

EXECUTIVE SUMMARY

Recommendation to recommend and approve the expenditure of Tourist Development Tax funds of a not-to-exceed amount of \$24,000,000 for the construction of an emergency berm necessary for protection of upland structures left vulnerable by Hurricane Ian and make a finding that this expenditure promotes tourism.

OBJECTIVE: To construct an emergency berm along eligible Collier County beaches for the protection of upland structures from the danger of tropical storms during the upcoming 2023 hurricane season.

CONSIDERATIONS: On September 28, 2022, Hurricane Ian passed offshore of Collier County beaches producing extreme waves and storm surge that heavily eroded County beaches and dunes. The County immediately tasked APTIM Environmental and Infrastructure, LLC (“APTIM”) with surveying the sand losses from the beaches and dunes to determine the necessary repairs needed to re-establish the protection provided to beachfront structures.

Following the hurricane, during October of 2022, representatives from the Florida Department of Environmental Protection, Federal Emergency Management Agency (“FEMA”), and US Army Corps of Engineers conducted on-site damage assessments of County beaches with County staff. All three agencies expressed concern for the heavy dune losses and the vulnerability of upland structures from coastal storm flooding. FEMA policy allows for the reimbursement of eligible emergency measures by local governments to provide protective measures to protect improved property from floodwaters.

FEMA requires that all emergency work to be completed within six months of an emergency declaration in order to be eligible for reimbursement. At its December 13, 2022 meeting (Agenda Item 11.D), the Board certified the existence of a valid public emergency to approve the issuance of a standard County Work Order to APTIM for the surveying, design, permitting and post-design services for the emergency berm. APTIM’s preliminary construction cost estimate of \$24,000,000 requires the hauling and placement of approximately 400,000 cubic yards of beach compatible sand with an in-place average cost of approximately \$60 per cubic yard. The construction of an emergency berm must begin immediately in order to complete construction by the FEMA deadline of March 23, 2023. Further, unless the emergency berm is completed prior to the 2023 hurricane season starting June 1, gulf-front properties will be left exposed to potential flooding from tropical systems. Only those beaches with public access are eligible for Tourist Development Tax funding. The ultimate construction project(s) will be formal competitively bid and a contract(s) will be entered into to provide those services. Staff is currently exploring the best method to solicit and engage the construction services.

If the County is successful in meeting FEMA deadlines, the County may expect/seek FEMA reimbursement of 75% of the costs associated with the construction of the emergency berm. Legislation related to the Hurricane Ian and Nicole recovery plan, recently signed by the Governor of Florida may provide additional funding for the non-federal cost share of the project.

GROWTH MANAGEMENT IMPACT: There is no impact to the Growth Management Plan related to this action.

ADVISORY COMMITTEE RECOMMENDATIONS: This item will be presented to the Coastal Advisory Committee (CAC) on January 12, 2023 and the Tourist Development Council (TDC) on January 23, 2023.

LEGAL CONSIDERATIONS: Tourist Development Taxes may be used to finance the emergency berm work proposed on eligible beaches with a recommendation from the Coastal Advisory Committee, Tourist Development Council, and approval by the Board of County Commissioners. Pursuant to Section 125.0104(5)(a)5, Fla. Stat., funds may be used to finance ... erosion control, including construction of beach groins and shoreline protection ... to which there is public access as those uses relate to the physical preservation of the beach, shoreline, channel, estuary, lagoon, or inland lake or river. This item is approved as to form and legality and requires majority vote for approval. — CMG

FISCAL IMPACT: A budget amendment is required in the amount of \$24,000,000 to reallocate funding from reserves within the TDC Beach Renourishment Fund (195) to Hurricane Ian Project (50280). The source of funding is the Tourist Development Tax for eligible beaches.

RECOMMENDATION: To recommend and approve the expenditure of Tourist Development Tax funds of a not-to-exceed amount of \$24,000,000 for the construction of an emergency berm necessary for protection of upland structures left vulnerable by Hurricane Ian and make a finding that this expenditure promotes tourism.

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