

MEMORANDUM

Agenda Item No. 11(A)(16)

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

DATE: May 3, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to establish a trust fund and associated program to assist private property owners in Miami-Dade County with septic to sewer conversions and to provide a report; directing the County Mayor to include funding for said trust fund in the County Mayor's proposed Fiscal Year 2022-23 County budget

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: May 3, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(16)

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)(16)
5-3-22

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ESTABLISH A TRUST FUND AND ASSOCIATED PROGRAM TO ASSIST PRIVATE PROPERTY OWNERS IN MIAMI-DADE COUNTY WITH SEPTIC TO SEWER CONVERSIONS AND TO PROVIDE A REPORT; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO INCLUDE FUNDING FOR SAID TRUST FUND IN THE COUNTY MAYOR'S PROPOSED FISCAL YEAR 2022-23 COUNTY BUDGET

WHEREAS, the health and well-being of Biscayne Bay and the natural environment of Miami-Dade County benefits our community as a whole; and

WHEREAS, failing septic tanks can potentially have negative environmental and health consequences; and

WHEREAS, according to the County Mayor's December 10, 2020 report entitled, "Plan of Action Report – A Risk-Based Approach to Septic Systems Vulnerable to Sea Level Rise," due to the anticipated impacts of sea level rise, the number of septic tanks in Miami-Dade County that will either fail or be compromised is expected to increase in the future; and

WHEREAS, concurrently, the County has been taking action to connect to the sanitary sewer system properties currently served by septic tanks, with the goal of reducing the number of properties served by septic tanks in Miami-Dade County; and

WHEREAS, some property owners in Miami-Dade County may not have the financial resources to connect their properties to the sanitary sewer system; and

WHEREAS, this Board wishes to establish a "Septic to Sewer" trust fund and associated "Septic to Sewer" assistance program; and

WHEREAS, such assistance program should focus on low-income individuals and families who own property in Miami-Dade County, similar to the Low-Income Home Energy Assistance Program (LIHEAP) eligibility requirements that the County already uses to help qualified residents pay their energy bills; and

WHEREAS, under the LIHEAP program, for example, proof of income is required, and household income cannot exceed 150 percent of the federal poverty guidelines; and

WHEREAS, for the LIHEAP program, if the applicant or a household member is receiving Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or Supplemental Nutrition Assistance Program (SNAP), they may also be eligible; and

WHEREAS, such a Septic to Sewer assistance program should also prioritize properties based on environmental considerations and the benefit to the public, as compared with the dollar value of the proposed assistance; and

WHEREAS, such a trust fund and associated assistance program would further this Board's goals of reducing the environmental risks of septic tanks in Miami-Dade County and promoting greater resiliency for the community as a whole; and

WHEREAS, as such, this Board wishes to direct the County Mayor or County Mayor's designee to establish as Septic to Sewer trust fund and associated Septic to Sewer assistance program, and include funding for such trust fund in the County Mayor's next proposed budget,

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

Section 1. The Board ratifies and adopts the foregoing recitals as if they were fully set forth herein.

Section 2. This Board directs the County Mayor or County Mayor's designee to establish a Septic to Sewer Trust Fund and an associated Septic to Sewer assistance program, to provide assistance to financially constrained private property owners for septic to sewer conversions. This Board further directs the County Mayor or County Mayor's designee to develop: program details and guidelines; an application or selection process; eligibility criteria based on the Low-Income Home Energy Assistance Program (LIHEAP) eligibility requirements; and criteria for prioritizing properties and projects based on environmental considerations and the benefit to the public, as compared with the dollar value of the proposed assistance.

Section 3. This Board directs the County Mayor or County Mayor's designee to include initial funding of at least \$3,000,000.00 for the Septic to Sewer Trust Fund in the County Mayor's proposed Fiscal Year 2022-2023 County budget. In addition, the County Mayor or County Mayor's designee is directed to pursue available grants and other state and federal funding for this Septic to Sewer Trust Fund on an ongoing basis.

Section 4. This Board hereby directs the County Mayor or County Mayor's designee to prepare a the written report as to the matters described in sections 2 and 3, to present such report to this Board within 60 days of the effective date of this resolution, and to place the completed report on an agenda of the full Board, without committee review, pursuant to Ordinance No. 14-65, without committee review.

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

Sally A. Heyman

Eileen Higgins

Kionne L. McGhee

Raquel A. Regalado

Sen. Javier D. Souto

Keon Hardemon

Danielle Cohen Higgins

Joe A. Martinez

Jean Monestime

Rebeca Sosa

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of May, 2022. 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