

MEMORANDUM

Agenda Item No. 11(A)(21)

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

DATE: October 5, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to undertake an effort to update certain historical As-Builts for sewer infrastructure throughout the County; directing the County Mayor to identify available funding sources to fund the project in the County Mayor's FY 2020-2021 County Budget and, if such funding cannot be identified, to include such funding in the County Mayor's proposed FY 2021-2022 County Budget; and requiring the County Mayor to provide a report to the Board

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 9-16-21 County Infrastructure, Operations and Innovations Committee.

This substitute differs from the original version in that it narrows the directive to the County Mayor or County Mayor's designee in two ways. First, it narrows the directive from updating historical As-Builts for all sewer pipes that are 8-inches or greater in diameter and over 25-years old to updating historical As-Builts for only those sewer force mains that are 36-inches or greater in diameter and over 50 years old. Second, it narrows the directive from updating historical As-Builts County-wide, with a priority on updating historical As-Builts for infrastructure located within a quarter mile of any canal or body of water that discharges to Biscayne Bay, to updating historical As-Builts for only those sewer force mains that are located within a quarter mile of any canal or body of water that discharges to Biscayne Bay and makes conforming changes to the title.

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



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM
(Revised)

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

DATE: October 5, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(21)

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)(21)
10-5-21

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO UNDERTAKE AN EFFORT TO UPDATE CERTAIN HISTORICAL AS-BUILTS FOR SEWER INFRASTRUCTURE THROUGHOUT THE COUNTY; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO IDENTIFY AVAILABLE FUNDING SOURCES TO FUND THE PROJECT IN THE COUNTY MAYOR'S FY 2020-2021 COUNTY BUDGET AND, IF SUCH FUNDING CANNOT BE IDENTIFIED, TO INCLUDE SUCH FUNDING IN THE COUNTY MAYOR'S PROPOSED FY 2021-2022 COUNTY BUDGET; AND REQUIRING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE A REPORT TO THE BOARD

WHEREAS, Biscayne Bay is Miami-Dade County's most vital quality of life asset and the mainstay of the County's economy; and

WHEREAS, Biscayne Bay faces numerous serious problems arising from a number of sources; and

WHEREAS, in February 2019, this Board approved Resolution No. R-165-19, which established the nine-member Biscayne Bay Task Force—an advisory board comprised of appointed professionals who were tasked with reviewing studies, data, and planning and policy documents in order to make recommendations as to how to address the complex problems facing Biscayne Bay; and

WHEREAS, in the summer of 2020, the Biscayne Bay Task Force issued a Report with Recommendations entitled "A Unified Approach to Recovery for a Healthy & Resilient Biscayne Bay" (hereinafter, the "Report"); and

WHEREAS, in the Report, the Biscayne Bay Task Force made dozens of recommendations that it believes will lead to improvements in the water quality of Biscayne Bay; and

WHEREAS, section 3 of the Report focused on steps that could be taken with regard to septic systems and sewer and stormwater infrastructure; and

WHEREAS, Recommendation 3E of the Report suggested, among other things, that the County “certify all historical ‘As-Builts’ and those not already certified with a focus on identifying horizontal and vertical locations of main wastewater transmission lines;” and

WHEREAS, As-Builts are utilized by County agencies, as well as the development and construction industries, in order to identify the location of underground water and sewer infrastructure for a variety of purposes; and

WHEREAS, because of the age of some of the sewer infrastructure throughout the County, the County may have outdated and inaccurate As-Builts, which, in turn, may lead to damage to pipes when contractors hit them while performing excavation and directional drilling; and

WHEREAS, damage to ~~[[sewer pipes]]~~¹ >>sewer force mains<< may result in sanitary sewer overflows that can affect Biscayne Bay; and

>>**WHEREAS**, based on an analysis compiled by the Miami-Dade Water and Sewer Department for the time frame between 2014 and 2018, 79 percent of all sanitary sewer overflows were caused by problems with sewer force mains, such as contractor damage and corrosion; and

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, based on the Miami-Dade Water and Sewer Department analysis, 47 percent of the sanitary sewer overflows between 2014 to 2018 were caused by damage to sewer force mains when contractors that hit them while excavating; and

WHEREAS, damage to ~~[[sewer pipes]]~~ force mains that are ~~[[eight]]~~ 36-inches or greater in diameter may result in discharges of a large volume of sewage in extremely short periods of time, which, if not quickly addressed, can reach the waters of Biscayne Bay; and

WHEREAS, having more accurate and updated As-Builts for sewer ~~[[infrastructure]]~~ force mains ~~[[eight]]~~ 36-inches or greater in diameter ~~[[throughout the County]]~~ could help to reduce the number of sanitary sewer overflows that occur in the County and may affect Biscayne Bay; and

WHEREAS, updating the historical As-Builts for certain sewer infrastructure owned by the County will require time and financial resources; and

WHEREAS, this Board desires to have the County Mayor or County Mayor's designee identify legally available funding sources in the County Mayor's Fiscal Year 2020-2021 Budget to undertake a project to update ~~[[all]]~~ "As-Builts" for County-owned sewer ~~[[infrastructure]]~~ force mains that ~~[[is]]~~ are 36-~~[[eight]]~~ inches or greater in diameter and for which the "As-Builts" are either: (a) 50 ~~[[25]]~~ years or older or (b) not prepared by a Florida-licensed Professional Land Surveyor; and

WHEREAS, if funding for this project cannot be identified in the County Mayor's Fiscal Year 2020-2021 County Budget, the Board directs the County Mayor or County Mayor's designee to include funding for this project in the County Mayor's proposed Fiscal Year 2021-2022 County Budget; ~~and~~

~~WHEREAS, in order to bring about the most immediate positive impact to Biscayne Bay, the Board directs the County Mayor or County Mayor's designee to prioritize the updates to those~~

~~“As-Builts” that: (a) are 25 years or older or were not prepared by a Florida licensed Professional Land Surveyor for County owned sewer infrastructure that is eight inches in diameter or greater, and (b) located within a quarter mile of any canal or body of water that discharges to Biscayne Bay;]]~~

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

Section 1. >>This Board approves the foregoing recitals and incorporates them herein by reference.

Section 2.<< ~~[[**Section 1.**]]~~ This Board directs the County Mayor or County Mayor’s designee to undertake an effort to update the historical “As-Builts” for County-owned sewer ~~[[infrastructure]]~~>>force mains<< that ~~[[is]]~~ >>are<< ~~[[eight]]~~ >>36<<-inches in diameter or greater >>that are located within a quarter mile of any canal or body of water that discharges to Biscayne Bay<< and which “As-Builts”: (a) are over ~~[[25]]~~ >>50<< years old or (b) were not prepared by a Florida-licensed Professional Land Surveyor. ~~[[This Board further directs the County Mayor or County’s Mayor designee to prioritize the part of this project that focuses on updating the historical “As-Builts” for County owned sewer infrastructure that is eight inches or greater in diameter and located within a quarter mile of any canal or body of water that discharges to Biscayne Bay.]]~~

>>**Section 3.**<< ~~[[**Section 2.**]]~~ This Board directs the County Mayor or County Mayor’s designee to identify a legally available funding source from the Fiscal Year 2020-2021 County Budget for this project. If no legally available funding source can be identified in the Fiscal Year 2020-2021 County Budget, the County Mayor or County Mayor’s designee is directed to include funding for this project as part of the County Mayor’s proposed Fiscal Year 2021-2022 County Budget.

>>Section 4.<< [~~Section 3.~~] This Board further directs the County Mayor or County Mayor's designee to prepare a written status report as to the requirements of sections >>2<< [[1]] and >>3<< [[2]] above. The completed report shall be placed on an agenda of this Board pursuant to Ordinance No. 14-65 within 180 days of the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. 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 5th day of October, 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.

SED

Sarah E. Davis