

MEMORANDUM

Agenda Item No. 11(A)(10)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 8, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution creating a Septic to
Sewer 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 Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney


GBK/jp



MEMORANDUM
(Revised)

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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 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)(10)
7-8-21

RESOLUTION NO. _____

RESOLUTION CREATING A SEPTIC TO SEWER TASK
FORCE; SETTING FORTH POWERS AND RESPONSIBILITIES
OF SUCH TASK FORCE; PROVIDING FOR A REPORT; AND
PROVIDING FOR SUNSET

WHEREAS, in Miami-Dade County (the “County”), approximately 108,000 properties are served by septic tanks and are not connected to the County’s sanitary sewer system; and

WHEREAS, septic tanks treat and dispose of wastewater in an underground drainfield, and issues such as improper maintenance, aging infrastructure, and groundwater levels may hinder septic tanks from functioning as designed; and

WHEREAS, improperly functioning septic tanks may pose financial, environmental, and health risks; and

WHEREAS, this Board and the County administration have actively taken an interest in the conversion from septic tanks to the sanitary sewer system in Miami-Dade County; and

WHEREAS, recently, the Miami-Dade County Water and Sewer Department and Department of Regulatory and Economic Resources provided a Plan of Action Report regarding septic tanks on December 10, 2020; and

WHEREAS, this Board wishes to establish a task force that will further study issues related to the conversion from septic tanks to the sanitary sewer system in Miami-Dade County and make recommendations to this Board,

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 Septic to Sewer Task Force (the “Task Force”), which shall consist of 13 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 septic to sewer conversion in Miami-Dade County. As part of the duties, the Task Force shall review relevant data, studies, assessments, reports, and evaluations related to septic to sewer conversion and may hear additional presentations and comments from relevant stakeholders, members of the public, Miami-Dade County experts, and experts from other governmental agencies and the private sector, to the extent feasible and applicable.

In addition, the Task Force shall invite and hear comments from municipalities to obtain their input on the municipalities’ particular needs and concerns related to septic to sewer conversion. To assist the Task Force, the County Mayor or County Mayor’s designee shall compile a list of municipalities where septic tanks are located, share said list with the Task Force, and contact such municipalities to encourage them to participate in meetings of the Task Force. Additional information is attached as Exhibit A.

Consistent with the purposes outlined herein, the Task Force shall prepare a written report with information and recommendations to this Board with respect to the conversion from septic tanks to the sanitary sewer system in Miami-Dade County.

Section 3. *Limitations on Authority.* The Task Force is advisory only and shall not have the power or authority to commit the 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 the County or any of its agencies or instrumentalities.

Section 4. *Membership Composition, Appointment, and Vacancies.* The Task Force shall consist of 13 members who reside in Miami-Dade County. All Task Force members shall possess expertise or knowledge related to septic tanks, sanitary sewer systems, or septic to sewer conversion, and all members shall have demonstrated interest or engagement in issues related to septic tanks, sanitary sewer systems, or septic to sewer conversion.

In addition, at least two members of the Task Force shall be engineers with experience related to septic or sewer systems in Miami-Dade County, and at least two members of the Task Force shall have experience in the practice of land use law or real estate development law in Miami-Dade County. Each County Commissioner may appoint one member to the Task Force by filing written notice of such appointment with the Clerk of the Board. If a Commissioner wishes to appoint an individual to one of the four reserved seats for engineers or attorneys, as detailed above, the appointing Commissioner shall so indicate by written notice filed with the Clerk of the Board. The four reserved seats shall be filled based on date and time of receipt by the Clerk of the Board of such notice indicating the intent to fill a reserved seat, and the Clerk of the Board shall notify the Commissioners once the reserved seats have been filled.

Appointments shall be made within 90 days of the effective date of this resolution. Members of the Task Force shall reflect the diversity of the community and should have reputations for integrity and community service. 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, 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, by majority vote, 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. In the event that neither the chairperson nor the vice-chairperson can preside at a meeting, the members present shall select a member from those present to preside over such meeting. 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, section 286.011, Florida Statutes; 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 conflict of interest laws,

as applicable. 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 90 days of the effective date of this resolution and must meet at least 5 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 364 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 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 364th day from the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado. 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:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 8th day of July, 2021. 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
Cristina M. Rabionet

Exhibit "A"

The following charts were provided by the Water and Sewer Department for informational purposes only.

The chart related to Commission districts contains high-level estimates of the number of non-sewer parcels per Commission district, based on the best available information and data.

The chart related to municipalities contains estimates of the number of septic tanks per municipality based on best available information. Information regarding the number of non-sewer parcels outside of WASD's service area has been provided by the respective wastewater utilities, the accuracy of this data has not been verified.

Jurisdiction	Parcels with septic systems based on 2020 billing data submitted to RER-DERM as annual	Percent
UNINCORPORATED MIAMI-DADE	78,064	59%
AVENTURA	171	0%
BAL HARBOUR	0	0%
BAY HARBOR ISLANDS	0	0%
BISCAYNE PARK	1,039	1%
CORAL GABLES	7,934	6%
CUTLER BAY	371	0%
DORAL	491	0%
EL PORTAL	764	1%
FLORIDA CITY	492	0%
GOLDEN BEACH	0	0%
HIALEAH	4,254	3%
HIALEAH GARDENS	231	0%
HOMESTEAD	2,536	2%
INDIAN CREEK VILLAGE	0	0%
KEY BISCAYNE	163	0%
MEDLEY	99	0%
MIAMI	2,772	2%
MIAMI BEACH	0	0%
MIAMI GARDENS	7,501	6%
MIAMI LAKES	133	0%
MIAMI SHORES	3,307	2%
MIAMI SPRINGS	13	0%
NORTH BAY VILLAGE	0	0%
NORTH MIAMI	224	0%
NORTH MIAMI BEACH	7,158	5%
OPA-LOCKA	159	0%
PALMETTO BAY	6,158	5%
PINECREST	5,217	4%
SOUTH MIAMI	2,329	2%
SUNNY ISLES BEACH	170	0%
SURFSIDE	0	0%
SWEETWATER	896	1%
VIRGINIA GARDENS	514	0%
WEST MIAMI	0	0%
Total	133,160	

All or portion of billing not managed by WASD - requires further evaluation and confirmation by the municipality

Commission District	Total Estimated Septic Systems
1	9,390
2	25,498
3	9,336
4	8,576
5	704
6	12,430
7	21,364
8	20,287
9	8,022
10	8,327
11	1,940
12	4,733
13	2,553
	133,160