

MEMORANDUM

Agenda Item No. 11(A)(14)

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

DATE: April 20, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to compile information and to identify the locations of roadway projects within Miami-Dade County which will require the cutting of roadway pavement within the next five years by Miami-Dade County, the State of Florida Department of Transportation, municipalities, and utility companies; to overlay the locations of septic systems which are vulnerable to failure or compromise in relation to the locations of the identified roadway projects; and to provide a report within 90 days

Resolution No. R-364-21

This item was amended at the 3-11-21 County Infrastructure, Operations and Innovations Committee to extend the time period for the report to 90 days.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado and Co-Sponsors Commissioner Eileen Higgins and 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: April 20, 2021

FROM: 
Gen Bonzon-Keenan
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)
4-20-21

RESOLUTION NO. _____ R-364-21

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO COMPILE INFORMATION AND TO IDENTIFY THE LOCATIONS OF ROADWAY PROJECTS WITHIN MIAMI-DADE COUNTY WHICH WILL REQUIRE THE CUTTING OF ROADWAY PAVEMENT WITHIN THE NEXT FIVE YEARS BY MIAMI-DADE COUNTY, THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, MUNICIPALITIES, AND UTILITY COMPANIES; TO OVERLAY THE LOCATIONS OF SEPTIC SYSTEMS WHICH ARE VULNERABLE TO FAILURE OR COMPROMISE IN RELATION TO THE LOCATIONS OF THE IDENTIFIED ROADWAY PROJECTS; AND TO PROVIDE A REPORT WITHIN 90 DAYS

WHEREAS, Miami-Dade County, the State of Florida Department of Transportation ("FDOT"), municipalities, and utility companies are currently engaged in roadway projects, and have projects that are planned to commence within the next five years, which will require the cutting of roadway pavement in the County; and

WHEREAS, County administration, in a report issued in December 2020, identified septic systems throughout the County which are categorized as vulnerable to failure or compromise (the "vulnerable septic systems"); and

WHEREAS, to the extent that certain sewer infrastructure is installed in the future to facilitate the conversion of properties from septic tanks to the sanitary sewer system, roadway pavement cutting may be required; and

WHEREAS, duplicative pavement cuttings disrupt the traveling public by increasing congestion, impact local businesses by limiting accessibility, potentially waste taxpayer dollars, and create public perception that roadways are under constant construction, thereby reducing public confidence in an efficient County government; and

WHEREAS, on May 5, 2020, this Board approved Ordinance No. 20-43, which prohibited the County, utility companies, and private and public entities from cutting into pavement on any County-owned roadway that was paved or repaved within the last three years, with the exception of the federal government, state government, and collocation of small wireless facilities in accordance with section 337.401(7)(g), Florida Statutes; and

WHEREAS, compilation of information with respect to projects by the County, the FDOT, municipalities, and utilities that require the cutting of pavement within the County would be helpful in maximizing opportunities for efficiency for a wide variety of County projects; and

WHEREAS, overlaying the locations of vulnerable septic systems on top of the above-mentioned compilation of information would create a valuable mapping resource for the County; and

WHEREAS, this Board desires to direct the County Mayor or County Mayor's designee to compile information identifying the locations of current and planned roadway projects for a five year period, to overlay the locations of vulnerable septic systems in relation thereto, and to present a report to this Board including such information,

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

Section 1. Approves the foregoing recitals and incorporates them herein by reference.

Section 2. Directs the County Mayor or County Mayor's designee: (i) to compile information from the County departments, the FDOT, municipalities, and utility companies identifying the location of existing projects or projects that are planned to commence within the next five years, which would necessitate the cutting of pavement; and (ii) to overlay the locations of the vulnerable septic systems in relation to the location of such identified roadway projects.

Section 3. Directs the County Mayor or County Mayor’s designee to prepare a report setting forth the information in Section 2 herein, to present the report to this Board for its consideration no later than ~~[[60]]~~¹ >>90<< days from the effective date of this resolution, and to place the report on an agenda of this Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado and the Co-Sponsors are Commissioner Eileen Higgins and Commissioner Rebeca Sosa. It was offered by Commissioner **Raquel A. Regalado** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	absent	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

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

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of April, 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: Melissa Adames
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "Debra Herman", is written over a horizontal line.

Debra Herman
Abbie Schwaderer-Raurell