

MEMORANDUM

Agenda Item No. 11(A)(3)

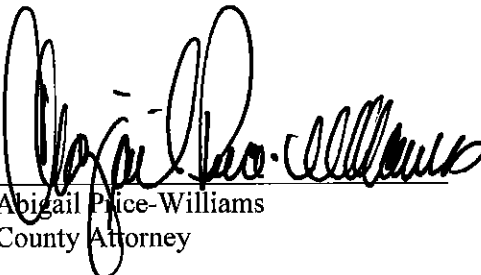
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 4, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to research alternative testing methodologies for fecal indicator bacteria in County waters that provide faster test method results for fecal indicator bacteria, and to provide a report; directing the County Mayor to prepare a report summarizing County staff's ongoing efforts to use DNA analysis to determine the source of fecal indicator bacteria in County waters; establishing County policy to publish online for public access historic and current water quality data collected as part of the County's ambient groundwater and surface water quality monitoring program; urging the Florida Department of Health to research alternative testing methodologies for fecal indicator bacteria in beach waters that provide faster test method results for fecal indicator bacteria, to upgrade the Florida Department of Health's Florida Healthy Beaches Program to provide faster test method results for fecal indicator bacteria, if appropriate, and to publish the Florida Department of Health's historic and current water quality data online for public access

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney

APW/uw

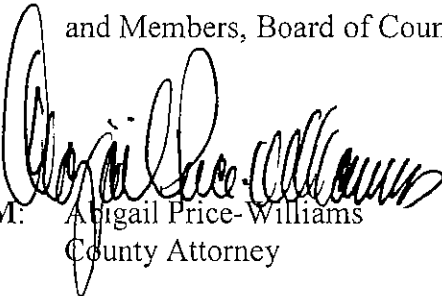


MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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SUBJECT: Agenda Item No. 11(A)(3)

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 _____

Agenda Item No. 11(A)(3)
2-4-20

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RESEARCH ALTERNATIVE TESTING METHODOLOGIES FOR FECAL INDICATOR BACTERIA IN COUNTY WATERS THAT PROVIDE FASTER TEST METHOD RESULTS FOR FECAL INDICATOR BACTERIA, AND TO PROVIDE A REPORT; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE A REPORT SUMMARIZING COUNTY STAFF'S ONGOING EFFORTS TO USE DNA ANALYSIS TO DETERMINE THE SOURCE OF FECAL INDICATOR BACTERIA IN COUNTY WATERS; ESTABLISHING COUNTY POLICY TO PUBLISH ONLINE FOR PUBLIC ACCESS HISTORIC AND CURRENT WATER QUALITY DATA COLLECTED AS PART OF THE COUNTY'S AMBIENT GROUNDWATER AND SURFACE WATER QUALITY MONITORING PROGRAM; URGING THE FLORIDA DEPARTMENT OF HEALTH TO RESEARCH ALTERNATIVE TESTING METHODOLOGIES FOR FECAL INDICATOR BACTERIA IN BEACH WATERS THAT PROVIDE FASTER TEST METHOD RESULTS FOR FECAL INDICATOR BACTERIA, TO UPGRADE THE FLORIDA DEPARTMENT OF HEALTH'S FLORIDA HEALTHY BEACHES PROGRAM TO PROVIDE FASTER TEST METHOD RESULTS FOR FECAL INDICATOR BACTERIA, IF APPROPRIATE, AND TO PUBLISH THE FLORIDA DEPARTMENT OF HEALTH'S HISTORIC AND CURRENT WATER QUALITY DATA ONLINE FOR PUBLIC ACCESS

WHEREAS, the Florida Department of Health ("DOH") has recently issued an increased number of swimming advisories for beaches in Miami-Dade County warning of the risk of fecal contamination of beach waters; and

WHEREAS, as part of its Florida Healthy Beaches Program, DOH issues swimming advisories when beach water quality sampling results exceed federal and state recommended standards for presence of enterococci; and

WHEREAS, enterococci is a type of bacteria that normally inhabits the intestinal tracts of humans and animals, and thus its presence in marine beach water can indicate that the beach water is contaminated with fecal matter; and

WHEREAS, enterococci can cause disease, infections, or rashes to humans, particularly when enterococci is present in high levels in water and a person ingests the enterococci while swimming or has the enterococci enter the skin through a cut or sore; and

WHEREAS, accordingly, when enterococci levels at a beach site are too high, DOH issues a swimming advisory urging the public not to swim at the beach site; and

WHEREAS, once per week, DOH samples beach sites in the County to test for enterococci; and

WHEREAS, when testing reveals that unacceptable levels of enterococci are present at a beach site, DOH conducts another test the following day to confirm whether the levels are in fact too high or whether the initial test was a false positive; and

WHEREAS, if the test conducted the following day reveals unacceptable levels of enterococci, only then does DOH issue a swimming advisory for that beach site; and

WHEREAS, while DOH is responsible for testing marine beach waters for presence of enterococci, the County conducts testing of Biscayne Bay, canals, and other water bodies for presence of enterococci as well as other fecal indicator bacteria; and

WHEREAS, fecal pollution of surface waters and groundwater can have multiple possible sources, including wildlife waste, pet waste, human waste, and sewage, and therefore stormwater run-off, sewage spills, failing sewer infrastructure, and septic-tank effluent can all be potential sources responsible for transporting fecal pollution into County canals, beaches, and other water bodies; and

WHEREAS, the residents and visitors of Miami-Dade County benefit from knowing whether water bodies in which they may swim are polluted with fecal contamination; and

WHEREAS, there may be alternative testing methodologies that can provide test method results for fecal indicator bacteria within a few hours of an initial test, rather than a full day later; and

WHEREAS, there are also new testing methodologies that, through DNA analysis, can help determine whether fecal indicator bacteria come from a human, a dog, a bird, or some other source; and

WHEREAS, such DNA testing methodologies could help regulators and researchers determine sources of fecal contamination in County waters, which in turn could help prevent fecal contamination of County waters; and

WHEREAS, County staff are currently engaged in efforts to use DNA analysis to determine whether fecal indicator bacteria in County waters come from humans, dogs, birds, or other sources; and

WHEREAS, in attempting to identify potential sources of fecal contamination, regulators and researchers could also rely on water quality data from fecal-indicator sampling conducted by the County and DOH; and

WHEREAS, while DOH publishes online the general quality of the water at the beach sites that it tests, DOH does not publish the underlying water quality data online; and

WHEREAS, while the County collects water quality data as part of its ambient groundwater and surface water quality monitoring program, the County does not publish that data online; and

WHEREAS, scientific inquiry into water quality could be more robust and productive if the County and DOH made water quality data more readily available online so that other governmental entities and research institutions could more easily access the data; and

WHEREAS, more robust and productive scientific inquiry into water quality, as well as reliance by the County and DOH on more advanced testing methodologies relating to fecal contamination, could help identify potential sources of fecal contamination and could thereby help improve the environment, the economy, and the health, safety, and welfare of the people of Miami-Dade County,

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

Section 1. Directs the County Mayor or County Mayor's designee to research alternative testing methodologies for fecal indicator bacteria in County waters that provide faster test method results for fecal indicator bacteria than a methodology that does not provide results until a full day later. The County Mayor or County Mayor's designee shall prepare a report that: (1) summarizes the research findings with respect to these alternative testing methodologies; (2) provides recommendations on the potential use of these methodologies in the County's efforts to monitor and respond to fecal contamination; and (3) provides recommendations on ways to improve public awareness regarding surface water quality in recreational waters, including at County beaches. The County Mayor or County Mayor's designee shall provide the report to this Board within 120 days of the effective date of this resolution and shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 2. Directs the County Mayor or County Mayor's designee to prepare a report summarizing County staff's ongoing efforts to use DNA analysis to determine the source of fecal indicator bacteria in County waters. The County Mayor or County Mayor's designee shall provide the report to this Board within 180 days of the effective date of this resolution and shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 3. Establishes County policy that the County Mayor or County Mayor's designee shall publish online for public access historic and current water quality data collected as part of the County's ambient groundwater and surface water quality monitoring program.

Section 4. Urges the Florida Department of Health ("DOH") to: (1) research alternative testing methodologies for fecal indicator bacteria in beach waters that provide faster test method results for fecal indicator bacteria than the methodology that DOH currently uses, which does not provide results until a full day later; (2) based on the outcome of that research, if determined appropriate, upgrade DOH's Florida Healthy Beaches Program to provide faster test method results for fecal indicator bacteria; and (3) publish DOH's historic and current water quality data online for public access.

Section 5. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, the Chair and remaining Members of the Miami-Dade State Legislative Delegation, the Surgeon General, and the Administrator of the Florida Department of Health in Miami-Dade County.

Section 6. Directs the County's state lobbyists to advocate for the action set forth in Section 4 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. 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 4th day of February, 2020. 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.

CJW

Christopher J. Wahl