiencies could be approximately \$200,000.



# Options Moving Forward

## 1. Status Quo

- No Interlocal Agreement
- Continue working with each city to achieve full eligibility
- Use TDC beach nourishment funds to cover reimbursement shortfalls

## 2. Execute an Interlocal Agreement agreeable to all cities

- Increased level of assurance in meeting full eligibility compared to Status Quo
- Level of assurance will depend upon final terms of the agreement

# Options Moving Forward

3. Execute Interlocal Agreement without all cities participating and County pays for improvements to meet full eligibility
  - Increased level of assurance in meeting full eligibility compared to Status Quo
  - Level of assurance will depend upon final terms of the agreement and the number of cities participating
4. Execute Interlocal Agreement without all cities participating and County works with Corps to skip beaches not part of Interlocal Agreement and not meeting full State public access eligibility

# QUESTIONS & DISCUSSION

