

RESOLUTION NO. 513-2008

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AFFIRMING SUPPORT FOR RENEGOTIATIONS WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY REGARDING THEIR PILOT INSPECTION PROGRAM FOR DOWNSTAIRS ENCLOSURES.

WHEREAS, on the 20th day of March 2002, the Board of County Commissioners (“BOCC”) passed and adopted Resolution #115-2002 approving the Flood Insurance Inspection and Compliance Implementation Plan; and

WHEREAS, the BOCC adopted Resolution No. 187-2002 in order to address FEMA’s response to Resolution No. 115-2002 requiring the County to pursue State legislation to alter the four year statute of limitations on code enforcement of violations of land use regulations (particularly floodplain); and

WHEREAS, Resolution No. 187-2002 committed to the efforts for statutory change and to inspections of dwellings with restrictive covenants; and

WHEREAS, the BOCC approved Resolution No. 152-2003 to amend Resolution No. 187-2002 after efforts for statutory change were unsuccessful and to adopt a Revised Implementation Plan for the flood insurance inspections & compliance, and included commitments for inspections, vigorous code enforcement of violations, and working to change the floodplain regulations such as, for example, to allow expansion of elevated portions of non-conforming structures if there was an engineer certification the non-conforming part of the structure would not increase potential for structural damage to conforming parts of the structure; and

WHEREAS, the FEMA Regional Director in a letter dated March 23, 1998, responded in the negative to many of the Monroe County Citizens Task Force recommendations; and

WHEREAS, approximately ten years have passed since the Citizens Task Force made recommendations such as changes in the permitted uses, sizes, and construction standards for permissible downstairs enclosures, resulting in residents of fewer years being unaware of the efforts which were previously expended on this issue and desiring to re-address it; and

WHEREAS, the County will not take any actions, without expressed written consent by FEMA (“FEMA”), that would compromise the county’s standing in the National Flood Insurance Program; and

WHEREAS, the County will continue to honor all components of the Final Rule published in the Federal Register on June 27, 2000 by the Federal Emergency Management Agency: 44 CFR Parts 59 and 61 National Flood Insurance Program (NFIP); Inspection of Insured Structures by Communities, Final Rule; and the County commitments under Resolution No 152-2003; and

WHEREAS, the County will continue to administer, implement and enforce all components of its Floodplain Management Ordinance, Sections 9.5-315, 9.5-316 and 9.5-317, Monroe County Code; and

WHEREAS, given the many economic hardships homeowners are experiencing both in Monroe County and nationwide, the BOCC wishes to resume dialogue with FEMA to establish a better solution to the pre-existing problem of structures below the Base Flood Elevation ("BFE") which is less financially abrasive to homeowners and more conducive to recognizing and appreciating current economic conditions; and

WHEREAS, Congresswoman Ileana Ros-Lehtinen and State Representative Ron Saunders have pledged support to work with the BOCC in facilitating dialogue with FEMA officials to meet a better resolution for all affected parties; now, therefore

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. The BOCC reaffirms its gratitude in recognition for all the benefits the County receives as a participant in the NFIP.

Section 2. The BOCC affirms support for renegotiations with FEMA regarding their Pilot Inspection Program for Downstairs Enclosures.

Section 3. The BOCC directs appropriate County staff to work in conjunction with FEMA, DCA, and other interested agencies, and to gather public input via a series of meetings, at least 1 in each of the 3 major areas of the Keys, to develop a revised inspection and compliance program that will continue to safeguard the community's participation in the NFIP while offering a better remedy to addressing downstairs enclosures constructed after January 1, 1975.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 17th day of December, 2008

Mayor George Neugent	<u>Yes</u>
Mayor Pro Tem Sylvia Murphy	<u>Yes</u>
Commissioner Heather Carruthers	<u>Yes</u>
Commissioner Mario DiGennaro	<u>Yes</u>
Commissioner Kim Wigington	<u>Yes</u>

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BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

ATTEST DANNY L. KOLHAGE, Clerk By: George L. Neugent
Mayor George Neugent

By: Carmela Danvers
Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Suzanne A. Hutton
SUZANNE A. HUTTON
COUNTY ATTORNEY
Date 12-19-08