

MEMORANDUM

Agenda Item No. 11(A)(10)

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

DATE: September 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to prepare a report regarding companies that damage Miami-Dade Water and Sewer Department's sewer pipes during construction; to provide such report to this Board within 30 days of the effective date of this resolution; and to update said report and provide the same to this Board every six months thereafter

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/ks



MEMORANDUM
(Revised)

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

DATE: September 1, 2022

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Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(10)

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)
9-1-22

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE A REPORT REGARDING COMPANIES THAT DAMAGE MIAMI-DADE WATER AND SEWER DEPARTMENT'S SEWER PIPES DURING CONSTRUCTION; TO PROVIDE SUCH REPORT TO THIS BOARD WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS RESOLUTION; AND TO UPDATE SAID REPORT AND PROVIDE THE SAME TO THIS BOARD EVERY SIX MONTHS THEREAFTER

WHEREAS, Miami-Dade Water and Sewer Department ("WASD") maintains more than 8,500 miles of underground water lines, as well as approximately 4,100 miles of sewer lines, serving 2.3 million residents and thousands of visitors; and

WHEREAS, continuous, uninterrupted sewer service to Miami-Dade County residents is imperative to ensure that residents' lives are not unnecessarily interrupted, and that the beautiful South Florida environment is protected; and

WHEREAS, often contractors performing work in Miami-Dade County strike and damage WASD's infrastructure, including wastewater or water mains; and

WHEREAS, when a contractor damages a wastewater main, this can result in wastewater flowing into the County's waters, including the Biscayne Bay, which can consequently result in environmental damage as well as potentially the inability to enjoy those waters until the water is tested and deemed safe; and

WHEREAS, for example on May 10, 2021, a contractor performing directional drilling struck a WASD wastewater main, which impacted the Biscayne Bay and resulted in no swim signage advising people to avoid water recreational activities near the Julia Tuttle Causeway to the north, the eastern boundary of the Intracoastal Waterway for the eastern boundary, Virginia Key Beach/Dog Beach to the south and the mainland as the western boundary; and

WHEREAS, in March 2020, a contractor ruptured a sewage pipe, resulting in 875,000 gallons of raw sewage spewing into storm drains, another pipe bursting in two places, 1.4 million gallons of dirty water seeping into Biscayne Bay and some of Miami Beach's waterway, and an advisory to avoid recreational activities on the west coast of Miami Beach for more than a week; and

WHEREAS, that rupture bursting and a "no contact" advisory issued to residents of Miami Beach, advising them not to swim or even touch the bay water near Miami Beach, and asking residents of nearby towns to use less water to reduce the amount of water entering the sewage system; and

WHEREAS, unfortunately these incidents are not uncommon throughout the County; and

WHEREAS, this Board believes that reporting on each of the specific instances where contractors or subcontractors in Miami-Dade County damage sewage pipes will lead to transparency and may serve as a deterrent to contractors and expedite the time in which repairs are made to such damaged pipes,

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

Section 1. Incorporates the foregoing recitals as if they were fully set forth herein.

Section 2. Directs the County Mayor or County Mayor's designee to provide a report to this Board that includes the following:

- (a) The location of any Miami-Dade Water and Sewer equipment (whether pipe, main, or other) that has been damaged by a contractor or subcontractor working in Miami-Dade County;
- (b) The identity of the company or companies that caused or contributed to the damaged equipment identified in section 2(a) above;
- (c) The date the damage occurred;
- (d) The total estimated or actual cost necessary to repair the damaged equipment;
- (e) Whether the contractor has agreed to pay for the repair or if the County has paid or will have to pay for the repair;
- (f) If the contractor has not agreed to pay for the repair, a description of the efforts that the County has made or will make to recover the costs for the repair;
- (g) A description of any environmental consequences that resulted from the damaged equipment, and whether said environmental consequences are ongoing;
- (h) A description of any impacts to service that have resulted, and are continuing to result, from the broken equipment; and
- (i) Any other relevant information that the County Mayor or County Mayor's designee believes is necessary to understand the total scope of such damage and the environmental and financial impact such damage has had, or will have, on the County.

The County Mayor or County Mayor's designee shall provide the report to this Board within 30 days of the effective date of this resolution and place the completed report on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

Section 3. Directs the County Mayor or County Mayor’s designee to update the report identified in section 2 above on a biannual basis to reflect then-current information regarding the breakage of WASD equipment by contractors and subcontractors and to place each completed report on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65. The updated reports shall be prepared every six months and shall include the information identified in section 2 above. Each such report shall be placed on an agenda of this Board pursuant to Ordinance No. 14-65.

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	

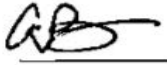
The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of September, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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.



Angela F. Benjamin