

MEMORANDUM

Agenda Item No. 11(A)(8)

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

DATE: September 10, 2010

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

SUBJECT: Resolution directing the Mayor to request the Environmental Quality Control Board grant existing residential and nonresidential properties a two-year extension of time to connect to an approved public gravity sanitary sewer

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsors Vice-Chair Jose "Pepe" Diaz and Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM
(Revised)

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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
Veto _____
Override _____

Agenda Item No. 11(A)(8)
9-10-10

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO REQUEST THE ENVIRONMENTAL QUALITY CONTROL BOARD GRANT EXISTING RESIDENTIAL AND NONRESIDENTIAL PROPERTIES A TWO-YEAR EXTENSION OF TIME TO CONNECT TO AN APPROVED PUBLIC GRAVITY SANITARY SEWER OR APPROVED SANITARY SEWER FORCE MAIN

WHEREAS, the Code of Miami-Dade County requires that within ninety (90) days of the Director of the Department of Environmental Resources Management's or the Director's designee's determination that an approved public gravity sanitary sewer or approved sanitary sewer force main is available and operative in a public right-of-way or easement abutting a property, the property must connect to such public sanitary sewer; and

WHEREAS, the Environmental Quality Control Board (EQCB) has the authority to grant variances and extensions of time from certain Code requirements in Chapter 24 of the Code including granting additional time for a property to connect to a public sanitary sewer system when it is of benefit to the community; and

WHEREAS, the County Mayor or the County Mayor's designee, to wit, the Director of the Department of Environmental Resources Management, has the authority to request from the EQCB extensions of time on behalf of a class of property owners which the Director has exercised in the past; and

WHEREAS, this Board finds that given the current economic conditions of the residential and commercial markets, current construction and permitting practices, the ninety

(90) day limitation is unrealistic, economically unreasonable, and ultimately inconsistent with public welfare warranting a reasonable extension; and

WHEREAS, this Board desires that the County Mayor or the County Mayor's designee, to wit, the Director of the Department of Environmental Resources Management, request the EQCB grant a two-year extension of time for all residential and nonresidential properties that have an existing, approved domestic sewage storage, disposal or treatment method to connect to a public sanitary sewer system,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor or the County Mayor's designee, to wit, the Director of the Department of Environmental Resources Management, is directed to request the Environmental Quality Control Board to grant all existing residential and nonresidential properties a two-year extension of time to connect to a public sanitary sewer system upon the condition that the existing property has an uncontaminated and operational septic tank or other domestic sewage storage or treatment method that is authorized for the current use of such property and certified in writing as uncontaminated and operational by a licensed septic system inspector. The request shall exclude properties located within any portion of any Wellfield Protection Area. The County Mayor or the County Mayor's designee, to wit, the Director of the Department of Environmental Resources Management, is further directed to report to this Board following the EQCB's consideration of the request for possible further action by this Board to implement the intent of this Resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa and the Co-Sponsors are Vice-Chairman Jose "Pepe" Diaz and Commissioner Audrey M. Edmonson. 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 10th 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