

**MEMORANDUM**

Agenda Item No. 11(A)(3)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** July 7, 2011

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

**SUBJECT:** Resolution creating the Miami-Dade  
County DERM Wetlands Advisory  
Task Force; providing for purpose,  
membership, organization,  
responsibilities, facilities and staff  
support

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



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R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# 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**
- 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)(3)

7-7-11

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CREATING THE MIAMI-DADE COUNTY  
DERM WETLANDS ADVISORY TASK FORCE; PROVIDING  
FOR PURPOSE, MEMBERSHIP, ORGANIZATION,  
RESPONSIBILITIES, FACILITIES AND STAFF SUPPORT

**WHEREAS**, on March 3, 2011, a Town Hall meeting was held in South Miami-Dade to address the concerns of residents regarding wetlands enforcement activities by the Department of Environmental Resources Management (“DERM”); and

**WHEREAS**, many County residents voiced their belief that DERM is improperly enforcing wetlands permitting regulations; and

**WHEREAS**, residents also voiced concern that the mitigation impact fees required by DERM to obtain a wetlands permit are excessive,

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

**Section 1. Creation; Purpose.**

There is hereby created and established for a term of six (6) months an advisory task force to be known as the Miami-Dade County Department of Environmental Resources Management Wetlands Advisory Task Force (hereinafter referred to as the “DWATF”) for the purpose of

- (a) Reviewing the process that is used in classifying and determining wetland designations.
- (b) Determining whether the appeals process is fair, adequate and allows for due-process.

(c) Investigate ways of providing enhanced outreach to property owners located in environmentally sensitive areas regarding environmental permitting requirements that may be applicable to their properties.

(d) Provide advice and recommendations to the Board of County Commissioners regarding revisions to wetlands regulations in Chapter 24 of the Miami-Dade County Code and any DERM fees related thereto.

**Section 2. Membership; appointment and removal.**

(a) The DWATF shall have 7 members. Each member shall be a resident and elector of Miami-Dade County unless the Board of County Commissioners, by a two-thirds vote of its membership, waives this requirement. Members should have reputations for integrity and community service and have an interest in a field or activity related to or affected by the wetlands regulations in Chapter 24 of the Miami-Dade Code. The DWATF shall be composed of the following members:

1) Each member of the Board of County Commissioners may nominate person(s) meeting the above qualification requirements and the Board will select six (6) persons for membership on the Task Force.

2) The County Manager may recommend to the Board of County Commissioners candidates for Task Force membership from governmental agencies and educational institutions on the basis of technical expertise regarding wetlands which will facilitate the work of the DWATF.

3) The County Manager shall appoint one (1) member to the Task Force.

4) The DERM shall invite representatives from the State of Florida's Department of Environmental Protection and Department of Agriculture and Consumer Services to participate as non-voting members.

The members of the DWATF shall serve without compensation.

(b) Members may be removed in accordance with the provisions of Section 2-11.38 of the County Code. Any member who can no longer serve shall be replaced in accordance with the manner and criteria used in making the initial appointment.

**Section 3. Quorum; organization and procedures at meetings**

(a) A quorum shall be a majority of the duly appointed and sitting members.

(b) At the initial meeting, a Chair and Vice-chair shall be elected by a majority vote of the members in attendance. The DWATF shall adopt rules of procedure for its own governance.

(c) The DWATF shall hold not less than five (5) meetings.

**Section 4. Responsibilities of the DERM Advisory Task Force.**

The primary responsibility of the DWATF is to make recommendations the Board of County Commissioners as to the matters identified in Section 1 above, including any specific recommended revisions to the wetlands regulations in Chapter 24 of the Miami-Dade County Code and any DERM fees related thereto. Within the six (6) month term of its existence the DWATF shall provide a written report of its recommendations to the Board of County Commissioners.

The DWATF shall have no authority to commit Miami-Dade County to any policies, to incur any financial obligations or to create any liability on the part of the County. The actions and recommendations of the DWATF are advisory only and shall not be binding upon the

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County.

**Section 5. Physical facilities, staff and supplies.**

(a) The County shall provide the DWATF with appropriate meeting facilities, together with necessary supplies and equipment.

(b) The County Manager shall provide necessary staffing assistance to the DWATF.

The Prime Sponsor of the foregoing resolution is Commissioner Lynda Bell. 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:

|                                     |                      |
|-------------------------------------|----------------------|
| Joe A. Martinez, Chairman           |                      |
| Audrey M. Edmonson, Vice Chairwoman |                      |
| Bruno A. Barreiro                   | Lynda Bell           |
| Esteban L. Bovo, Jr.                | Jose "Pepe" Diaz     |
| Sally A. Heyman                     | Barbara J. Jordan    |
| Jean Monestime                      | Dennis C. Moss       |
| Rebeca Sosa                         | Sen. Javier D. Souto |
| Xavier L. Suarez                    |                      |

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of July, 2011. 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.



Robert A. Duvall

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