

**CITY OF RIVIERA BEACH CITY COUNCIL
AGENDA ITEM SUMMARY**

MEETING DATE: AUGUST 4, 2010

AGENDA ITEM SUMMARY NO. 1-10-081-2

- AWARDS / PRESENTATIONS / PETITIONS
- CONSENT
- PUBLIC HEARING
- ORDINANCE ON SECOND READING
- ORDINANCE ON FIRST HEARING

- REGULAR
- RESOLUTION
- DISCUSSION & DELIBERATION
- BOARD APPOINTMENT
- WORKSHOP

TITLE/SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY TO APPROVE AND ADOPT THE 2009 REVISED PALM BEACH COUNTY UNIFIED LOCAL MITIGATION STRATEGY PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

RECOMMENDATION / MOTION: Staff recommends a motion to approve the resolution.

•Assistant City Manager	Library
•City Attorney <i>R. J. ... 7/28/2010</i>	Marina
•City Clerk <i>[Signature]</i>	•Police <i>CAW 7-27-10</i>
Community Development	•Public Works <i>[Signature] 7/27/10</i>
•Finance <i>[Signature] 7-27-10</i>	Purchasing
•Fire <i>[Signature] 7/27/2010</i>	Recreation & Parks
Human Resources	Water & Sewer
Information Services	Other

APPROVED BY CITY MANAGER: *[Signature]* DATE: 7-28-10

Originating Dept. COMMUNITY DEVELOPMENT <i>[Signature]</i>	Costs: <u>None to City</u>	City Council Actions: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/conditions <input type="checkbox"/> Denied <input type="checkbox"/> Tabled to _____ <input type="checkbox"/> Referred to Staff _____
User Dept. THE CITY	Current FY: <u>2009-2010</u> Funding Source: <input type="checkbox"/> Capital Improvement <input type="checkbox"/> Operating <input type="checkbox"/> Other: _____	Attachments: 1. Resolution 2. Fiscal Impact Analysis 3. Plan 4. Resolution No. 196-00 5. 2000 LMS Interlocal Agreement
Advertised: No Date: Paper: <input checked="" type="checkbox"/> Not Required	Budget Account Number:	
Affected Parties <input type="checkbox"/> Notified <input checked="" type="checkbox"/> Not Required		

SUMMARY: The Disaster Mitigation Act of 2000, was enacted to establish a national disaster hazard mitigation program. The program is to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from disasters, and to assist state, local and Indian tribal governments in implementing effective hazard mitigation measures to ensure the continuation of critical services and facilities after a natural disaster. As a condition for qualifying for and receiving future federal mitigation assistance funding, governments are required to have Federal Emergency Management Agency (FEMA) approved hazard mitigation plans in place that identify the natural hazards that could impact their jurisdictions, identify actions and activities to mitigate the effects of those hazards, and establish a coordinated process to implement plans. Recently, Palm Beach County's Local Mitigation Strategy (LMS) steering committee, in coordination with governmental and non-governmental stakeholders having an interest in reducing the impact of natural disasters, and with input from the private sector and other members of the public, developed and revised the Palm Beach County Unified Local Mitigation Strategy. In order to promote the development of a countywide Unified Local Mitigation Strategy, the City of Riviera Beach entered into an Interlocal Agreement with Palm Beach County on November 15, 2000 per Resolution No. 196-00 (attached). The 2009 revised Unified Local Mitigation Plan has been approved by the Florida Division of Emergency Management and FEMA and was adopted by the Board of County Commissioners on January 12, 2010. The LMS Steering Committee recommends the formal adoption of the 2009 Revised Unified LMS Plan, including planned future enhancements and modifications described therein, by the County and all 38 participating municipalities. By adopting the Palm Beach County Unified Local Mitigation Strategy the City is eligible to earn points from a community rating system that allow us to compete for federal monies nationwide and to receive discounts on flood insurance premiums.

RECOMMENDATION/MOTION: Staff recommends approval of the resolution adopting the revised LMS plan.

Item No. 04

EXHIBIT A-1

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact: Local Mitigation Strategy Plan

Fiscal Years	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (City)					
In-Kind Match (City)					
NET FISCAL IMPACT					

NO. ADDITIONAL FTE
POSITIONS (Cumulative)

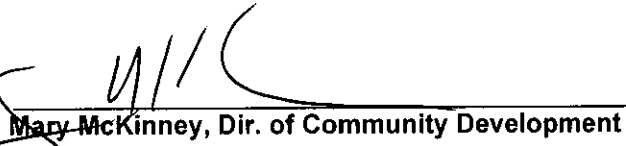
Is Item Included in Current Budget? Yes No X

Budget Account No.: Fund Dept/Div. Org. Object

Reporting Category

B. Recommended Sources of Funds/Summary of Fiscal Impact:
None at this time

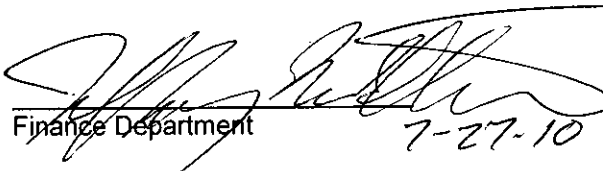
C. Departmental Fiscal Review:



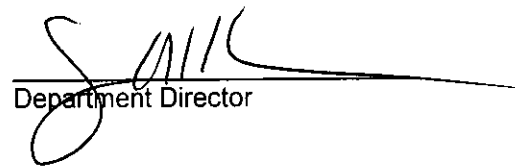
Mary McKinney, Dir. of Community Development

III. REVIEW COMMENTS

A. Finance Department and/or Purchasing/Intergovernmental Relations/Grants Comments:


Finance Department 7-27-10 Purchasing and Grants

B. Other Department Review:



Department Director

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY TO APPROVE AND ADOPT THE 2009 REVISED PALM BEACH COUNTY UNIFIED LOCAL MITIGATION STRATEGY PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County is susceptible to a variety of natural and man-made disasters; and

WHEREAS, the Disaster Mitigation Act of 2000, was enacted to establish a national disaster hazard mitigation program to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from disasters, and to assist state, local and Indian tribal governments in implementing effective hazard mitigation measures to ensure the continuation of critical services and facilities after a natural disaster; and

WHEREAS, the Disaster Mitigation Act of 2000, as a condition for qualifying for and receiving future federal mitigation assistance funding, requires such governments to have Federal Emergency Management Agency (FEMA) approved hazard mitigation plans in place that identify the natural hazards that could impact their jurisdictions, identify actions and activities to mitigate the effects of those hazards, and establish a coordinated process to implement plans; and

WHEREAS, recently, Palm Beach County's Local Mitigation Strategy (LMS) Steering Committee, in coordination with governmental and non-governmental stakeholders having an interest in reducing the impact of natural disasters, and with input from the private sector and other members of the public, developed and revised the Palm Beach County Unified Local Mitigation Strategy; and

WHEREAS, in order to promote the development of a countywide Unified Local Mitigation Strategy, the City of Riviera Beach approved Resolution 196-00 to enter into an Interlocal Agreement with Palm Beach County on November 15, 2000; and

WHEREAS, the 2009 revised Unified Local Mitigation Plan has been approved by the Florida Division of Emergency Management and FEMA and was adopted by the Board of County Commissioners on January 12, 2010; and

WHEREAS, the LMS Steering Committee recommends the formal adoption of the 2009 Revised Unified LMS Plan, including planned future enhancements and modifications described therein, by the County and all 38 participating municipalities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The City of Riviera Beach hereby approves and adopts the 2009 Revised Palm Beach County Unified Local Mitigation Strategy Plan in its entirety, as revised by the LMS and approved by the Palm Beach County Board of County Commissioners, the Florida Division of Emergency Management and the Federal Emergency Management Agency including future revisions or modifications reviewed and approved by the Local Mitigation Steering Committee.

SECTION 2. Except as modified herein, the current Local Mitigation Strategy Interlocal Agreement between the Board of County Commissioners, Palm Beach County, Florida, and City of Riviera Beach, shall remain in full force and effect.

SECTION 3. The City of Riviera Beach authorizes the appropriate City Officials to pursue available funding opportunities for implementation of proposed mitigation initiatives described in the Plan, and upon receipt of such funding or other necessary resources, seek to implement the actions in accordance with the mitigation strategies set out by the plan.

SECTION 4. The City of Riviera Beach will continue to support and participate in the LMS planning and implementation process as required by FEMA, the Florida Division of Emergency Management, and the Palm Beach County LMS Steering Committee.

SECTION 5. The City of Riviera Beach directs the City Clerk to transmit an original of the executed Resolution to the Palm Beach County Division of Emergency Management, attention LMS Coordinator, for filing in the Office of the Clerk & Comptroller.

SECTION 6. This Resolution shall take effect immediately upon approval.

PASSED and APPROVED this _____ day of _____, 2010.

*******THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK*******

RESOLUTION NO. _____

PAGE 3

APPROVED:

THOMAS A. MASTERS
MAYOR

DAWN S. PARDO
CHAIRPERSON

ATTEST:

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

JUDY L. DAVIS
CHAIR PRO TEM

BILLIE E. BROOKS
COUNCILPERSON

CEDRICK A. THOMAS
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

D. PARDO _____

J. DAVIS _____

B. BROOKS _____

C. THOMAS _____

S. LOWE _____

REVIEWED AS TO LEGAL SUFFICIENCY

Rachael Johnson for
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 7-28-10

RESOLUTION NO. 196-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE UNIFIED LOCAL MITIGATION STRATEGY AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Part I of Chapter 163 of the Florida Statutes permits public agencies to enter into interlocal agreements with each other to exercise jointly any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, On July 15, 1998, the State of Florida Department of Community Affairs provided funding and entered into an agreement with Palm Beach County to develop a countywide Unified Local Mitigation Strategy that will become part of a statewide hazard mitigation strategy; and

WHEREAS, The City of Riviera Beach entered into an interlocal agreement with Palm Beach County to develop a countywide Unified Local Mitigation Strategy, and assigned a voting representative to the Local Mitigation Strategy Steering Committee, which is an advisory committee to the Board of County Commissioners; and

WHEREAS, The City of Riviera Beach has determined that the Unified Local Mitigation Strategy is in the best interest of the community and its residents; and

WHEREAS, Communities that implement the Unified Local Mitigation Strategy are eligible to receive points through the National Flood Improvement Program that will reduce the flood insurance premiums for its residents; and

WHEREAS, The City of Riviera Beach has approved the Unified Local Mitigation Strategy and is in agreement with the Plan.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

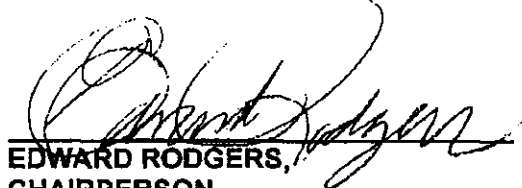
- Section 1.** This resolution be adopted to approve the Unified Local Mitigation Strategy.
- Section 2.** The Mayor and City Clerk are authorized to execute an Interlocal Agreement between the City of Riviera Beach and Palm Beach County regarding the Local Mitigation Strategy.
- Section 3.** This resolution shall take effect upon its passage and adoption by the City Council.

PASSED AND APPROVED this 15th day of November, 2000.

APPROVED:



MICHAEL D. BROWN, MAYOR



EDWARD RODGERS,
CHAIRPERSON

[MUNICIPAL SEAL]

ELIZABETH "LIZ" WADE,
CHAIRPERSON PRO-TEM



SYLVIA LEE BLUE

ATTEST:



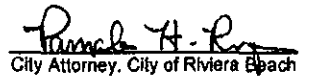
CARRIE E. WARD, CMC/AE
CITY CLERK



DAVID SCHNYER

DONALD R. WILSON
COUNCIL MEMBERS

Reviewed as to legal sufficiency



City Attorney, City of Riviera Beach

DATE: 11/9/00

MOTIONED BY:	<u>D. Schnyer</u>
SECONDED BY:	<u>S. Blue</u>
E. RODGERS	<u>aye</u>
E. WADE	<u>absent</u>
S. BLUE	<u>aye</u>
D. SCHNYER	<u>aye</u>
D. WILSON	<u>absent</u>

**AN INTERLOCAL AGREEMENT BETWEEN THE BOARD OF COUNTY
COMMISSIONERS, PALM BEACH COUNTY, FLORIDA, AND
THE CITY OF RIVIERA BEACH CONCERNING THE UNIFIED LOCAL
MITIGATION STRATEGY**

THIS INTERLOCAL AGREEMENT is entered into this 15th day of **November, 2000** by and between the Board of County Commissioners, Palm Beach County, Florida (herein referred to as "COUNTY"), and the City of Riviera Beach (herein referred to as "CITY"), each one constituting a public agency as defined in Part I of Chapter 163, Florida Statutes.

WITNESSETH:

WHEREAS, Section 163.01 of the Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969," authorizes local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, Part I of Chapter 163 of the Florida Statutes permits public agencies as defined therein to enter into interlocal agreements with each other to exercise jointly any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, in July of 1998, the State Department of Community Affairs provided funding and entered into an agreement with Palm Beach County to develop a countywide unified Local Mitigation Strategy that will become part of a Statewide Hazard Mitigation Strategy; and

WHEREAS, the development of the countywide unified Local Mitigation Strategy required the participation of all the local municipal governments within Palm Beach County; and

WHEREAS, the City of Riviera Beach entered into an interlocal agreement with Palm Beach County to develop a countywide unified Local Mitigation Strategy, and assigned a voting representative to the Local Mitigation Strategy Steering Committee, which is an advisory committee to the Board of County Commissioners; and

WHEREAS, with the completion of the LMS planning process, each local government will be in the possession of a strategy which will guide the priorities of rebuilding the community after disasters; and

WHEREAS, communities that implement disaster resistant planning techniques such as a Local Mitigation Strategy will receive more funding faster after a disaster than those that have not undertaken a Local Mitigation Strategy project. Furthermore, these communities will be given a priority over those that have not implemented a mitigation strategy when various mitigation funding sources are made available; and

WHEREAS, the Local Mitigation Strategy Steering Committee has developed a countywide Local Mitigation Strategy that includes a description of countywide hazards and vulnerabilities, a definition of critical facilities, a database detailing specific latitudinal and longitudinal locations of those facilities, a method for conflict resolution between participants, a list of pre-identified and prioritized mitigation programs, projects and initiatives, and a methodology to revise the prioritized list of mitigation programs, projects and initiatives; and

WHEREAS, as required by the State of Florida Department of Community Affairs, the Local Mitigation Strategy, including the specifics mentioned above, must be adopted by Palm Beach County and by each local municipal government within the County.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations herein, the parties hereto agree as follows:

SECTION 1. RECITATION

The above recitations are true and hereby are incorporated in this agreement.

SECTION 2. PURPOSE

To develop a strategy which will systematically guide the priorities of rebuilding after a disaster including a method for conflict resolution between participants, a list of pre-identified and prioritized mitigation programs, projects and initiatives, and a methodology to revise the prioritized list of mitigation programs, projects and initiatives.

SECTION 2. GENERAL TERMS AND CONDITIONS

- A. Both the COUNTY and the CITY agree to be governed by this Agreement, as well as applicable State and Federal laws, rules and regulations.
- B. There is hereby created a committee to be known as the "Local Mitigation Strategy Evaluation Panel" responsible for developing the draft list of prioritized Local Mitigation Strategy projects. The Local Mitigation Strategy Evaluation Panel shall be governed by the Palm Beach County Unified Local Mitigation Strategy as approved by the Steering Committee on November 16, 1999, attached hereto as Exhibit A and incorporated herein by reference.
- C. The parties agree to be governed by the Instructions for Evaluating Hazard Mitigation Projects described in the Unified Local Mitigation Strategy.

D. The parties agree to be governed by the Project Prioritization Methodology as described in the Unified Local Mitigation Strategy.

E. The COUNTY and the CITY agree to resolve any conflicts that may arise from the development of the Local Mitigation Strategy by using the Local Mitigation Strategy Conflict Resolution Procedure attached as described by the Local Mitigation Strategy.

F. Future prioritized project lists developed in accordance with the Local Mitigation Strategy Project Prioritization Methodology shall be submitted to the COUNTY for approval at least once per year. In the event that a prioritized list is not approved by the COUNTY, the last approved prioritized list shall be deemed the governing list.

G. Future revisions of the Local Mitigation Strategy shall be submitted to the COUNTY by resolution for formal adoption.

SECTION 3. LIABILITY

A. The CITY as a Florida municipality agrees to be fully responsible as set forth in Section 768.28, Florida Statutes, for its own negligent acts or omissions or tortuous acts which result in claims or suits against the COUNTY and agrees to be liable to the limits set forth in Section 768.28, Florida Statutes, for any damages proximately caused by said acts or omissions. Nothing herein is intended to serve as a waiver of sovereign immunity by the CITY to which sovereign immunity applies. Nothing herein shall be construed as consent by a State agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

B. The COUNTY, as political subdivision of the State, agrees to be fully responsible as set forth in Section 768.28, Florida Statutes, shall be fully responsible for its own negligent acts or omissions or tortuous acts which result in claims or suits against the CITY, and shall be liable to the limits set forth in Section 768.28, F.S. for any damages proximately caused by said acts or omissions. Nothing herein is intended to serve as a waiver of sovereign immunity by the COUNTY to which sovereign immunity applies. Nothing herein shall be construed as consent to be sued by third parties in any matter arising out of any contract.

Nothing herein shall be construed as a waiver of sovereign immunity by either party, pursuant to Section 768.28, Florida Statutes.

SECTION 4. TERMINATION

This Agreement may be terminated without cause by either party to this Agreement upon one hundred eighty (180) days written notice to the other party. Termination will not affect the opportunity to place projects on prioritized project lists.

SECTION 5. NOTICE AND CONTACT

A. All notices provided under or pursuant to the Agreement shall be in writing, delivered either by hand or by first class, certified mail, return receipt requested, to the representatives identified below at the address set forth below.

For the COUNTY: William O'Brien, III, Director
Director of Emergency Management
20 South Military Trail
West Palm Beach, Florida 33415

For the CITY: Mary McKinney, AICP
Director of Community Development
600 Blue Heron Boulevard
Riviera Beach, FL 33404

Alternate for the CITY: Judith E. Thomas, AICP
Planning and Zoning Administrator
600 Blue Heron Boulevard
Riviera Beach, FL 33404

SECTION 6. VENUE

To the extent allowed by law, the venue for any action arising from this Agreement shall be in Palm Beach County, Florida.

SECTION 7. ATTORNEY'S FEES

Any costs or expenses (including reasonable attorney's fees) associated with the enforcement of the terms and/or conditions of this Agreement shall be borne by the respective parties, however, this clause pertains only to the parties to this Agreement.

SECTION 8. DELEGATION OF DUTY

Nothing contained herein shall be deemed to authorize the delegation of the constitutional or statutory duties of the officers of the COUNTY and CITY.

SECTION 9. EQUAL OPPORTUNITY PROVISION

The COUNTY and the CITY agree that no person shall, on the grounds of race, color, sex, national origin, disability, religion, ancestry, marital status or sexual orientation be excluded from the benefits of, or be subjected to, any form of discrimination under any activity carried out by the performance of this Agreement.

SECTION 10. INVALIDITY OF CLAUSES

The validity of any portion, article, section, paragraph, provision, clause, or any portion thereof of this Agreement shall have no effect upon the validity of any other part or portion hereof.

SECTION 11. ENTIRETY OF AGREEMENT

A. The parties agree that this Agreement sets forth the entire agreement between the parties, and there are no promises or understandings other than those stated herein.

B. Modification of this Agreement may be requested by either party. Changes which are mutually agreed upon shall be valid only when reduced to writing, duly signed by each party and attached to the original Agreement.

IN WITNESS WHEREOF, the parties have hereto entered into this Agreement as of the date set forth above.

WITNESSES:

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

Chairperson

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

By: _____
Assistant County Attorney

ATTEST:
CARRIE E. WARD, CITY CLERK, CMC/AE

CITY OF RIVIERA BEACH:

By: _____
City Clerk, City of Riviera Beach

By: _____
Mayor, City of Riviera Beach

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: *Pamela H. Pugh*
City of Riviera Beach, City Attorney