MEMORANDUM

Agenda Item No. 5(B)

(Public Hearing 6-30-09)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: June 2, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Ordinance relating to Miami-Dade County Manatee Protection Plan Review Committee

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

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Memorandum

MIAMI-DADE COUNTY

Date: June 30, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance relating to the Miami-Dade County Manatee Protection Plan Review Committee

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The ordinance relating to the Miami-Dade County Manatee Protection Plan Review Committee will not have a fiscal impact to Miami-Dade County.

Assistant County Manager

fis04209

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: June 30, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 5(B)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

✓ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(B)
6-30-09

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY MANATEE PROTECTION PLAN REVIEW COMMITTEE; AMENDING ORDINANCE NO. 09-06 TO PROVIDE AN ADDITIONAL THREE (3) MONTH EXTENSION OF THE SUNSET DATE FOR THE COMMITTEE; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Manatee Protection Plan Review Committee ("MPPRC") was created by Ordinance No. 07-144 for the purpose of providing advisory recommendations to the Board of County Commissioners as to the need for amendments, revisions and additions to the Manatee Protection Plan ("MPP"); and

WHEREAS, local MPPs are required by Florida Statutes to be approved by the Florida Fish and Wildlife Conservation Commission ("FWC"), which requires local plans to include detailed and updated empirical data on manatee distribution, manatee deaths and injuries, boating patterns, habitat values and other factors affecting manatees and their habitat; and

WHEREAS, because the seasonal data collection required by the FWC was not completed and available for review by the MPPRC prior to the original sunset date of April 12, 2009, the Board of County Commissioners enacted Ordinance No. 09-06, which extended the sunset date until July 12, 2009; and

WHEREAS, the seasonal data collection required by the FWC was only recently completed and the MPPRC requires additional time to analyze the data and prepare their written recommendations; and

WHEREAS, the Board of County Commissioners desires that the MPPRC include in its final preparation process the review of manatee protection plans recently adopted by other counties, including Broward County; and

WHEREAS, the MPPRC, which to date has held all required meetings and otherwise diligently performed its responsibilities, requested the sunset date established by Ordinance No. 09-06 be extended by three (3) months up to and including October 12, 2009, in order to allow the MPPRC to accomplish its purposes and make its final written recommendations to the Board of County Commissioners,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Ordinance No. 09-06 is hereby amended to provide that the Miami-Dade County Manatee Protection Plan Review Committee's final recommendations to the Board of County Commissioners be completed by October 12, 2009.

Section 2. Section 2 of Ordinance No. 09-06 is hereby amended to provide that Ordinance No. 07-144 shall stand repealed on October 13, 2009.

Section 3. 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 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Robert A. Duvall

Prime Sponsor: Commissioner Bruno A. Barreiro