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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 11(A)(11)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to conduct an assessment of the City of Opa-locka's water and wastewater utility, including infrastructure and finances, and submit a report with recommendations to this Board

Resolution No. R-60-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

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

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 ____, 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 _____

Amended
Agenda Item No. 11(A)(11)
1-20-16

RESOLUTION NO. R-60-16

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONDUCT AN ASSESSMENT OF THE CITY OF OPA-LOCKA'S WATER AND WASTEWATER UTILITY, INCLUDING INFRASTRUCTURE AND FINANCES, AND SUBMIT A REPORT WITH RECOMMENDATIONS TO THIS BOARD

WHEREAS, the City of Opa-locka currently operates a water and wastewater utility within its municipal boundaries; and

WHEREAS, the City of Opa-locka has not completed certain studies, evaluations, and repairs of its sanitary sewer system that are required pursuant to both County regulations and a Consent Decree with the United States Environmental Protection Agency; and

WHEREAS, the City of Opa-locka failed to obtain an operating permit from the Miami-Dade County Division of Environmental Resource Management (DERM) for its utility for the 2015 calendar year, and as a result, DERM imposed a moratorium in July 2015 on approvals of any new projects connected to the City of Opa-locka's water or wastewater systems; and

WHEREAS, under this moratorium, businesses within the City of Opa-locka could not get Certificates of Occupancy for expansions or new construction that would need additional sewage loading capacity; and

WHEREAS, if the City of Opa-locka does not complete the required studies, evaluations and repairs of its sanitary sewer system by the deadlines set pursuant to the Consent Decree with the United States Environmental Protection Agency, the failure to meet any of those deadlines would also trigger a moratorium; and

WHEREAS, because these required studies and evaluations of the City's sanitary sewer system have not yet been completed, it is unknown what the extent of necessary repairs and maintenance to the utility's infrastructure would be; and

WHEREAS, the current state of the City of Opa-locka's water and wastewater utility may negatively affect the public health, safety and welfare of residents and business owners in the City; and

WHEREAS, Sections 1.01(A)(9), (14) and (18) of the Miami-Dade County Home Rule Charter vest the Board with the authority to take over and operate failing municipal water and sewer systems that do not meet basic minimum standards of service to their residents; and

WHEREAS, an inventory and assessment of the infrastructure, as well as an audit of finances of the City of Opa-locka's water and wastewater utility, would assist the County in analyzing whether the exercise of its authority under the Home Rule Charter is appropriate,

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

Section 1. Directs the County Mayor or County Mayor's designee to conduct an inventory and assessment of the infrastructure of the City of Opa-locka's water and wastewater utility and a financial audit of the City's water and wastewater utility.

Section 2. Directs the County Mayor or County Mayor's designee to prepare a report on this inventory and assessment of the infrastructure and the financial audit, as well as any other information that may be relevant to a full assessment of the City of Opa-locka's water and wastewater utility. This report shall also include recommendations to the Board as to what actions should be taken related to the City's water and wastewater utility. The County Mayor or County Mayor's designee shall provide this report to the Board within 120 days and shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Esteban L. Bovo, Jr.** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	**aye**		
Esteban L. Bovo, Jr., Vice Chairman	**aye**		
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2016. 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell