Memorandum

MIAMI-DADE COUNTY

Date: November 9, 2009

GO
Agenda Item No.
1(E)1

To: Honorable Carlos Gimenez, Chairman
and Members of Government Operations
Committee

From: George M. Burgess & Joe Rasco, Director
County Manager Intergovernmental Affairs

Subject: Review of State and Federal Intergovernmental Items of jurisdiction to the Government Operations Committee

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Pursuant to Resolution 1004-09, sponsored by Commissioner Sosa and adopted by the Board of County Commissioners on July 21, 2009, attached please find a copy of the 2010 State and Federal Legislative Agendas for your review. The resolution calls for the Mayor and or his designee to present departmental requests at the different October committee meetings of jurisdiction.

The attached legislative agendas have been approved by the County Manager after meetings between the Office of Intergovernmental Affairs, the Assistant County Managers, and Department Directors.

A copy of Resolution 1004-09 has also been attached for you review.

STATE

GOVERNMENT OPERATIONS

BUILDING CODE COMPLIANCE

Florida Building Code/Product Approval Process: *MONITOR any legislative activity regarding the statewide Florida Building Code and Product Approval Process.*

CONSUMER SERVICES

Oppose For-Hire Transportation and Ambulance Preemption: *OPPOSE any initiative which would impact local regulation of for-hire transportation modes regulated by Miami-Dade County, including any attempts to preempt local regulation governing limousines, SUVs or prearrangement regulations, or transfers and inheritance of taxicab medallions or ambulance certificates.*

Oppose Preemption of Towing, Moving, Locksmith, or Motor Vehicle Repair Regulation : *OPPOSE any legislation which would preempt the County's ability to regulate towing, moving, motor vehicle repair and locksmith companies.*

NCIC Background Checks for For-Hire Drivers: *SUPPORT the creation of legislation that would allow county governments to conduct a national background check on all for-hire chauffeurs.*

ELECTIONS

Extension of deadline for compliance with ADA Compliant Voting Equipment: *SUPPORT allowing Supervisors of Elections additional time to comply with the state-mandated equipment conversion from touchscreen voting machines to paper ballots for voters with disabilities.*

Modification of Election Audit Rules: *SUPPORT allowing Supervisors of Elections to audit at least 1% but no more than 2% of randomly selected precincts and/or voting units in a particular election, as opposed to the current requirement of an audit of 1 to 2% of precincts only.*

Early Voting: *SUPPORT legislation that would allow for increased local flexibility related to early voting, including hours and sites.*

Help America Vote Act Funds: *SUPPORT the reimbursement of funds pursuant to federal law spent by Miami-Dade County to comply with the state-mandated voting equipment conversion to the optical scan voting system and ADA-compliant equipment.*

Executive Committeeman/Committeewoman Elections: *SUPPORT the requirement that elections for Committeeman and Committeewoman be conducted by the applicable political party independent of county-conducted elections.*

Community Development Districts: *SUPPORT allowing Supervisors of Elections to conduct CDD elections via mail ballot.*

GSA

County Leases: *SUPPORT amending Florida Statutes to give counties the authority to enter into lease agreements that have a term that is five years or less without having to competitively bid the space.*

SOLID WASTE

Renewable Energy: *SUPPORT the preservation and enhancement of existing initiatives that support the production of "renewable" energy produced at the county's Resources Recovery Facility from the combustion of municipal solid waste.*

Illegal Dumping: *SUPPORT legislation that would provide for increased penalties for illegal dumping, including increasing the penalty for dumping on agriculture lands to a third degree penalty and revoking the drivers license and vehicle registration for those in violation of the Florida Litter Law.* (SOLID WASTE)

Local Solid Waste Programs Grant Funding: *SUPPORT reinstating funding generated from waste tire fees for illegal dumping and other solid waste programs on a pro rate basis based on the counties in which the fees are generated.*

Waste-to-Energy Ash: *SUPPORT funding request of $250,000 for the development of new construction materials for the beneficial use waste-to-energy ash.*

WATER AND SEWER

Central District Wastewater Treatment Plant-HLD Facilities-Phase One: *SUPPORT funding request of $3,840,000.00 in order to meet the nutrient reduction requirement by the installation of facilities by 2019 to remove 60 million gallons/day of effluent flow mandated by state law.*

Biscayne Aquifer Surface/Groundwater Model Project: *SUPPORT funding request of $550,000.00 in order to create a model that will adequately represent*

surface water flow through the canal network and contain the resolution necessary to address water resource issues at the county scale, including state-mandated water reclamation projects. The model will evaluate the impact of climate change and sea level rise on water resources and resource management for South Florida, thereby contributing directly to the Governor's climate change priorities.

Integrated Water, Wastewater, Reclaimed Water Master Plan: *SUPPORT funding request in the amount of $265,625, which amounts to 50% of the MDWASD comprehensive master planning to address water, wastewater and reclaimed water needs, the Integrated Water, Wastewater and Reclaimed Water Master Plan. This plan is critical to meeting state requirements.*

Pump Station Optimization Program (PSOP): *SUPPORT funding request in the amount of $2,000,000 in order to comply with the requirement that MDWASD must operate its wastewater collection system so that all pumping stations have sufficient capacity to handle wet weather peak flows with the back-up pump out service, as required by State regulations.*

Water and Wastewater Lines Under Government Cut: *SUPPORT funding request of $9,150,000.00 for the implementation of a 60-inch Force Main from Miami Beach to the Central District Wastewater Treatment Plant at Virginia Key and a 20-inch Potable Water Main Under Government Cut. The Port of Miami, as the local sponsor of the proposed Miami Harbor (Government Cut) Federal Navigation Project, intends to deepen the navigational channel to a final elevation where the existing pipelines will become exposed and in conflict with channel users, as well as pose environmental risks. As a result of the location conflicts, the replacement pipelines will need to be constructed and placed into service prior to the decommissioning of the existing pipelines. The economic benefits of these improvements will accrue to the regional and statewide economies.*

Federal

GOVERNMENT OPERATIONS

BUILDING CODE COMPLIANCE OFFICE

Building Code Enforcement: ADVOCATE for the passage of S 2458 or similar legislation that would allow building code agencies to apply for federal matching grants to help the enforcement of the Florida Building Code. With matching funds, additional personnel could be added to assist in compliance, education and proper enforcement. (Building Code Compliance)

CONSUMER SERVICES

Preemption Regulations: OPPOSE any federal legislation that would aim to preempt regulation and enforcement by local government of motor vehicle repair; moving; locksmith; wrecker services (towing); motor vehicle title loan; and vehicle immobilization. (Consumer Services)

Ground Transportation Fees: OPPOSE any federal amendments to the Real Interstate Driver Equity Act of 2002 that would prohibit an operator of a transportation terminal that is the recipient of federal funds, including airports and seaports, from charging fees to providers of pre-arranged group transportation. (Consumer Services)

ELECTIONS

Help America Vote Act Provisions: ADVOCATE for the Federal government to require the State of Florida to distribute Help America Vote Act (HAVA) Funds to offset the cost of equipment conversions. This is particularly important since money is still owed on past equipment and the County is bound to yet another conversion. New ADA-compliant equipment must be in use by January 1, 2012. Miami-Dade County Elections Department underwent various equipment conversions, as mandated by the state, since 2002. (Elections)

ETSD

Interoperability Funding: SUPPORT efforts to secure $2 million for increased interoperability for Non-P25 Compliant Participants by purchasing radio cache of 500 P25 enabled radios, high-capacity batteries, and digital encryption, driving a mobile deployable resource for use by incoming agencies rendering aid to Miami-Dade County and the region. (ETSD)

P25 Open Standard Technology: SUPPORT cooperation with appropriate federal agencies to embrace Miami-Dade County's ambitious interoperable strategy that includes migrating to

APCO P25 open standard technology and to upgrade the existing technology which is 15 years old and functionally obsolete. This proposal directly addresses the inability to share information across jurisdictions for emergency first responders at local, state, federal and tribal levels to work together, enhancing crime fighting and public safety. The Miami-Dade County strategy for interoperable voice/data communication is a multi-agency, multi-discipline initiative for the 35 municipal police departments, Miami-Dade County Police Department, tribal police department, 69 general government agencies, and 4 fire departments, along with state agencies and federal agencies extending through our region to Miami-Dade, Broward, Monroe and Palm Beach Counties. (ETSD)

SOLID WASTE

Market Incentives for Electricity Produced from Renewable Resources: ADVOCATE for legislation designating biomass (both Municipal Solid Waste (MSW) incineration and methane gas recovery) as a "qualified energy resource", eligible for any and all market incentives including but not limited to 1) establishment of a renewable portfolio standard (RPS), 2) establishment of a renewable energy tradable credits program, 3) expansion of the existing Section 45 tax credits to include biomass and to provide that public sector entities share in a like benefit through creation of a refundable production and investment tax credit, 4) participation in "green pricing" program or other similar incentives. Such incentive provisions will aid in providing for financial stability of local governments' solid-waste management programs. This in turn will provide greater flexibility to local governments in delivering a higher level of service to the community, adding environmental enhancement initiatives, reducing fees or a combination thereof. (Solid Waste)

Power Plant Emissions: **ADVOCATE** for legislation that would seek equitable treatment for waste-to-energy (WTE) facilities as it relates to provisions of any forthcoming air pollution reduction legislation requiring that "power-generating" facilities achieve certain reductions in air pollutants. Previous emission-reduction proposals constituted a redundant requirement, given that WTE have complied with comparable provisions in the Clean Air Act. (Solid Waste)

Flow Control: MONITOR legislative efforts aimed to impede local authority over flow control. Retaining flow control authority strengthens the department's financial position and its ability to assess and meet the needs of the local community by permitting increased availability of funding for projects of community benefit; providing a mechanism for equitable funding of disposal system costs; substantially reducing financial risk related to future disposal market events and improving the department's bond rating. (Solid Waste)

WATER AND SEWER

Reclaimed Water Pipeline: SUPPORT funding request of $6.25 million for design and construction of common water transmission pipeline. The County received authorization for $6.25 million in federal funds in Water Resources Development Act of 2007 to be used in support for water reuse supply and a common water transmission pipeline to deliver reclaimed water from the South District Waste Water Treatment Plant to the Florida Power and Light facility and to the new South District Water Reclamation Plant. (Water and Sewer)

Pump Station Optimization Program: SUPPORT funding request of $5 million for the Pump Station Optimization Program (PSOP). The Miami-Dade Water and Sewer Department (MDWASD) is under a consent decree with the Environmental Protection Agency (EPA) to upgrade the wastewater collection system so all pumping stations have sufficient capacity to handle wet weather peak flows with the back-up pump out of service. PSOP is the operation of pump stations under which wastewater levels in pump station collection basins are allowed to rise, lowering driving head of groundwater over system defects. This results in reduction of groundwater leakage into sewers through the sewer defects during wet weather events. (Water and Sewer)

Water and Wastewater Lines Under Government Cut: SUPPORT cooperation within federal agencies to look at the implementation of a 60-inch Force Main from Miami Beach to the Central District Wastewater Treatment Plant at Virginia Key and a 20-inch Potable Water Main Under Government Cut. The Port of Miami, as the local sponsor of the proposed Miami Harbor (Government Cut) Federal Navigation Project, intends to deepen the navigational channel to a final elevation where the existing pipelines will become exposed and in conflict with channel users, as well as pose environmental risks. As a result of the location conflicts, the replacement pipelines will need to be constructed and placed into service prior to the decommissioning of the existing pipelines. The existing pipelines are required to be removed from service and properly abandoned ahead of the dredging schedule. (Water and Sewer)

Water and Wastewater Infrastructure: SUPPORT legislation that would authorize or appropriate funding for water and wastewater infrastructure and security needs and **OPPOSE** any efforts to reduce funding for critical grant programs and other funding sources. (Water and Sewer)

National Water Research Development Initiative: SUPPORT proposed legislation by the House Science and Technology Subcommittee on National Water Research and Development Initiative Act of 2008 or similar legislation to implement a National Water Research Development Initiative to coordinate federal activities pertaining to water. (Water and Sewer)

Tax Credit Bonds: SUPPORT tax-credit bonds for legislation that would authorize a new tax credit bond program, to be known as "Clean Renewable Water Supply Bonds," that could be issued by public agencies in the same way as those agencies can presently issue traditional tax-exempt municipal bonds. (Water and Sewer)

Clean Water Loan Program: OPPOSE any cuts to the Clean Water Loan Program. Support any effort to cease the reduction of funding for this critical funding source. **SUPPORT** any effort that would advocate the restoration of funding levels to those prior to FY 2000-01. (Water and Sewer)

Clean Water Funding: ADVOCATE for legislation to create a clean and safe water trust fund to guarantee the future financial stability of the Clean Water State Revolving Fund and Drinking Water State Revolving Fund and to provide grants for high priority projects such as

combined and separate sanitary sewer overflows, priority watersheds and storm water. (Water and Sewer)

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM Agenda Item No. 14(A)(36)

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

DATE: July 21, 2009

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

SUBJECT: Resolution directing the Mayor or Designee to present departmental state and federal legislative requests at October committees

Resolution No. R-1004-09

This substitute differs from the original item in that it includes both state and federal legislative items, while the original item consisted only of state legislative items.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

RESO\2078

MEMORANDUM

(Revised)

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

DATE: July 21, 2009

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

SUBJECT: Agenda Item No. 14(A)(36)

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. 14(A)(36)
7-21-09

RESOLUTION NO. **R-1004-09**

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO PRESENT DEPARTMENTAL FEDERAL AND STATE LEGISLATIVE REQUESTS AT OCTOBER COMMITTEES

WHEREAS, committee meetings for the Florida Legislature's 2010 legislative session will begin in the fall of 2009; and

WHEREAS, member of the Florida House are limited to only six bill slots per member, and these bill slots are in high demand; and

WHEREAS, bills filed during the fall and early in committee weeks have a far better chance of passage than bills filed later in the process; and

WHEREAS, during the 2009 session, Miami-Dade County saw successes with its legislative issues by including some of them in the Florida Association of Counties and Florida League of Cities legislative packages; and

WHEREAS, the Florida Association of Counties and Florida League of Cities hold their legislative policy conferences beginning in the fall; and

WHEREAS, to best pursue our legislative agenda for the 2010 session, it is important that Miami-Dade County have its legislative agenda in place no later than the end of October, so as to give our issues the best chance of passage,

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

Section 1. This Board directs the Mayor or Designee to present all departmental legislative requests for the 2010 state legislative session >>and the 2010 federal legislative

package<<[1] at the October, 2009 committee meetings, including both changes to statutes and appropriations requests. The Mayor or Designee shall present such requests to the applicable committee that has jurisdiction over the department from which the request originated.

Section 2. During October committee meetings, committees shall consider such items, prioritize them and recommend items for approval by the full Board in the County's >>2010 federal and<< state legislative package>>s<<.

Section 3. The Board shall consider, prioritize and approve the >>federal and<< state legislative package>>s<< at the October 20 Board meeting based on committee recommendations. The Board also shall identify no more than eight County departmental priorities >>for the 2010 federal legislative package and no more than eight County departmental priorities<< for the 2010 state legislative session, along with guiding principles.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	aye		
Jose "Pepe" Diaz, Vice-Chairman	aye		
Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

[1] The differences between the substitute and the original item are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or »double arrowed« constitute the amendment proposed.

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of July, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty