

MEMORANDUM

Amended
Agenda Item No. 11(A)(15)

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

DATE: April 20, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution establishing County
policy imposing a moratorium
on the conveyance of any
County-owned property within
the Urban Development
Boundary without access to the
sanitary sewer system;
providing certain exceptions

Resolution No. R-365-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime
Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

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County Attorney

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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	Amended
Veto	_____		Agenda Item No. 11(A)(15)
Override	_____		4-20-21

RESOLUTION NO. **R-365-21**

RESOLUTION ESTABLISHING COUNTY POLICY IMPOSING
A MORATORIUM ON THE CONVEYANCE OF ANY
COUNTY-OWNED PROPERTY WITHIN THE URBAN
DEVELOPMENT BOUNDARY WITHOUT ACCESS TO THE
SANITARY SEWER SYSTEM; PROVIDING CERTAIN
EXCEPTIONS

WHEREAS, an onsite sewage treatment and disposal system, commonly referred to as a septic system, is a type of onsite sewage facility that treats wastewater from individual properties; and

WHEREAS, a key component of a septic system is the significant treatment of wastewater in an underground drainfield; and

WHEREAS, some portions of the County, particularly rural and suburban areas, lack public sanitary sewer systems and therefore rely on septic systems to treat and dispose of wastewater from toilets, showers, sinks, and dishwashers; and

WHEREAS, there are approximately 108,000 properties within the County that still use septic tanks, about 105,000 of which are residential, with more than 65,000 of the septic systems located in unincorporated Miami-Dade; and

WHEREAS, an estimated 2.3 million septic systems serve 31 percent of Florida residents and visitors, discharging over 426 million gallons of treated effluent per day into the subsurface soil environment; and

WHEREAS, wherever located, septic systems may present environmental concerns and are potentially vulnerable to the effects of sea level rise; and

WHEREAS, sea level rise poses particular concern to septic systems because, among other problems, when sea levels rise, water tables rise, diminishing the treatment capacity of drainfields and resulting in elevated levels of ground water pollution; and

WHEREAS, rising water tables associated with sea level rise may present additional concerns, as this may lead to flooding and pooling of sewage in people's yards and neighborhoods, which in turn presents serious public health and safety concerns; and

WHEREAS, a report presented to this Board in November 2018 by the Miami-Dade County Department of Regulatory and Economic Resources, the Miami-Dade County Water and Sewer Department, and the Florida Department of Health in Miami-Dade County (the "report") found that nearly half of the septic tanks in Miami-Dade County break down yearly, a number that is expected to increase to 64 percent by 2040; and

WHEREAS, the report recommended that the most effective way to address the long-term risks associated with rising groundwater levels is to extend sewer connections to new and existing structures where feasible and to reduce the number of new septic systems installed in vulnerable areas; and

WHEREAS, the importance of eliminating septic systems and converting to sewer system connections extends beyond the local and state level, with the federal government playing an active role in water quality issues; and

WHEREAS, this Board has consistently recognized the importance of extending sewer connections and reducing the number of new septic systems installed in the County; and

WHEREAS, this Board has, for example, directed the County Mayor or County Mayor's designee to make detailed recommendations to this Board as to how to address these pressing issues on the needed conversions of properties from septic tanks to sewer systems; and

WHEREAS, on October 29, 2019, this Board adopted Resolution No. R-1160-19 urging the United States Congress and the Florida Legislature to provide funding to assist local communities with eliminating septic systems and converting to sewer system connections, and preliminarily identifying this issue as a 2020 federal legislative priority; and

WHEREAS, on August 31, 2020, this Board adopted Resolution No. R-881-20, again urging the United States Congress and the Florida Legislature to provide funding to assist local communities with eliminating septic systems and converting to sewer system connections, and preliminarily identifying this issue as a 2021 federal legislative priority; and

WHEREAS, many vacant properties in Miami-Dade County do not have an available connection to the County's sanitary sewer system would have to be served by a septic tank if developed; and

WHEREAS, the County itself owns numerous undeveloped properties which are not connected to the sanitary sewer system, and which would therefore require future developers of such properties to install septic tanks in connection with the future development of these properties; and

WHEREAS, the conveyance of such properties without the ability to connect the properties to the sanitary sewer system is inconsistent with the County's goal of reducing the number of septic tanks in Miami-Dade County; and

WHEREAS, for these reasons, the conveyance of County-owned properties without current access to the sanitary sewer system be prohibited until such time as such properties can be connected to the sanitary sewer system,

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

Section 1. Approves and incorporates the foregoing recitals as if fully set forth herein.

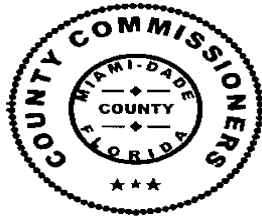
Section 2. Establishes a County policy imposing a moratorium on the conveyance of any County-owned property within the Urban Development Boundary without current access to the sanitary sewer system. No County-owned property shall be conveyed until such time as such property can be connected to the sanitary sewer system, unless the grantee agrees to run a sewer line to the property and pay for it. This moratorium shall not apply to: (1) conveyances required by applicable law or court order, (2) conveyances on land that is not buildable which are made to the adjacent property owner in accordance with Implementing Order 8-4, (3) conveyances made to governmental or not-for-profit entities in accordance with state law for public uses that do not require sanitary sewer systems, and (4) easement, license, and permit conveyances. For each conveyance made pursuant to the exceptions listed herein, other than those required by applicable law, the Department of Regulatory and Economic Resources, Division of Environmental Resources Management shall place in the deed or other conveying instrument a written estoppel prohibiting any development without access to the sanitary sewer system.

Section 3. The provisions of this resolution may be waived by a resolution adopted by two-thirds (2/3) vote of the board members present.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado. It was offered by Commissioner **Raquel A. Regalado**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		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	nay
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

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

Shannon D. Summerset-Williams