

MEMORANDUM

Agenda Item No. 11(A)(23)

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

DATE: January 19, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County
Mayor to increase County
monitoring during the February
2022 boat show related to
manatee protection and
coordinate with other
governmental entities

Resolution No. R-77-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins and Co-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

DATE: January 19, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(23)

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)(23)
1-19-22

RESOLUTION NO. _____ R-77-22

RESOLUTION DIRECTING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO INCREASE COUNTY
MONITORING DURING THE FEBRUARY 2022 BOAT SHOW
RELATED TO MANATEE PROTECTION AND COORDINATE
WITH OTHER GOVERNMENTAL ENTITIES

WHEREAS, on December 1, 2021, this Board approved a Miami-Dade County Class I permit modification by Yachting Promotions, Inc. related to the annual boat show conducted within Biscayne Bay at certain locations including 1 Herald Plaza, 1635 North Bayshore Drive, and 1737 North Bayshore Drive (the "boat show"); and

WHEREAS, this Class I permit modification, among other things, allows for an increase in the number of boat slips for this annual boat show, which had previously been authorized by this Board in 2018 for a period of 10 years pursuant to Resolution No. R-1316-18; and

WHEREAS, the Class I permit modification application by Yachting Promotions, Inc. had also requested that sea trials be allowed as part of the boat show; and

WHEREAS, the County's Division of Environmental Resources Management (DERM) recommended that this Board deny the request for sea trials based on concerns related to manatees; and

WHEREAS, as stated in DERM's memorandum to this Board, "[t]he project sites are located within an area identified by the Manatee Protection Plan (MPP) as essential manatee habitat"; and

WHEREAS, DERM's memorandum further stated that, "[e]ssential habitat is used by manatees for sensitive activities such as feeding, resting, mating, nursing, cold shelter, and travel," and "manatee sighting data also indicates that manatees utilize the mainland side of Biscayne Bay when traveling to and from areas where these sensitive behaviors are occurring"; and

WHEREAS, as part of the December 1, 2021 approval, this Board approved the request by the applicant to allow sea trials, but for the February 2022 boat show only, and this Board also required a report related to the number of sea trials actually conducted and adverse impacts to manatees; and

WHEREAS, in order to further the goal of manatee protection, for the February 2022 boat show, this Board wishes to direct the County Mayor or County Mayor's designee to increase the monitoring by County staff of compliance with County permit conditions and other regulations related to manatee protection, and to ensure that County staff conducts regular monitoring by boat, including on the weekend days of the February 2022 boat show; and

WHEREAS, by having County staff on the water during the February 2022 boat show, County staff may also be able to spot manatees in the water, to potentially help boaters and sea trial captains be even more aware of manatees during the boat show; and

WHEREAS, the County Mayor or County Mayor's designee should also coordinate with other governmental agencies, such as the Florida Fish and Wildlife Conservation Commission (FWC) Division of Law Enforcement, that may conduct their own enforcement activities during the February 2022 boat show; and

WHEREAS, as such, this Board wishes to direct the County Mayor or Mayor's designee to increase County monitoring related to manatee protection, as detailed above, during the February 2022 boat show,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Mayor or County Mayor's designee to (1) increase the monitoring of the February 2022 boat show by County staff for compliance with County permit conditions and other regulations related to manatee protection, and to ensure that County staff conducts regular monitoring by boat,

including on the weekend days of the February 2022 boat show; and (2) coordinate with other governmental agencies that may conduct their own enforcement activities during the February 2022 boat show.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins and the Co-Sponsor is Commissioner Raquel A. Regalado. 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:

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	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

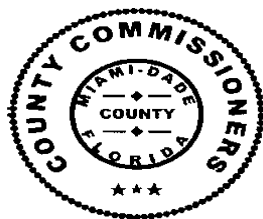
The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of January, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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

Melissa Adames

By: _____
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell