MEMORANDUM

Amended
Special Item No. 1

TO:	Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners	**DATE:**	September 19, 2023
FROM:	Geri Bonzon-Keenan County Attorney	**SUBJECT:**	Resolution directing the County Mayor to present three alternate Waste-to-Energy facility sites to the Florida Department of Environmental Protection for preliminary permit and regulatory review; directing the County Mayor to negotiate an interlocal agreement with the City of Doral for annual contributions to partially defray costs and fund the relocation, construction, and operation of a new Waste to Energy facility outside the City of Doral, subject to Board approval; and to provide a report

Resolution No. R-821-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.

Gerald Sanchez for
Geri Bonzon-Keenan
County Attorney

GBK/jp

MEMORANDUM
(Revised)

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

DATE: September 19, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Amended
[redacted]

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**

Amended
Agenda Special Item No. 1
9-19-23

Approved ______________________ Mayor
Veto ___________
Override ___________

RESOLUTION NO. **R-821-23**

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PRESENT THREE ALTERNATE WASTE-TO-ENERGY FACILITY SITES TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR PRELIMINARY PERMIT AND REGULATORY REVIEW; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AN INTERLOCAL AGREEMENT WITH THE CITY OF DORAL FOR ANNUAL CONTRIBUTIONS TO PARTIALLY DEFRAY COSTS AND FUND THE RELOCATION, CONSTRUCTION, AND OPERATION OF A NEW WASTE TO ENERGY FACILITY OUTSIDE THE CITY OF DORAL, SUBJECT TO BOARD APPROVAL; AND TO PROVIDE A REPORT

WHEREAS, the Miami-Dade County Resources Recovery Facility ("RRF"), located in Doral, Florida, began commercial operations in 1982 and was originally sited on 100 acres of land, including the adjacent ash fill; and

WHEREAS, the RRF was the keystone of Miami-Dade County's (the "County") solid waste system, operating 24 hours a day, 365 days a year, and resulting in an average annual processing of over 1,000,000 tons of waste produced in the County; and

WHEREAS, on February 12, 2023, a fire occurred at the RRF, and, except for tire shredding, the RRF has remained inoperable since that date; and

WHEREAS, on August 18, 2023, the County Mayor issued a Report Related to the Development of an Integrated Solid Waste Management Plan in Miami-Dade County – A Combined Response to Directives 222097, 230509 and 230998 (the "Report"); and

WHEREAS, the Report recommended the creation of a solid waste campus including a new mass burn Waste-to-Energy ("WTE") facility capable of processing at least 4,000 tons of waste daily, to be sited on County-owned property located at the intersection of Krome Avenue and US 27 and commonly referred to as Opa-Locka West Airport, and to not reopen the existing RRF; and

WHEREAS, if the Board decides to relocate the RRF, that decision will also require the relocation of ancillary County solid waste facilities which support its operation; and

WHEREAS, the estimated capital cost for the relocation and construction of a new WTE facility at a site other than the existing RRF location would be $93.6 million to $122.5 million higher; and

WHEREAS, the estimated annual operating cost of a new WTE facility at a relocated site other than the existing RRF location would be $2.3 million to $20.5 million higher; and

WHEREAS, the residents of the City of Doral ("Doral"), have requested the relocation of the RRF to a new site outside of Doral; and

WHEREAS, the relocation of the RRF is expected to result in an increase in the assessed value of the properties surrounding the RRF; and

WHEREAS, this Board desires Doral to assist the County in paying for the relocation, construction, and maintenance of a new WTE facility if such facility is not located at the existing RRF site, and contribute an annual amount to the County based upon the increased assessed value of the properties surrounding the existing RRF; and

WHEREAS, creating such a dedicated funding source will assist in partially defraying the additional costs to relocate, construct and operate a new WTE facility outside of the Doral boundaries,

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

Section 1. This Board incorporates the foregoing recitals.

Section 2. This Board directs the County Mayor or County Mayor's designee to present the three alternate WTE facility sites comprised of Opa-Locka West Airport, RRF, and Medley, to the Florida Department of Environmental Protection for preliminary permit and regulatory review.

Section 3. This Board directs the County Mayor or County Mayor's designee to proceed on an expedited basis to negotiate an interlocal agreement with Doral, and by which Doral agrees to annually contribute funds to partially defray the additional costs associated with relocating and rebuilding the County's WTE facility should the County select a new site for such WTE facility outside the boundaries of Doral. Such contribution may be made by direct contribution or alternative funding mechanism, including, but not limited to, a tax increment district. Such interlocal agreement shall include the express agreement from Doral to contribute on an annual basis and for the life of the operation of the WTE facility, an amount equivalent to, or not less than, the amount over and above three and one-half percent of the annual growth of the assessed value for the property and the properties located in whole or in part within a one mile radius from the outer perimeter of the RRF but not to exceed the borders of Doral.

Section 4. This Board further directs the County Mayor or County Mayor's designee to bring back the interlocal agreement to the full Board without committee review for Board approval within 60 days of adoption of a resolution selecting the site of a new WTE facility other than the existing RRF site.

<u>Section 5</u>. In the event the County Mayor or County Mayor's designee is unable to obtain the consent of Doral to the terms of the interlocal agreement described in section 3 hereof within 60 days of the adoption of a resolution selecting the site of a new WTE facility other than the existing RRF site, the County Mayor shall report such to the Board for the Board's approval of an alternate site.

<u>Section 6</u>. The County Mayor or County Mayor's designee shall also bring back a report detailing the (a) air quality modeling results, and (b) environmental impacts and mitigation identified by the Department of Regulatory and Economic Resources - Division of Environmental Resources Management, within 4 to 6 months 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 Chairman Oliver G. Gilbert, III. It was offered by Commissioner **Oliver G. Gilbert, III**, who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman **aye**
Anthony Rodriguez, Vice Chairman **absent**

Marlene Bastien	**aye**	Juan Carlos Bermudez	**nay**
Kevin Marino Cabrera	**aye**	Sen. René García	**aye**
Roberto J. Gonzalez	**aye**	Keon Hardemon	**aye**
Danielle Cohen Higgins	**aye**	Eileen Higgins	**aye**
Kionne L. McGhee	**aye**	Raquel A. Regalado	**aye**
Micky Steinberg	**aye**		

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of September, 2023. 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: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

dsh

David Stephen Hope
Jorge Martinez-Esteve