

MEMORANDUM

Agenda Item No. 11(A)(14)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

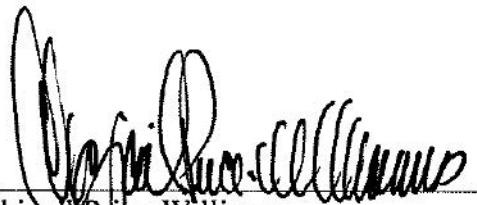
DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging municipalities located within close proximity to Biscayne Bay to provide additional funding to the County for Biscayne Bay, including, but not limited to, for clean up efforts, habitat restoration, and water quality improvement projects; directing the County Mayor to coordinate with municipalities as to such funding and negotiate interlocal agreements, where necessary

Resolution No. R-1030-20

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



Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM (Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(14)

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)(14)
10-6-20

RESOLUTION NO. _____ R-1030-20

RESOLUTION URGING MUNICIPALITIES LOCATED WITHIN CLOSE PROXIMITY TO BISCAYNE BAY TO PROVIDE ADDITIONAL FUNDING TO THE COUNTY FOR BISCAYNE BAY, INCLUDING, BUT NOT LIMITED TO, FOR CLEAN UP EFFORTS, HABITAT RESTORATION, AND WATER QUALITY IMPROVEMENT PROJECTS; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO COORDINATE WITH MUNICIPALITIES AS TO SUCH FUNDING AND NEGOTIATE INTERLOCAL AGREEMENTS, WHERE NECESSARY

WHEREAS, Biscayne Bay provides Miami-Dade County residents and visitors with ecological and environmental benefits, together with industries such as tourism, fishing, and other water-based recreational activities that are centered around Biscayne Bay; and

WHEREAS, issues that may affect the health and well-being of Biscayne Bay are of the utmost importance to Miami-Dade County; and

WHEREAS, within Miami-Dade County, there are numerous municipalities that border Biscayne Bay or are located in close proximity to Biscayne Bay: Aventura, Bal Harbour, Bay Harbor Islands, Coral Gables, Cutler Bay, Golden Beach, Indian Creek, Key Biscayne, Miami, Miami Beach, Miami Shores, North Bay Village, North Miami, North Miami Beach, Palmetto Bay, Pinecrest, Sunny Isles Beach, and Surfside; and

WHEREAS, because of their location, these municipalities would benefit from actions that maintain and improve the health and well-being of Biscayne Bay, and financial contributions for Biscayne Bay from these municipalities could have a significant positive impact; and

WHEREAS, in 2019, through Resolution No. R-165-19, this Board created the Biscayne Bay Task Force; and

WHEREAS, the Biscayne Bay Task Force’s purpose was to prepare a report with recommendations for this Board, and this report needed to include, for example, recommendations and an action plan identifying problem areas and prioritizing projects for Biscayne Bay; and

WHEREAS, the Biscayne Bay Task Force has now produced its report, which contains numerous recommendations for this Board; and

WHEREAS, one of the Biscayne Bay Task Force’s recommendations was for the County to seek commitments from the municipalities to share costs with the County on matters related to Biscayne Bay, including, but not limited to, clean-up efforts, habitat restoration, and water quality improvement projects; and

WHEREAS, pursuant to the recommendations of the Biscayne Bay Task Force, the County could enter into formal cost-sharing agreements with municipalities for activities related to Biscayne Bay; and

WHEREAS, in addition, the County has an existing trust fund called the Biscayne Bay Environmental Enhancement Trust Fund; and

WHEREAS, as provided in section 24-40 of the Code of Miami-Dade County, the funds in the Biscayne Bay Environmental Enhancement Trust Fund may only be disbursed for certain purposes related to the environmental enhancement of Biscayne Bay and its foreshore; and

WHEREAS, pursuant to section 24-40 of the Code, the Biscayne Bay Environmental Enhancement Trust Fund consists of funds from various sources, including “[a]ll monies offered to and accepted by Miami-Dade County for the environmental enhancement of Biscayne Bay and its foreshore in the form of federal, State, and other governmental grants, allocations, and appropriations as well as foundation and private grants and donations;” and

WHEREAS, section 24-40 of the Code further provides that, “[s]uch monies shall be disbursed for the environmental enhancement of Biscayne Bay and its foreshore strictly in accordance with terms and conditions of the grant, allocation, appropriation, or donation and shall be earmarked accordingly;” and

WHEREAS, as such, municipalities may make monetary contributions to the Biscayne Bay Environmental Enhancement Trust Fund and may provide terms and conditions for the use of such contributions; and

WHEREAS, this Board wishes to urge the municipalities that either border Biscayne Bay or are located in close proximity to Biscayne Bay within Miami-Dade County to provide additional funding to the County, through, for example, cost-sharing agreements or contributions to the Biscayne Bay Environmental Enhancement Trust Fund, for actions and efforts related to Biscayne Bay; and

WHEREAS, to facilitate and encourage such additional funding from municipalities, this Board wishes to direct the County Mayor or County Mayor’s designee to coordinate with said municipalities and negotiate, where necessary, cost-sharing agreements or other agreements related to municipal financial contributions, and to bring such agreements back to this board for approval,

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

Section 1. Urges the municipalities that border Biscayne Bay or are located within close proximity to Biscayne Bay within Miami-Dade County to provide additional funding to the County, through, for example cost-sharing agreements or municipal contributions to the Biscayne Bay Environmental Enhancement Trust Fund, for actions and efforts related to Biscayne Bay.

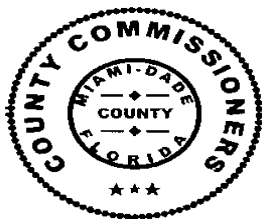
Section 2. Directs the County Mayor or County Mayor’s designee to coordinate with said municipalities and negotiate, where necessary, cost-sharing agreements or other agreements related to municipal financial contributions, and to bring such agreements back to this Board for approval.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Mayors and City Councils or City Commissions of the following municipalities: Aventura, Bal Harbour, Bay Harbor Islands, Coral Gables, Cutler Bay, Golden Beach, Indian Creek, Key Biscayne, Miami, Miami Beach, Miami Shores, North Bay Village, North Miami, North Miami Beach, Palmetto Bay, Pinecrest, Sunny Isles Beach, and Surfside.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Rebeca Sosa. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye
Rebeca Sosa, Vice Chairwoman	aye
Esteban L. Bovo, Jr.	aye
Jose “Pepe” Diaz	aye
Eileen Higgins	aye
Joe A. Martinez	aye
Dennis C. Moss	absent
Xavier L. Suarez	aye
Daniella Levine Cava	aye
Sally A. Heyman	aye
Barbara J. Jordan	aye
Jean Monestime	aye
Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of October, 2020. 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "DK", is written over a horizontal line.

Dennis A. Kerbel