

**MEMORANDUM**

Agenda Item No. 11(A)(4)

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

**DATE:** September 21, 2010

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

**SUBJECT:** Resolution directing the  
County Mayor to submit a  
report on the County's  
communication protocols and  
procedures and the response to  
the June 18, 2010 sewage spill  
and the roles of local, state and  
federal agencies regarding  
public notification of sewage  
spills

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez and Co-Sponsor Commissioner Sally A. Heyman.



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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

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

**DATE:** September 21, 2010

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

**SUBJECT:** Agenda Item No. 11(A) (4)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(4)

Veto \_\_\_\_\_

9-21-10

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO SUBMIT A REPORT ON THE COUNTY'S COMMUNICATION PROTOCOLS AND PROCEDURES AND THE RESPONSE TO THE JUNE 18, 2010 SEWAGE SPILL AND THE ROLES OF LOCAL, STATE AND FEDERAL AGENCIES REGARDING PUBLIC NOTIFICATION OF SEWAGE SPILLS INTO SURFACE WATERS AND TO RECOMMEND IMPROVED PROCEDURES AND COORDINATION WITH LOCAL, STATE AND FEDERAL AGENCIES TO ENSURE THAT TO THE GREATEST EXTENT POSSIBLE SWIMMERS, BOATERS AND OTHER RECREATIONAL USERS OF BEACHES, CANALS, LAKES, BAYS AND OTHER WATERS AFFECTED BY A SEWAGE SPILL INTO SURFACE WATERS ARE PROVIDED ACTUAL AND PROMPT NOTICE OF THE CONDITIONS AND THE ASSOCIATED RISKS

WHEREAS, on June 18, 2010, a 72-inch sewage force main located at Northwest 18<sup>th</sup> Avenue and 157<sup>th</sup> Street ruptured and spilled approximately 20 million gallons of sewage into the Biscayne Canal, which discharges into Biscayne Bay; and

WHEREAS the Florida Department of Health, the Miami-Dade County Department of Environmental Resources Management and the Miami-Dade County Water and Sewer Department conferred and exchanged information related to this incident and as a result of such conference, the first Public Advisory was issued on June 19, 2010; and

WHEREAS, the Florida Department of Health stated that it followed basic protocol by issuing a public advisory to the media to avoid swimming and other recreational activities along Biscayne Bay from the Julia Tuttle Causeway, north to the Oleta River State Park and the coastal beaches of Bal Harbour Beach and Haulover Park and asking park officials at the affected sites to notify visitors of the risks; and

WHEREAS, the Miami-Dade Water and Sewer Department also followed basic protocol by notifying the Florida State Warning Point, the Florida Department of Environmental Protection, the Florida Department of Health, the U.S. Environmental Protection Agency, and the Miami-Dade County Department of Environmental Resources Management; and

WHEREAS, despite the various government advisories and news releases that were published in the newspaper, listed on several web pages, reported on the radio and television news reports, many swimmers and boaters were not advised or aware of the warnings; and

WHEREAS, this Board desires that there be improved lines of communication and coordination between County departments and other local, State and federal government agencies to ensure that to the greatest extent possible persons in the affected area receive actual and prompt notice of the conditions and associated risks,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby directs the County Mayor or the County Mayor's designee to submit a report on the County's communication protocols and procedures and the response to the June 18, 2010 sewage spill and the roles of local, State and federal government agencies regarding public notification of sewage spills into surface waters. The report shall include recommended improvements to communication and notification procedures to ensure that to the greatest extent possible swimmers, boaters and recreational users of lakes, canals, beaches, bays and other surface waters receive actual and prompt notice of the conditions and the associated risks of a release of sewage into surface waters within the specified

public advisory areas. The report shall be submitted to this Board within 60 days of this Resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Carlos A. Gimenez and the Co-Sponsor is Commissioner Sally A. Heyman. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of September, 2010. 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: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Henry N. Gillman