


MEMORANDUM


Development Services

ADMINISTRATIVE MEMORANDUM NO. 18-069

DATE: February 23, 2018

TO: Mark E. Berman, City Attorney

VIA: David L. Recor, ICMA-CM, Development Services Director 

FROM: Daniel T. Keester-O'Mills, AICP, Principal Planner 

RE: Request for a Resolution for the Adoption of Countywide Multijurisdictional Enhanced Local Mitigation Strategy

Please prepare a Resolution for the next available City Commission meeting, approving and authorizing the adoption of the Countywide Multijurisdictional Enhanced Local Mitigation Strategy.

Given the fact that the City of Pompano Beach is located in an area that is vulnerable to natural and man-made disasters, the State of Florida has stipulated that a Local Mitigation Strategy (LMS) be adopted. This is the first step in the process of making our community better prepared to manage large-scale disasters and document and improve coordination with our neighbors.

Broward County has updated the Local Mitigation Strategy (LMS). The final version, dated September 2017, was reviewed by the State of Florida Division of Emergency Management. The Local Hazard Mitigation Plan was approved pending adoption. Included with this memo is an updated Resolution from Broward County (2017-650) adopting the update of the Multijurisdictional Enhanced Local Mitigation Strategy Plan dated December 12, 2017.

If you have any questions or concerns Kimberly Spill-Cristiano would be the most appropriate person to respond. She can be reached at 954-545-7799 or via her cell at 954-242-0565.

In addition, for your reference, I have included a copy of the Resolution that was approved by the City in 2013. Thank you in advance.

Enclosures:

- Broward County Resolution 2017-650
- Resolution 2013-208
- Letter from the State of Florida (Division of Emergency Management), dated October 18, 2017

1
2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
4 ADOPTING THE UPDATE OF THE
5 MULTIJURISDICTIONAL ENHANCED LOCAL MITIGATION
6 STRATEGY ("ELMS") PLAN; AND PROVIDING FOR
7 SEVERABILITY AND AN EFFECTIVE DATE.

8 WHEREAS, Federal Emergency Management Agency (FEMA) regulation
9 44 C.F.R. § 201.6(d)(3) requires local jurisdictions to review and update their Local
10 Mitigation Strategy plans (LMS) every five (5) years to reflect changes in development,
11 progress in mitigation efforts, and changes in priorities in order to maintain eligibility for
12 mitigation project grant funding; and

13 WHEREAS, these plans serve as blueprints for mitigation planning to assist local
14 governments in reducing threats from natural and man-made hazards; and

15 WHEREAS, these plans are submitted to the Florida Division of Emergency
16 Management (FDEM) for initial review and coordination, then to the FEMA for review
17 and approval; and

18 WHEREAS, on January 5, 2010, the Broward County Board of County
19 Commissioners (the "Board") adopted Resolution No. 2010-015, which approved the
20 December 2009 LMS; and

21 WHEREAS, on February 5, 2013, the Board adopted Resolution No. 2013-034,
22 which approved an Enhanced Local Mitigation Strategy (ELMS) modifying and
23 improving the previous LMS; and

24 WHEREAS, on April 26, 2016, the Board approved an Agreement between
Broward County (the "County") and FDEM for the Pre-Disaster Mitigation Grant
Program in support of an enhanced mitigation planning program; and

1 WHEREAS, on June 12, 2017, and August 17, 2017, the County's Emergency
2 Management Division (EMD) held public meetings to gather public comments prior to
3 submitting the proposed ELMS to the FDEM and FEMA for final review and
4 approval; and

5 WHEREAS, on October 18, 2017, the FDEM issued an approval of the proposed
6 ELMS pending adoption by the County; and

7 WHEREAS, FEMA's approval of the County's current ELMS will expire on
8 March 18, 2018, NOW, THEREFORE,

9
10 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
11 BROWARD COUNTY, FLORIDA:

12
13 Section 1. That the foregoing clauses are hereby ratified and confirmed as
14 being true and correct and are hereby made a specific part of this Resolution upon
15 adoption hereof.

16 Section 2. That the Board hereby adopts the multijurisdictional ELMS plan
17 approved by FDEM as meeting all current requirements for such a plan.

18 Section 3. SEVERABILITY.

19 If any portion of this Resolution is determined by any Court to be invalid, the
20 invalid portion shall be stricken, and such striking shall not affect the validity of the
21 remainder of this Resolution. If any Court determines that this Resolution, or any
22 portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies),
23 property(ies), or circumstance(s), such determination shall not affect the applicability
24 hereof to any other individual, group, entity, property, or circumstance.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscoring type are additions.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Section 4. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

ADOPTED this 12 day of December, 2017. H-27

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Mark A. Journey 11/20/17
Mark A. Journey (date)
Assistant County Attorney

MAJ/mm
11/20/17
Emergency Local Mitigation Plans Reso
#17-008
#17-111

Coding: Words in ~~struck through~~ type are deletions from existing text. Words in underscored type are additions.

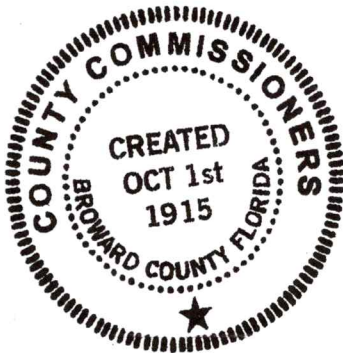
STATE OF FLORIDA)

) SS

COUNTY OF BROWARD)

I, Bertha Henry, County Administrator, in and for Broward County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution 2017-650, the same appears in the minutes of said Board of County Commissioners meeting held on the 12th day of December, 2017. (Item 27)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal dated this 20th day of December, 2017.



BERTHA HENRY
COUNTY ADMINISTRATOR

By *Godi Gardner*
Deputy Clerk

(SEAL)

CITY OF POMPANO BEACH
Broward County, Florida

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF POMPANO BEACH, FLORIDA, ADOPTING THE
ENHANCED LOCAL MITIGATION STRATEGY (ELMS)
PASSED BY THE BROWARD COUNTY BOARD OF
COUNTY COMMISSIONERS; PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5165, as amended by the Disaster Mitigation Act of 2000, (DMA2K) (P.L. 106-390), provides for states, tribes and local governments to undertake hazard mitigation planning to reduce the risks from natural hazards; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has implemented various hazard mitigation planning provisions pursuant to 44 C.F.R. §201.6, and requires local governments to have a FEMA approved mitigation plan in order to apply for and receive project grants; and

WHEREAS, pursuant to 44 C.F.R. § 201.6(d)(3), FEMA requires local jurisdictions to review and revise their local mitigation plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities, and resubmit the local mitigation plan for approval to continue to be eligible for FEMA mitigation project grant funding; and

WHEREAS, the Florida Administrative Code governs the application, project selection and distribution of funds by the state of the FEMA Hazard mitigation program funds and requires local government to develop a Local Mitigation Strategy plan (LMS) to reduce the identified hazards within a county; and

WHEREAS, the Broward County Board of County Commissioners last adopted the current Broward County LMS on January 5, 2010, and FEMA approved the same; and

WHEREAS, Enhanced Local Mitigation Strategy (ELMS) was transmitted to FEMA through the Florida Division of Emergency Management in October 2012, and FEMA found same to be in compliance with the local mitigation requirements of Section 322 of the DMA2K as implemented in 44 C.F.R. § 201.6; and

WHEREAS, by adopting the Broward County October 2012 Revision of the Local Mitigation Strategy, the framework for future mitigation efforts and post-disaster recovery may be made easier and faster; now, therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the City of Pompano Beach adopts the most recent Broward County Enhanced Local Mitigation Strategy as its mitigation plan.

SECTION 2. That this Resolution shall become effective upon passage.

PASSED AND ADOPTED this 23rd day of April, 2013.



LAMAR FISHER, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

GBL/jrm
3/28/13
l:reso/2013-218

Resolution 2013-034

A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
SUPPORTING AND ADOPTING THE OCTOBER 2012
REVISION OF THE COUNTYWIDE
MULTIJURISDICTIONAL ENHANCED LOCAL MITIGATION
STRATEGY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §5 165, as amended by the Disaster Mitigation Act of 2000, (DMA2K) (P.L. 106-390), provides for States, Tribes, and local governments to undertake hazard mitigation planning to reduce the risks from natural hazards; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has implemented various hazard mitigation planning provisions pursuant to 44 C.F.R. § 201.6, and requires local governments to have a FEMA approved mitigation plan in order to apply for and receive project grants; and

WHEREAS, pursuant to 44 C.F.R. § 201.6(d)(3), FEMA requires local jurisdictions to review and revise their local mitigation plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities, and resubmit the local mitigation plan for approval to continue to be eligible for FEMA mitigation project grant funding; and

WHEREAS, the Board of County Commissioners of Broward County supports countywide sustainability, resiliency and mitigation planning; and

WHEREAS, the October 2012 revision of the countywide Enhanced Local Mitigation Strategy (ELMS) incorporates sustainability, resiliency, and climate change adaptation; and

1 WHEREAS, the Florida Administrative Code governs the application, project
2 selection and distribution of funds by the State of the FEMA hazard mitigation program
3 funds and requires local government to develop a local mitigation strategy plan (LMS) to
4 reduce the identified hazards within a county; and

5 WHEREAS, the Broward County Board of County Commissioners last adopted
6 the current Broward County LMS on January 5, 2010, and FEMA approved same; and

7 WHEREAS, the updated ELMS was transmitted to FEMA through the Florida
8 Division of Emergency Management in October 2012, and FEMA found same to be in
9 compliance with the local mitigation requirements of Section 322 of the DMA2K as
10 implemented in 44 C.F.R. § 201.6; NOW, THEREFORE,

11

12 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
13 BROWARD COUNTY, FLORIDA:

14

15 Section 1. That the foregoing "Whereas" clauses are hereby ratified and
16 confirmed as being true and correct and are hereby made a specific part of this
17 Resolution upon adoption hereof.

18 Section 2. That the ELMS attached to agenda item #xx, dated _____, herein,
19 as approved by FEMA on October 31, 2012, as meeting all current requirements for
20 such a plan, is hereby approved and adopted by the Broward County Board of County
21 Commissioners.

22

23

24

1 Section 3. EFFECTIVE DATE.

2 This Resolution shall become effective upon adoption.

3
4 ADOPTED this 5th day February, 2013. #22
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Coding: Words in ~~struck through~~ type are deletions from existing text. Words in
 underscoring type are additions.

STATE OF FLORIDA)

) SS

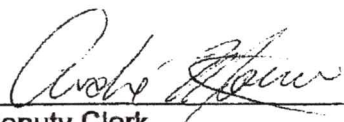
COUNTY OF BROWARD)

I, Bertha Henry, County Administrator, in and for Broward County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution 2013-034 as the same appears of record in the minutes of a said meeting of Board of County Commissioners held on the 5th day of February, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal dated this 7th day of February, 2013.

BERTHA HENRY
COUNTY ADMINISTRATOR



By 
Deputy Clerk

"CITY":

Witnesses:

CITY OF POMPANO BEACH

Betty J. Morris

By: [Signature]

LAMAR FISHER, MAYOR

Shirley R. Bartholomew

By: [Signature]

**DENNIS W. BEACH
CITY MANAGER**

Attest:

[Signature]

**MARY L. CHAMBERS
CITY CLERK**

(SEAL)

Approved As To Form:

[Signature]

**GORDON B. LINN
CITY ATTORNEY**

**STATE OF FLORIDA
COUNTY OF BROWARD**

The foregoing instrument was acknowledged before me this 26th day of April, 2013 by **LAMAR FISHER**, as Mayor, **DENNIS W. BEACH** as City Manager and **MARY L. CHAMBERS**, as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who are personally known to me.

NOTARY'S SEAL:

[Signature]
NOTARY PUBLIC, STATE OF FLORIDA



**KRYSTAL AARON
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE874866
Expires 2/14/2017**

Krystal Aaron
(Name of Acknowledger Typed, Printed or Stamped)

Commission Number



STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT

RICK SCOTT
Governor

WESLEY MAUL
Interim Director

October 18, 2017

Necole Holton Jacobs
Mitigation Program Manager
Broward County Emergency Management
201 NW 84th Ave
Plantation, FL 33324

Re: Broward County Local Hazard Mitigation Plan Approved Pending Adoption

Dear Mrs. Jacobs:

This is to confirm that we have completed a State review of the Broward County Local Mitigation Strategy (LMS) update for compliance with the federal hazard mitigation planning standards contained in 44 CFR 201.6(b)-(d). Based on our review and comments, Broward County developed and submitted all the necessary plan revisions and our staff has reviewed and approved these revisions. We have determined that the Broward County LMS plan is compliant with federal standards, subject to formal community adoption, for the jurisdictions below:

Broward County, Unincorporated
City of Coconut Creek
City of Cooper City
City of City of Coral Springs
City of Dania Beach
Town of Davie
City of Deerfield Beach
City of Fort Lauderdale
City of Hallandale Beach
Town of Hillsboro Beach
City of Hollywood
City of Lauderdale Lakes
City of Lauderhill
Village of Lazy Lake
City of Lighthouse Point
City of Margate

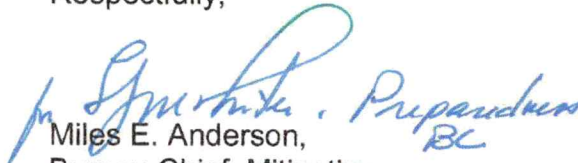
City of Miramar
City of North Lauderdale
City of Oakland Park
City of Parkland
Town of Pembroke Park
City of Pembroke Pines
City of Plantation
City of Pompano Beach
Village of Sea Ranch Lakes
Town of Southwest Ranches
City of Sunrise
City of Tamarac
City of West Park
City of Weston
City of Wilton Manors

Upon submittal of a copy of all participating jurisdictions' documentation of their adoption resolutions to our office, we will send all necessary documentation to the Federal Emergency Management Agency (FEMA) who will issue formal approval of the Broward County LMS.

Mrs. Necole Holton Jacobs
October 18, 2017
Page two

If you have any questions regarding this matter, please contact Mitigation Planning Manager, Melissa Schloss at 850-815-4504 or Melissa.Schloss@em.myflorida.com.

Respectfully,


Miles E. Anderson,
Bureau Chief, Mitigation
State Hazard Mitigation Officer

MEA/ms

Attachments: MEMORADUM: State approval of LMS plans under Program Administration by States (PAS)

cc: FEMA Region IV, Mitigation Division – Risk Analysis Branch