

MEMORANDUM

Agenda Item No. 11(A)(3)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: September 17, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution establishing the Development Required Infrastructure Policy to address the design and construction of certain upgrades to existing water and sewer department infrastructure; and directing the County Mayor to develop and implement the policy and provide a report to the Board

This item was amended at the September 9, 2024 Chairman's Policy Council and Intergovernmental Affairs Committee to reduce the number of days from 180 days to 90 days for the County Mayor or her designee to bring further criteria for DRIP back to the Board for ratification and to reduce the number of days from 180 days to 90 days for the County Mayor or her designee to provide a report to the Board, respectively.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado and Co-Sponsor Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: September 17, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

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 ____, majority plus one ____, 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) ____, 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)(3)
9-17-24

RESOLUTION NO. _____

RESOLUTION ESTABLISHING THE DEVELOPMENT REQUIRED INFRASTRUCTURE POLICY TO ADDRESS THE DESIGN AND CONSTRUCTION OF CERTAIN UPGRADES TO EXISTING WATER AND SEWER DEPARTMENT INFRASTRUCTURE; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DEVELOP AND IMPLEMENT THE POLICY AND PROVIDE A REPORT TO THE BOARD

WHEREAS, Miami-Dade County (the "County") has adopted new zoning regulations over the last few years, such as rapid transit corridors and affordable housing bonuses, that encourage greater development in certain parts of the County; and

WHEREAS, the County's existing water and sewer infrastructure in certain areas of the County may be undersized relative to the needs of these quickly developing communities; and

WHEREAS, historically, developers who are building new structures or expanding existing developments that will require a fire flow improvement and/or will produce over 10,000 gallons of wastewater per day ("GPD") have been responsible for upgrading existing water and sewer infrastructure if the capacity of the existing water and sewer infrastructure is not sufficient to handle additional connections to the system; and

WHEREAS, traditionally, if the developers upgrade existing water and sewer infrastructure as part of their development projects, the improved infrastructure is donated by the developers to the County to be operated and maintained by the Water and Sewer Department (the "Department") as part of the County's water and wastewater systems; and

WHEREAS, the current developer donation process often results in the first developer to the area having to advance the costs to upsize the County's water and sewer infrastructure; and

WHEREAS, through the County's collection of construction connection charges, the first developer may be reimbursed over time for a portion of its expenditure for the upgraded infrastructure when other property owners who subsequently develop their properties connect to the upgraded infrastructure and pay their prorated share of the upgraded infrastructure; and

WHEREAS, the Department may be able to better implement upgrades for the long-term durability, resilience, and future proofing of its water and wastewater systems; and

WHEREAS, in developing its master plan, the Department will be able to, not only implement infrastructure upgrades that ensure the long-term durability and resilience of its water and wastewater systems, but also address the needs of those areas of the County where density has increased, or is projected to increase, and, accordingly, necessitates an expansion of the capacity of the water and/or wastewater infrastructure to accommodate the growing community; and

WHEREAS, by using designers and contractors that the Department works with regularly on Department projects, the Department may be able to expand the capacity of existing infrastructure in certain areas of the County at more competitive pricing than developers can; and

WHEREAS, in order to assist with the development of projects that will improve fire flow and/or add over 10,000 GPD of wastewater, which require upgrades to the existing water and sewer infrastructure as part of their projects, and in order to ensure that the upgrades of existing Department infrastructure are durable and done properly, this Board directs the County Mayor to develop the Development Required Infrastructure Policy ("DRIP"),

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

Section 1. The Board approves the foregoing recitals, which are incorporated herein by reference.

Section 2. The Board establishes the Development Required Infrastructure Policy (“DRIP”).

Section 3. The County Mayor or County Mayor’s designee shall develop and implement DRIP in accordance with the following criteria:

- (a) After performing hydraulic modeling for the County’s water and sewer service areas to determine where increased water and/or sewer system capacity will provide the greatest and most immediate impact to development within the County, the Department will create a prioritized list of the areas where it will implement this Policy;
- (b) Upgrades in capacity to existing local water and/or sewer infrastructure in the County’s water and/or sewer service areas that are required for new development projects, including water and sewer mains of less than 24-inches but not laterals or extensions, where at least two new developments that will each require a fire flow improvement or will produce over 10,000 GPD of wastewater, may be undertaken by the Department rather than required of developers;
- (c) Through the County’s procurement process, the Department will procure contracts with a group of design consultants, who will work with the Department to design the upgraded infrastructure for those projects the Department will undertake as part of implementation of this Policy. Additionally, through the County’s procurement process, the Department will create a pool of contractors, who will construct the upgraded infrastructure for those projects the Department is undertaking using the plans prepared by the Department’s design consultant. The contractor pool will remain open so that additional contractors can be added at any time;

- (d) If the Department undertakes the infrastructure improvements to increase capacity of the local mains for a particular area, any properties that will benefit from the upgraded infrastructure will be charged a pro-rata share of the cost of the increase to the capacity of the existing infrastructure. As part of implementing this Policy, the Department shall develop the methodology for calculating such charges and, where applicable, shall incorporate such charges into the Department's standard developer agreement;
- (e) Any developer who does not wish to wait for the Department to complete the design and construction of needed upgraded infrastructure, pursuant to the Department's schedule, will have the option of completing the required capacity upgrade work using a County-approved contractor at the developer's own expense and will donate such infrastructure to the County using the traditional donation process. A developer who constructs and donates the upgraded infrastructure to the Department, where applicable, may receive reimbursement through construction connection charges from developers who subsequently utilize the upgraded infrastructure for their own developments; however, developers who choose to move forward on their own with the upgrade work will not receive any County funds allocated to this Policy.

Section 4. In order to expedite DRIP projects, the County Mayor is directed to develop a streamlined permitting process for such projects, similar to the process available for affordable housing projects that was adopted in response to Resolution No. R-1079-19.

Section 5. The County Mayor or County Mayor's designee is delegated the authority to establish further criteria for DRIP, provided such criteria are consistent with this resolution, which will be brought back to the Board within ~~[[180]]~~ >>90<<¹ days for ratification.

Section 6. The Board directs the County Mayor or County Mayor's designee to identify sources of legally available funds for DRIP, including but not limited to, Renewal and Replacement Funds and, potentially, Plant Expansion Fees, and allocate such legally available funds in the Fiscal Year 2024-2025 adopted County budget sufficient to fund the County's portion of the DRIP activities for the balance of the fiscal year. The Board further directs the County Mayor to include funding for full implementation of DRIP in the Fiscal Year 2025-2026 proposed County budget and in all subsequent budgets.

Section 7. The County Mayor or County Mayor's designee shall prepare a written report summarizing: (a) the efforts the County Mayor or County Mayor's designee has taken to comply with the directives in section 3 and 4 of this resolution; and (b) the results of DRIP as of the date of the report. The County Mayor or County Mayor's designee shall provide the report to this Board within ~~[[180]]~~ >>90<< 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 rule 5.06(j) of the Board's Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado and the Co-Sponsor is Chairman Oliver G. Gilbert, III. 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:

¹ Committee amendments are indicated as follows: Words stricken through and/or ~~[[double bracketed]]~~ are deleted, words underscored and/or >>double arrowed<< are added.

Oliver G. Gilbert, III, Chairman
Anthony Rodríguez, Vice Chairman

Marleine Bastien

Juan Carlos Bermudez

Kevin Marino Cabrera

Sen. René García

Roberto J. Gonzalez

Keon Hardemon

Danielle Cohen Higgins

Eileen Higgins

Kionne L. McGhee

Raquel A. Regalado

Micky Steinberg

The Chairperson thereupon declared this resolution duly passed and adopted this 17th day of September, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis