

MEMORANDUM

Agenda Item No. 11(A)(4)

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

Resolution No. R-953-10

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.



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. R-953-10

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 18th Avenue and 157th 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 **Katy Sorenson**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** 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	absent		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			

The Chairperson thereupon declared the resolution duly passed and adopted this 21st 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Henry N. Gillman