

Memorandum



Date: July 11, 2007

To: Honorable Chairman Bruno A. Barriero and
Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Sunset Review of County Boards for 2007 – Miami-Dade County Boat Docking And
Boat Storage Facilities Advisory Committee

GOE
Agenda Item No. 7A

In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2007 Sunset Review of County Boards Report for the Miami-Dade County Boat Docking and Boat Storage Facilities Advisory Committee. The Board approved the attached report at its meeting of January 31, 2007 and has recommended the continuation of its board.

A handwritten signature in black ink, appearing to read "Roger Carlton". The signature is written in a cursive, somewhat stylized font.

Roger Carlton
Assistant County Manager

cmo13707

Date: January 31, 2007
To: George M. Burgess, County Manager
From: Spencer Meredith
Chairperson, Boat Docking And Boat Storage Facilities Advisory Committee
Subject: Sunset Review of County Boards for 2007 – (Miami-Dade County Boat Docking And Boat Storage Facilities Advisory Committee)

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2007 Sunset Review of County Boards Report for the Miami-Dade County Boat Docking And Boat Storage Facilities Advisory Committee for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of January 31, 2007.

It is recommended that the BCC approve the continuation of the Miami-Dade County Boat Docking And Boat Storage Facilities Advisory Committee.

BACKGROUND

Ordinance Number 89-104 was unanimously approved by the Board of County Commissioners on November 7, 1989, establishing an operating permit program for boat docking and boat storage facilities in Miami-Dade County. Section 3 of this ordinance established the Miami-Dade County Boat Docking And Boat Storage Facilities Advisory Committee.

The Committee makes recommendations to the Department of Environmental Resources Management (DERM) concerning operating permit conditions, limitations or restrictions for recreational and commercial boat docking, boat storage, and boat repair facilities which are required to obtain an operating permit from DERM. In addition, the Committee reviews the existing Marine Facilities Best Management Practices and makes recommendations for improvements and/or new Best Management Practices as needed.

Patricia Hamilton for Spencer Meredith
Spencer Meredith 1/31/07

Spencer Meredith
Board Chairperson

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2007**

I. GENERAL INFORMATION

1. Name of Board reporting: Miami-Dade County Boat Docking And Boat Storage Facilities Advisory Committee

2. Indicate number of board members, terms of office, and number of vacancies:

Number of Board Members: 7 members
Terms of Office: Two year term of office
Number of Vacancies: One vacancy

3. Identify number of meetings and members' attendance (Attach records reflecting activity from **Jan. 1, 2005** through **December 31, 2006**):

Number of Meetings: One Meeting February 8, 2005. Additional meetings were not held due to conflicts in members' schedules.
Number of Meetings with a Quorum: One
Attendance Records: See Attachment One

4. What is the source of your funding? Funding is generated from the operating permit fees generated by the Marine Facilities Annual Operating permit Program which the Committee serves in an advisory capacity.

5. Date of Board Creation: The Committee was created in 1990.

6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments).
Ordinance 89-104 created the Committee. See Attachment Two.

7. Include the Board's Mission Statement or state its purpose:
The Boat Docking And Boat Storage Facilities Advisory Committee will provide the Department of Environmental Resources Management with recommendations regarding conditions, limitations or restrictions for marine facilities required to obtain an operating permit. Members of the Committee have diverse backgrounds with experience or interests in boating, marina operations or management, marine safety, pollution control or conservation.

8. Attach the Board's standard operating procedures, if any. The Committee operates on the guidance set forth in Ordinance 89-104.

9. Attach a copy of the Board's By-Laws, if any.
There are no by-laws for this Committee.

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MIAMI-DADE COUNTY BOARDS
2007**

10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, **including a vote of the membership.** Please see attachment Three
11. Include a diskette, saved as ASCII or Rich Text Format (RTF), of the County Manager's transmittal memorandum to the Board of County Commissioners with the Board's recommendation.

II. EVALUATION CRITERIA

1. Is the Board serving the purpose for which it was created? Yes, the committee serves the purpose for which it was created by serving in its advisory capacity to the Department of Environmental Resources Management as needed for issues involving the Marine Facilities Annual Operating Permit Program.
2. Is the Board serving current community needs? Yes, the committee is representative of the regulated marine community of Miami-Dade County and in its capacity as an advisory committee to DERM is also serving the needs of the community.
3. What are the Board's major accomplishments?
 - a. Last 24 months
The committee reviewed the existing Best Management Practices and continues to review the draft Best Management Practice for mobile fueling at permitted marine facilities throughout Miami-Dade County.
 - b. Since established
The adoption of the original list of Best Management Practices (BMP) for boat docking and boat storage facilities. These guidelines promote "good housekeeping" practices that will enable marine facilities to materially reduce or eliminate pollution generated by their activities. Compliance with the Best Management Practices is a requirement of the annual operating permit issued to the marine facilities. The committee adopted new BMPs for the handling of waste from fish cleaning stations and an informational BMP regarding guidelines for coastal construction and mangrove trimming.
4. Is there any other board, either public or private, which would better serve the function of this board?
No, there is no other board or committee.

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5. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (Attach proposed changes, if answer is "Yes")
No, the ordinance serves the specific purpose for which the committee was created.
6. Should the Board's membership requirements be modified?
No, the membership requirements should not be modified.
7. What is the operating cost of the Board, both direct and indirect? (Report on FY 2006 and FY 2007)
Committee members are not compensated for their time. The figures below reflect the costs for DERM staff support to the Committee.
FY2006 - \$2,070.30 (Direct) \$1,570.75 (Indirect)
FY2007 - \$2,132.40 (Direct) \$1,617.90 (Indirect)
8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.
To create and update Best Management Practices to respond to constant changes in the marine community and provide guidance to DERM for their implementation. The effectiveness of the Committee's performance is determined by the degree of compliance with the Best Management Practices and the law when the permitted facilities are inspected by DERM.

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ORDINANCE NO. 89-104

ORDINANCE AMENDING SECTION 8CC-10 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA, PROVIDING CODE ENFORCEMENT CIVIL PENALTIES FOR NON-COMPLIANCE WITH ANY CONDITION OF AN OPERATING PERMIT ISSUED PURSUANT TO SECTION 24-35.1 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA; AMENDING SECTION 24-3 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA, PROVIDING DEFINITIONS FOR THE METROPOLITAN DADE COUNTY ENVIRONMENTAL PROTECTION ORDINANCE; CREATING SECTION 24-7.1 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF THE METROPOLITAN DADE COUNTY BOAT DOCKING AND BOAT STORAGE FACILITIES ADVISORY COMMITTEE; AMENDING SECTION 24-35.1 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA, REQUIRING OPERATING PERMITS FOR COMMERCIAL BOAT DOCKING FACILITIES, CERTAIN BOAT STORAGE FACILITIES, AND CERTAIN RECREATIONAL BOAT DOCKING FACILITIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. Section 8CC-10 of the Code of Metropolitan Dade County, Florida is hereby amended as follows:

Section 8CC-10. Schedule of Civil Penalties

Reference Number	Code Section	Description of Violation	Civil Penalty
196	24-35.1	Failure to properly secure required operating permit or non-compliance with <u>any condition, limitation, or restriction of an operating permit.</u>	\$100.00

Section 2. Section 24-3 of the Code of Metropolitan Dade County, Florida is hereby amended as follows:

Section 24-3. Definitions.

Boat docking facility shall mean a place where vessels may be secured to a fixed or floating structure or to the shoreline.

Boat storage facility shall mean a facility where recreational vessels are stored on uplands by one or more of the following methods:

- (a) on boat trailers on a paved or unpaved surface; or

1/ Words stricken through shall be deleted. Underscored words constitute the amendment proposed. Remaining provisions are now in effect and shall remain unchanged.

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- (b) on individual boat racks; or
- (c) on multi-story boat racks.
- () Commercial boat docking facility shall mean a boat docking facility which has boat slips, moorings, davit spaces, or vessel tieup spaces of which more than fifty (50) percent are designated for or contain commercial vessels.
- () Commercial vessel shall mean any vessel engaged in any activity wherein a consideration is paid by the user either directly or indirectly to the owner, operator or custodian of the vessel; or any vessel engaged in the taking of salt-water fish or saltwater products for sale either to the consumer, retail dealer or wholesale dealer.
- () Davit space shall mean an area along a bulkhead or pier where a vessel may be suspended over tidal waters by a mechanical device.
- () Dry storage space shall mean a designated place where a recreational vessel is stored on uplands by one of the following methods:
 - (a) on a boat trailer on a paved or unpaved surface; or
 - (b) on an individual boat rack; or
 - (c) on a multi-story boat rack.
- () Mooring shall mean a temporary or permanent piling or floating device anchored in tidal waters for the purpose of securing a vessel.
- () Recreational boat docking facility shall mean a boat docking facility which has boat slips, moorings, vessel tieup spaces, or davit spaces of which fifty (50) percent or more are designated for or contain recreational vessels.
- () Recreational vessel shall mean any vessel used by its owner or operator for non-commercial purposes.
- () Vessel tieup space shall mean an area abutting a bulkhead or shoreline where a vessel may be secured.

Section 3. Section 24-7.1 of the Code of Metropolitan Dade County, Florida is hereby created as follows:

Section 24-7.1. Boat Docking and Boat Storage Facilities Advisory Committee.

A Metropolitan Dade County Boat Docking and Boat Storage Facilities Advisory Committee is hereby created and established for the purpose of providing the Department of Environmental Resources Management with recommendations regarding conditions, limitations or restrictions for recreational and commercial boat docking facilities and boat storage facilities which are required to obtain an operating permit, pursuant to section 24-35.1(9), (10), and (11).

(a) Composition and qualifications of members - The committee shall be composed of seven (7) members which shall be appointed by the County Manager. The Director of the Department of Environmental Resources Management or his designee shall submit recommendations for appointments to the the County Manager. Members of the committee shall be residents of Dade County who possess outstanding reputations for civic pride, interest, integrity, responsibility, and business or professional ability. Appointments shall be made by the County Manager on the basis of experience or interest in boating, marina operations or management, marine safety, pollution control, conservation, or marine resources preservation and protection.



(b) Terms of office and organization - In order that the terms of office of all appointed members of the committee shall not expire at the same time, the initial appointments to the committee shall be as follows: Four (4) members shall be appointed for a term of one year, and three (3) members shall be appointed for a term of two (2) years. Thereafter, all members shall be appointed for a term of two (2) years. Appointments to fill any vacancy on the committee shall be for the remainder of the unexpired term of office. The members of the committee shall elect a chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the committee. Appointed members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, in accordance with County policy, upon approval of the County Manager. A majority vote of a quorum shall be necessary to take any action. Four (4) members shall constitute a quorum.

(c) Meetings and authority - The committee shall hold a minimum of one (1) publicly advertised meeting per year. The committee shall have the authority to make recommendations to the Department of Environmental Resources Management concerning conditions, limitations or restrictions for recreational and commercial boat docking facilities and boat storage facilities which are required to obtain an operating permit, pursuant to Section 24-35.1 (9), (10), and (11). In addition, upon request, the committee shall have the authority to make recommendations to the environmental quality control board concerning variance requests made pursuant to this ordinance.

Section 4. Section 24-35.1 of the Code of Metropolitan Dade County, Florida is hereby amended as follows:

Section 24-35.1. Operating permits.

No person shall operate a public water system, public sewage system, or any of the following pollution sources without a valid operating permit issued by the director of the department of environmental resources management or his designee or in violation of any condition, limitation, or restriction which is part of an operating permit:

- (9) All commercial boat docking facilities. Operating permits shall be required for all such facilities no later than six (6) months after the effective date of this ordinance.
- (10) All boat storage facilities contiguous to the tidal waters of Dade County with a total of ten (10) or more dry storage spaces. Operating permits shall be required for all such facilities no later than six (6) months after the effective date of this ordinance.
- (11) All recreational boat docking facilities with a total of ten (10) or more boat slips, moorings, davit spaces, and vessel tieup spaces. Operating permits shall be required for all such facilities no later than six (6) months after the effective date of this ordinance.

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of this Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Metropolitan Dade County, Florida. The sections of this ordinance may be renumbered or relabeled to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 7. This ordinance shall become effective ten days
after the date of its enactment.

PASSED AND ADOPTED: NOV 07 1969

Approved by County Attorney as
to form and legal sufficiency.

RAG
RET

Prepared by:

ENCLOSURE 1771223

Attachment Three

MEETING MINUTES

**MIAMI-DADE COUNTY BOAT DOCKING AND BOAT STORAGE
FACILITIES ADVISORY COMMITTEE**

**JANUARY 31, 2007
1:30 p.m.**

**THOMAS CENTER
172 W FLAGLER STREET
MIAMI, FLORIDA**

Committee Members Present

Michael F Brescher
Patricia Hamilton
John R. Guttman, P.E.
Christopher M. David, Esq..

Committee Members Absent

Spencer Meredith
Dick Townsend
Cleve Jones III

DERM Staff Present

Jose Diaz, Coastal Resources Section
Luis Otero, Coastal Resources Section
Richard Butler, Coastal Resources Section

Public

John Sykes, Biscayne Bay Boaters
Association
John Turner, Biscayne Bay Boaters
Association

The meeting commenced at approximately 2:05 p.m. Jose Diaz welcomed the Committee members, public participants and DERM staff. All those present introduced themselves to the group. Jose Diaz explained the purpose of the meeting.

The committee members commenced their review of the Sunset Review Questionnaire of Miami-Dade County Boards for the Boat Docking And Boat Storage Facilities Advisory Committee for 2007. The document was reviewed by the members and a motion was brought to the table by Ms. Patricia Hamilton to vote on approval of the Sunset Review Questionnaire as written. Mr. Michael F. Brescher moved to second the motion and the vote was cast by the Committee members. The Sunset Review Questionnaire for 2007 was unanimously approved. Ms. Patricia Hamilton proceeded to sign the memorandum for the County Manager on behalf of Chairperson Spencer Meredith.

Ms. Hamilton brought up the discussion of the Mobile Fueling BMP that has been under review by the Committee. She explained that there are already guidelines for fueling at permitted marine facilities throughout Miami-Dade County and these guidelines cover any type of fueling. Jose Diaz explained that for mobile fueling, the intent was to require the same spill response equipment as is in the existing guideline. Mr. Brescher brought the idea of regulating mobile fueling in residential areas to the table. Ms. Hamilton explained that the Best Management Practices (BMP) only apply to facilities that are regulated by DERM via the Marine Facilities Annual Operating Permit and that they do not apply to residences or those marine facilities that are not permitted by DERM. Mr. Otero added that the County, State and Federal guidelines regulate or have sanctions for spills from fueling or other types of discharges of pollutants but as mentioned not through the BMPs for facilities outside of the operating permit program. Mr. John Turner added that he has used a fuel delivery service for many years and has had nothing but positive experiences with the delivery company. They provide a collection device at the vent in order to capture any fuel shall there be a drip if a strong wake hits the vessel s the tanks are almost at full. He also added that they have spill response gear on the truck.

A motion was made by Ms. Hamilton to remove Mobile Fueling (item 16) from the Best Management Practices and rely on the existing guidance in the BMPs for general fueling. Mr. David moved to second the motion and the vote was cast by the Committee members. The vote was unanimous to delete the mobile fueling BMP and use the existing guidance in the document.

Ms Hamilton brought the issue to the table on the requirement to have containment boom at fueling facilities a s currently required in the Best management Practices in addition to absorbent boom. She mentioned that absorbent boom provides for containment while also collecting the hydrocarbons and is much easier and faster to deploy than the heavier and more cumbersome containment boom. Mr. Michael Brescher also agreed that it is easier to use absorbent boom in spill response. Committee members made a recommendation to DERM that this issue be further evaluated with the possibility of modifying the existing BMP. Jose Diaz added that we have to be consistent with the state guideline for petroleum storage tank systems (fueling facilities) which requires containment boom. Ms. Hamilton added that there may be revisions to those guidelines at the state level because her inspection for the underground fueling facility at her marina was performed recently and she was advised that the absorbent boom was acceptable in meeting the spill response requirement. DERM representatives agreed to contact the Storage Tanks Program at DERM and also check with the Department of Environmental Protection in order to continue to evaluate whether such a modification was viable. There may also be locations where containment boom will be the norm based on high current areas or areas with high exposure to tidal exchanges and including areas with high boat traffic patterns that cause very agitated waters in the specific marina basins.

Mr. Brescher asked if DERM could advise the marine community about the permitting requirements for boatlifts. Jose Diaz explained that Best Management Practice 35 is an informational BMP that talks about Class I Coastal Construction Permits that are required for specific types of work in tidal waters and includes boatlifts as one of the types of work requiring a Class I Coastal Construction Permit from DERM.

Ms. Hamilton made a motion to adjourn the meeting. Mr. David moved to second the motion and the vote to adjourn the meeting was unanimous.

The meeting adjourned at 3:35 p.m.