

MEMORANDUM

Substitute
Agenda Item No. 11(A)(6)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

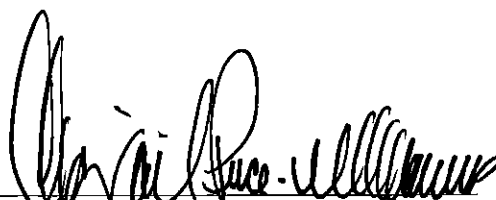
DATE: December 17, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the United States Army Corps of Engineers to consider this Board's recommendations related to the Miami Back Bay Study, including continuous flood protection, use of nature-based features, coordination with related projects and studies, design fostering access to Biscayne Bay, and coordination with landowners; and to make appropriate changes to the Back Bay Study before the United States Army Corps of Engineers issues its tentatively selected plan or takes further official action

This substitute differs from the original item in that it (1) deletes the phrase "consider a continuous floodwall downtown along Biscayne Bay from Edgewater to Brickell" and replaces it with the phrase "consider continuous flood protection along the Biscayne Bay shoreline"; (2) deletes the request that the United States Army Corps focus its Back Bay Study on Downtown Miami; and (3) revises the title to make conforming changes and to provide additional information.

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


Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

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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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 11(A)(6)
12-17-19

RESOLUTION NO. _____

RESOLUTION URGING THE UNITED STATES ARMY CORPS OF ENGINEERS TO CONSIDER THIS BOARD'S RECOMMENDATIONS RELATED TO THE MIAMI BACK BAY STUDY, INCLUDING CONTINUOUS FLOOD PROTECTION, USE OF NATURE-BASED FEATURES, COORDINATION WITH RELATED PROJECTS AND STUDIES, DESIGN FOSTERING ACCESS TO BISCAYNE BAY, AND COORDINATION WITH LANDOWNERS; AND TO MAKE APPROPRIATE CHANGES TO THE BACK BAY STUDY BEFORE THE UNITED STATES ARMY CORPS OF ENGINEERS ISSUES ITS TENTATIVELY SELECTED PLAN OR TAKES FURTHER OFFICIAL ACTION

WHEREAS, pursuant to Resolution No. R-1011-18, adopted on October 2, 2018, this Board approved the Miami Back Bay Study Agreement ("Agreement") between Miami-Dade County and the United States Department of the Army; and

WHEREAS, the Agreement established a partnership between the County and the federal government to conduct the Miami Back Bay Study ("Back Bay Study") to assess the risks of flooding due to storms and sea level rise within the inshore coastal waters of Biscayne Bay and evaluate methods to reduce those impacts; and

WHEREAS, the Army Corps of Engineers ("Army Corps") is conducting the Back Bay Study at full federal expense, and given the importance of these issues to the community, the County greatly values both the financial assistance and expertise that the Army Corps is providing; and

WHEREAS, as the non-federal sponsor of the Back Bay Study, the County agreed to provide support and in-kind services as needed while the Army Corps conducts the Back Bay Study, and the County has been working diligently to provide such support and in-kind services; and

WHEREAS, according to the fact sheet for the Back Bay Study, available at <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll7/id/12239>, the Army Corps intends to issue a Tentatively Selected Plan by January 2020 and aims to release a draft report for public comment in March 2020, and by September 2021, the Chief of Engineers is expected to approve and sign a final report, which will be subject to a subsequent authorization and appropriation process with the United States Congress; and

WHEREAS, the Army Corps has been conducting the Back Bay Study with assistance from the County, and the Army Corps and the County have held public meetings about the Back Bay Study; and

WHEREAS, some residents and property owners in Miami-Dade County have publicly expressed concerns about the Back Bay Study; and

WHEREAS, in addition, the Downtown Development Authority of the City of Miami (“DDA”) recently passed a resolution on November 15, 2019 related to its concerns about the Back Bay Study; and

WHEREAS, recognizing the various concerns that different residents and property owners in Miami-Dade County have expressed about the Back Bay Study, this Board wishes to urge the Army Corps to consider the >>recommendations<<¹ ~~[[suggestions]]~~ outlined further herein before issuing its Tentatively Selected Plan and before taking further official action; and

~~[[**WHEREAS**, this Board wishes to urge the Army Corps to focus its Back Bay Study on Downtown Miami; and]]~~

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<< are added.

WHEREAS, this Board ~~[[alse]]~~ urges the Army Corps to consider ~~[[a]]~~ continuous ~~>>flood protection along the Biscayne Bay Shoreline<< [[floodwall downtown along Biscayne Bay from Edgewater to Brickell]]~~, as well as the inclusion of natural and nature-based features, such as nearshore artificial reefs and living shorelines; and

WHEREAS, this Board also urges the Army Corps to more closely coordinate the Back Bay Study with various other related projects and studies, including, but not limited to the Miami-Dade County Beach Erosion Control and Hurricane Protection Project, the South Atlantic Coastal Study, and the Miami Harbor Navigation Improvement Study; and

WHEREAS, in addition, this Board urges the Army Corps to design any coastal floodwalls in a way that acknowledges the public's desire to view, access, and appreciate Biscayne Bay, and is consistent with Miami-Dade County's intent to foster responsible public use and enjoyment of Biscayne Bay; and

WHEREAS, this Board wishes to urge the Army Corps to increase its coordination with public and private landowners in the community, particularly those whose properties may be impacted by improvements contemplated by the Back Bay Study; and

WHEREAS, therefore, this Board wishes to urge the Army Corps to consider all of these ~~>>recommendations<< [[suggestions]]~~ for the Back Bay Study, and make appropriate changes to the Back Bay Study, all before issuing its Tentatively Selected Plan and before taking further official action,

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

Section 1. Urges the U.S. Army Corps of Engineers to consider all of this Board's >>recommendations<< [[suggestions]] for the Back Bay Study, as outlined in this section, and make appropriate changes to the Back Bay Study, all before issuing the Army Corps' Tentatively Selected Plan and before taking further official action. Specifically, this Board urges the Army Corps to: [[(a) ~~focus the Back Bay Study on Downtown Miami;~~]] ([[b]]>>a<<) consider [[a]] continuous >>flood protection along the Biscayne Bay Shoreline<< [[floodwall downtown along Biscayne Bay from Edgewater to Brickell]]; ([[e]]>>b<<) include natural and nature-based features; ([[d]]>>c<<) more closely coordinate the Back Bay Study with various other related projects and studies, including, but not limited to the Miami-Dade County Beach Erosion Control and Hurricane Protection Project, the South Atlantic Coastal Study, and the Miami Harbor Navigation Improvement Study; ([[e]]>>d<<) design coastal floodwalls in a way that acknowledges the public's desire to view, access, and appreciate Biscayne Bay, and is consistent with Miami-Dade County's intent to foster responsible public use and enjoyment of Biscayne Bay; and ([[f]]>>e<<) increase coordination with public and private landowners in the community, particularly those whose properties may be impacted by improvements contemplated by the Back Bay Study.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Members of the Florida Congressional Delegation and the Assistant Secretary of the Army for Civil Works.

Section 3. Directs the County's federal lobbyists to advocate for actions described in [[S]]>>s<<ection 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2019 Federal Legislative Package to include this item and to include this item in the 2020 Federal Legislative Package when it is presented to the Board.



The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins. 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:

| | |
|--------------------------------|----------------------|
| Audrey M. Edmonson, Chairwoman | |
| Rebeca Sosa, Vice Chairwoman | |
| Esteban L. Bovo, Jr. | Daniella Levine Cava |
| Jose "Pepe" Diaz | Sally A. Heyman |
| Eileen Higgins | Barbara J. Jordan |
| Joe A. Martinez | Jean Monestime |
| Dennis C. Moss | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared this resolution duly passed and adopted this 17th day of December, 2019. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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.



Cristina M. Rabionet