

MEMORANDUM

Agenda Item No. 11(A)(9)

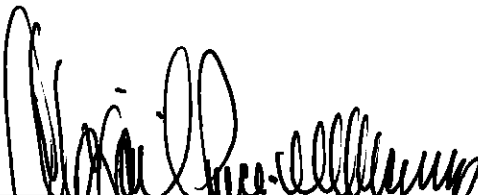
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 5, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution creating a Biscayne
Bay Task Force; setting forth
powers and responsibilities of
such task force; providing for a
report; and providing for sunset

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Rebeca Sosa and Co-Sponsors Chairwoman Audrey M. Edmonson and Commissioner Eileen Higgins.



Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
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 ____, 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)(9)
2-5-19

RESOLUTION NO. _____

RESOLUTION CREATING A BISCAYNE BAY TASK FORCE;
SETTING FORTH POWERS AND RESPONSIBILITIES OF
SUCH TASK FORCE; PROVIDING FOR A REPORT; AND
PROVIDING FOR SUNSET

WHEREAS, Miami-Dade County is home to Biscayne National Park, and this national park provides recreational opportunities and economic value to our community, in addition to the national park's intrinsic ecological and environmental value; and

WHEREAS, the health of Biscayne National Park and Biscayne Bay as a whole are linked to the economic well-being of Miami-Dade County through industries such as tourism and commercial and recreational fishing; and

WHEREAS, there are millions of overnight visitors to Miami-Dade County, with the beaches and Biscayne Bay typically being the most heavily visited areas; and

WHEREAS, numerous issues may affect Biscayne Bay, including, but not limited to, the long-term management of Biscayne Bay, the health of the marine, marine debris, run off and other impacts to water quality; and education and outreach to residents and visitors; and

WHEREAS, based on the economic impact of Biscayne Bay alone, these issues are of the utmost importance to Miami-Dade County; and

WHEREAS, the County has worked collaboratively with agency partners, including, but not limited to, the United States Environmental Protection Agency, the National Park Service, the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, the Florida Department of Environmental Protection, the South Florida Water Management District, the Florida Fish and Wildlife Conservation Commission, and the Florida Inland

Navigation District, as well as non-profit groups and other stakeholders, and through such coordination and collaboration, the County continues to exchange data and ideas with respect to the issues and challenges related to Biscayne Bay; and

WHEREAS, such continued collaboration, dialogue and exchange of data and ideas between the County, agency partners, non-profit groups, and other stakeholders may help to address concerns related to Biscayne Bay, including but not limited to developing restoration and enhancement strategies, and studying and addressing potential ecological concerns such as algal blooms, changes in biotic communities, seagrass die-offs, sea level rise, or water quality, and such collaboration and dialogue may also inspire creative solutions to complex issues; and

WHEREAS, such coordination and collaboration may also result in additional funding opportunities for projects that may benefit Biscayne Bay and the users and admirers of Biscayne Bay; and

WHEREAS, Biscayne Bay may also be impacted by sea level rise, extreme weather, or flooding, and the County's efforts to develop a resilience strategy may also be harnessed to provide benefits to Biscayne Bay; and

WHEREAS, this Board wishes to establish a task force to formalize this continued collaboration and exchange of ideas, and to further the goals outlined herein related to Biscayne Bay,

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

Section 1. *Creation.* This Board hereby creates the Biscayne Bay Task Force, which shall consist of nine members, consistent with the requirements set forth in this resolution.

Section 2. *Purpose, Powers, and Duties.* The Task Force is established solely for the purpose of advising this Board and the County Mayor on issues related to Biscayne Bay, including but not limited to: the long-term management of Biscayne Bay, health of the marine community health, run-off and other impacts to water quality, marine debris, education and outreach, economic development and vitality related to Biscayne Bay, and how conditions in Biscayne Bay may affect residents and property owners. As part of the duties, the Task Force shall review the relevant data and prior studies, assessments, reports, and evaluations related to Biscayne Bay, and hear advice and recommendations from County staff including the County's Division of Environmental Resources Management (DERM), Office of Resiliency, and Water and Sewer Department, and the Task Force may hear additional presentations and comments from other experts and members of the public, including but not limited to entities such as the South Florida Water Management District, the Florida Inland Navigation District, the Florida Department of Environmental Protection, and the National Parks Service. Consistent with the purposes outlined herein, the Task Force shall prepare a written report with recommendations to the Board of County Commissioners, including but not limited to recommendations and an action plan identifying problem areas and prioritizing projects for Biscayne Bay, and recommendations to this Board regarding proposed State and Federal legislation, activities, and appropriations.

Section 3. *Limitations on Authority.* The Task Force is advisory only and shall not have the power or authority to commit Miami-Dade County or any of its agencies or instrumentalities to any policies, incur any financial obligations, or to create any liability, contractual or otherwise, on behalf of Miami-Dade County or any of its agencies or instrumentalities.

Section 4. *Membership Composition, Appointment, and Vacancies.* The Task Force shall consist of nine members who reside in Miami-Dade County, as follows:

- a) the Miami-Dade County Division of Environmental Resources Management (DERM) Director;
- b) the Chief Resilience Officer, Miami-Dade County Office of Resilience;
- c) one member who possesses an expertise in civil engineering with a focus on infrastructure;
- d) one member who is a real estate developer or who possesses an expertise in coastal real estate development;
- e) one member who possesses an expertise in water quality related to Biscayne Bay;
- f) one member who possesses an expertise in coastal ecology or coastal management;
- g) one member who possesses an expertise in tourism and economic vitality; and
- h) two members who are representatives of the community-at-large and have demonstrated an engagement in Biscayne Bay issues.

The members should have reputations for integrity and community service. The members set forth in (c) through (h) above shall be appointed in the following manner:

- (1) Within 30 days of the effective date of this resolution, each member of the Board of County Commissioners may nominate individuals to be considered for service on the Biscayne Bay Task Force. Nominations shall be submitted to the Clerk of the Board;
- (2) Within 30 days of the effective date of this resolution, interested experts may submit their qualifications to the Clerk of the Board to be considered for service on the Biscayne Bay Task Force;

- (3) If the Clerk of the Board has not received at least two nominations or submissions for each category listed above in (c) through (h) within 30 days of the effective date of this resolution, the Clerk of the Board shall immediately notify the Board of County Commissioners and the deadline for nominations and submissions shall be extended by 15 days;
- (4) Upon receipt of at least two nominations or submissions for each category listed above in (c) through (h) or the expiration of the 15 day extension, whichever comes first, the Clerk of the Board shall place an item on the agenda of the Board's next regularly scheduled meeting for the Board's selection of the members of the Biscayne Bay Task Force;
- (5) The Board shall consider all nominations by its members and all submissions by interested experts in making the selection of who shall serve on the Biscayne Bay Task Force;
- (6) The Board shall ensure that the membership of the Biscayne Bay Task Force reflects the diversity of the community;
- (7) The Board shall ensure that the membership of the Biscayne Bay Task Force reflects a diversity of scientific experts; and
- (8) The Board shall appoint seven members to serve on the Biscayne Bay Task Force as set forth in section (4)(c) through (h) above, with the DERM Director and Chief Resilience Officer comprising the remaining two members.

Any member, chairperson, or vice chairperson who ceases to meet the membership requirements set forth in this resolution shall immediately forfeit his or her position on the Task Force. In the event of any member vacancies on the Biscayne Bay Task Force, the Clerk of the Board shall

notify the Board of County Commissioners of such vacancy, and the vacancy shall be filled in the same manner as the initial appointments. In the event of a chairperson vacancy, the vice chairperson shall conduct the next meeting and the members of the Task Force shall select a new chairperson at that meeting. In the event of a vice chairperson vacancy, the chairperson shall conduct the next meeting and the members of the Task Force shall select a new vice chairperson at that meeting.

Section 5. *Organization and procedures at meetings.* The Task Force may establish, adopt, and amend bylaws, rules, and regulations for its own governance. The Task Force shall elect one of its members as chairperson and one of its members as vice-chairperson. The chairperson shall preside at all meetings at which he or she is present. The vice chairperson shall act as chairperson in the absence of the chairperson. To conduct any business or to exercise any power vested in the Task Force, a quorum consisting of a majority of those persons duly appointed shall be present. The members of the Task Force shall serve without compensation and shall not be eligible for reimbursement of expenses accrued in serving as a member of this Task Force, including travel expenses.

Section 6. *Government in the Sunshine, Ethics, and Other Regulations.* All proceedings of the Task Force shall be conducted in accordance with the Government in the Sunshine Law, Florida Statute § 286.011, and the Citizens Bill of Rights of the Miami-Dade County Home Rule Charter. The Task Force shall be deemed an “agency” for purposes of the Public Records Law. The Task Force shall be governed by all State and County conflict of interest laws, as applicable, including the Miami- Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 the Code of Miami-Dade County, as determined by the Miami-Dade County Commission on Ethics and Public Trust. The Task Force shall provide members of the

public a reasonable opportunity to be heard, consistent with section 286.0114, Florida Statutes. Accordingly, Rule 6.06 of the Miami-Dade Board of County Commissioners Rules of Procedures is incorporated by reference. The Task Force shall meet within 60 days of the effective date of this resolution, and must meet at least four times before rendering its Report to the Board. Additional meetings may be held at the discretion of the County Mayor or County Mayor's designee.

Section 7. *Report.* The Task Force shall provide a written report with recommendations to the Board within 180 days of the effective date of this resolution. The report shall address the matters described in Section 2 above. The report shall be placed on an agenda of the Board as required by Ordinance No. 14-65 for consideration by the Board. The Board may then request such further work of the Task Force as may be in the public interest.

Section 8. *Staff.* The County Mayor or the County Mayor's designee shall provide adequate staff and support services to the Task Force. The staff shall maintain and keep records of the Task Force, prepared in cooperation with the chairperson, including the agenda for each meeting. The staff shall be responsible for the preparation of such reports, minutes, documents, or correspondence as the Task Force may direct, and generally administer the business and affairs of the Task Force, subject to budgetary limitations. The County Attorney's Office shall provide legal counsel, as needed, to the Task Force.

Section 9. *Sunset.* The Task Force shall sunset and stand dissolved on the 220th day from the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Rebeca Sosa and Co-Sponsors Chairwoman Audrey M. Edmonson and 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 5th day of February, 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.



Abbie Schwaderer-Raurell