

MEMORANDUM

Substitute No. 2
Agenda Item No. 5(H)

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

DATE: July 20, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance creating the Miami-Dade County Biscayne Bay Watershed Management Advisory Board; creating article CLXIV of chapter 2 of the Code; providing for the composition and duties of the board and other related matters

Ordinance No. 21-72

This substitute item no. 2 differs from substitute no. 1 in that it adds the following: (1) a revised social equity statement that reflects the revised composition in the substitute ordinance and (2) a report pursuant to section 2-11.37 of the Code of Miami-Dade County regarding the creation of a permanent board. There are no other changes in this substitute no. 2, as compared with substitute no. 1.

Substitute no. 1 differed from the original item in that it revised the composition of the Miami-Dade County Biscayne Bay Watershed Management Advisory Board and the manner by which appointments would be made, provided that members will serve terms of four years each, and added the Department of Regulatory and Economic Resources to the staff who may assist the Biscayne Bay Watershed Management Advisory Board.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Commissioner Eileen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum




Date: July 20, 2021

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

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Creating Biscayne Bay Permanent Board

The proposed ordinance would create a new County board as recommended by the Biscayne Bay Task Force. The Biscayne Bay Watershed Management Advisory Board would be staffed by the Chief Bay Officer and support staff in the Office of Resilience. Technical and professional staff throughout County departments will also provide support as necessary to complete its mission. This ordinance will have a fiscal impact that include costs of hosting summits and conferences for the purposes of developing the Watershed Recovery Plan. Those additional costs will be included in the Office of Resilience's annual operating budget in the next fiscal year.



Jimmy Morales
Chief Operations Officer

FIS02421 210613

Memorandum



Date: July 20, 2021

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

From: Daniella Levine Cava
Mayor 

Subject: Social Equity Statement for Ordinance Creating the Miami-Dade County Biscayne Bay Watershed Management Advisory Board

The proposed ordinance creates Article CLXIV of Chapter 2 of the County Code as the "Miami-Dade County Ordinance creating the Miami-Dade County Biscayne Bay Watershed Management Advisory Board in order to advise this Board and the County Mayor on issues related to Biscayne Bay, including, but not limited to, (1) the long-term management of Biscayne Bay, (2) health of the marine community, (3) run-off and other impacts to water quality, (4) marine debris, (5) education and outreach, (6) economic development and vitality related to Biscayne Bay, and how conditions in Biscayne Bay may affect residents and property owners.

This ordinance will establish a permanent and unified approach to the recovery of water quality in Biscayne Bay and future management of the watershed. The Advisory Board will include representatives from different stakeholder organizations and industries.

The possible benefits to the community include leveraging the collective experience and knowledge of the board members, who may also be able to tap into additional knowledge, expertise, and other resources from their respective organizations, that this new board could make significant contributions towards protecting and restoring Biscayne Bay. This board will also provide additional opportunities for public participation and input into issues affecting Biscayne Bay.



Jimmy Morales
Chief Operations Officer

210613

Memorandum



Date: July 20, 2021

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Report on Creation of the Biscayne Bay Watershed Management Advisory Board

The following items listed in this report are provided pursuant to Section 2-11.37 of the Miami-Dade County Code regarding the creation of a new advisory board:

1. The Miami-Dade County Biscayne Bay Watershed Management Advisory Board (BBWMAB) will provide a local perspective on Biscayne Bay problems, issues, and solutions; and will include representatives from a variety of local entities and groups, all of whom will have demonstrated an interest and commitment on Biscayne Bay matters.
2. The BBWMAB will serve to advise the Board and the County Mayor on a variety of Biscayne Bay-related issues, provide local perspective and make recommendations for a new Miami-Dade County Biscayne Bay watershed management plan. There are no County boards that serve in a similar capacity.
3. This ordinance will have a fiscal impact that include costs of hosting summits and conferences for the purposes of developing the Biscayne Bay watershed management plan. Those additional costs will be included in the Office of Resilience’s annual operating budget in the next fiscal year.
4. The creation of the BBWMAB would not enable the County to obtain state or federal, or other financing.
5. The BBWMAB will not have bonding authority.
6. The BBWMAB will not have any authority to enter into contract of any kind as such there will be no need for the spending of County funds.
7. The Florida Legislature recently created the Biscayne Bay Commission, a new advisory council within the Florida Department of Environmental Protection (FDEP). The BBWMAB will complement the state’s efforts, will have Miami-Dade County focus, will help leverage the collective experience and knowledge of the board members, who may also be able to tap into additional knowledge, expertise, and other resources from their respective organizations, this new board could make significant contributions towards protecting and restoring Biscayne Bay and establish a permanent and unified approach to improving water quality in Biscayne Bay and future management of the watershed.

A handwritten signature in blue ink that reads "Jimmy Morales".

Jimmy Morales
Chief Operations Officer
210613



MEMORANDUM
(Revised)

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

DATE: July 20, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Substitute No. 2
Agenda Item No. 5(H)

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 Substitue No. 2
Veto _____ Agenda Item No. 5(H)
Override _____ 7-20-21

ORDINANCE NO. _____ 21-72 _____

ORDINANCE CREATING THE MIAMI-DADE COUNTY BISCAYNE BAY WATERSHED MANAGEMENT ADVISORY BOARD; CREATING ARTICLE CLXIV OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR THE COMPOSITION AND DUTIES OF THE BOARD AND OTHER RELATED MATTERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in 2019, this Board created the Biscayne Bay Task Force to advise this Board and the County Mayor on issues related to Biscayne Bay, including, but not limited to, the long-term management of Biscayne Bay, health of the marine community, run-off and other impacts to water quality, marine debris, education and outreach, economic development and vitality related to Biscayne Bay, and how conditions in Biscayne Bay may affect residents and property owners; and

WHEREAS, the Biscayne Bay Task Force’s report recommended that this Board create a permanent board that would make recommendations to the Board of County Commissioners (the “Board” or the “County Commission”) in order to create a more “permanent and unified approach to the recovery of water quality in Biscayne Bay and future management of the watershed;” and

>>**WHEREAS**, it is envisioned that this new permanent County advisory board on Biscayne Bay would provide recommendations and advice to the County Commission on a variety of Biscayne Bay-related issues; and

WHEREAS, in particular, this new board would make recommendations for a new Miami-Dade County Biscayne Bay watershed management plan; and

WHEREAS, these recommendations could also be used to update chapter 24 of the Code of Miami-Dade County, to incorporate references to a new management plan and prioritized projects for Biscayne Bay; and

WHEREAS, in addition to the above, this new County board will provide a local perspective on Biscayne Bay problems, issues, and solutions; and

WHEREAS, the new County board will also include representatives from a variety of local entities and groups, all of whom will have demonstrated an interest and commitment on Biscayne Bay matters and will represent different local perspectives ; and

WHEREAS, including representatives from numerous different local organizations and entities as members on this new board may amplify the voices of various community groups who are passionate about Biscayne Bay and may nurture and maintain community enthusiasm about and involvement in Biscayne Bay recovery efforts; and<<¹

~~[[WHEREAS, as recommended by the Biscayne Bay Task Force, this new County board would be comprised of members from other governmental agencies that are already actively involved in environmental and water quality issues, including the South Florida Water Management District, the Florida Department of Environmental Protection, the United States Department of the Interior, the Florida Fish and Wildlife Conservation Commission, and the Florida Inland Navigational District, as well as members from the Miami Dade League of Cities and the County Commission itself; and]]~~

¹ The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

WHEREAS, it is envisioned that through the collective experience and knowledge of the members, who may also be able to tap into additional knowledge, expertise, and other resources from their respective organizations, that this new board could make significant contributions towards protecting and restoring Biscayne Bay; and

>>WHEREAS, the Florida Legislature recently created the Biscayne Bay Commission, a new advisory council within the Florida Department of Environmental Protection (FDEP) consisting of nine members, including one member appointed by the Governor, three members appointed by the Board of County Commissioners, one member appointed by the Miami-Dade League of Cities, one member appointed by the South Florida Water Management Governing Board, one member appointed by the Secretary of FDEP, one member appointed by the Florida Fish and Wildlife Conservation Commission, and one member appointed by the Florida Inland Navigation District; and

WHEREAS, it is envisioned that this new state advisory council will help to coordinate Biscayne Bay efforts and dedicate additional state resources, such as professional expertise and grant funds, to Biscayne Bay restoration and recovery efforts; and

WHEREAS, the County's new permanent advisory board will complement the state's efforts, will have a more local, Miami-Dade County focus, and will make Biscayne Bay-related recommendations to the County Commission for future County action, future County projects, and possible changes to the County Code based on a new management plan and prioritized projects for Biscayne Bay; and<<

WHEREAS, the County has now hired its first Chief Bay Officer, pursuant to the recommendations from the Biscayne Bay Task Force, and it is now the appropriate time to move forward with the creation of a permanent advisory board for Biscayne Bay; and

WHEREAS, accordingly, this Board wishes to create an advisory board to be known as the Miami-Dade County Biscayne Bay Watershed Management Advisory Board, to provide recommendations and advice to the Board of County Commissioners on matters related to Biscayne Bay; and

WHEREAS, this Board believes that such an advisory board would be beneficial to the residents of Miami-Dade County,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Article CLXIV of Chapter 2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

ARTICLE CLXIV

**MIAMI-DADE COUNTY BISCAYNE BAY WATERSHED
MANAGEMENT ADVISORY BOARD**

Sec. 2-2420. Creation.

There is hereby created and established the Miami-Dade County Biscayne Bay Watershed Management Advisory Board.

Sec. 2-2421. Composition; membership.

(a) *Composition.*

(i) The Biscayne Bay Watershed Management Advisory Board shall be composed of >>21<< ~~[[44]]~~ voting members, all of whom shall have expertise and familiarity with issues related to Biscayne Bay and Miami-Dade County, as follows:

1. Three Miami-Dade County Commissioners;
2. ~~[[Three]]~~ >>Four<< representatives from municipalities that border Biscayne Bay, appointed by the Miami-Dade League of Cities;
- >>3. One representative from the Miami River Commission, recommended by the Miami River Commission;

4. Three representatives with scientific expertise from each of, and as recommended by, the following institutions: one from the Florida International University Institute of Environment, one from the University of Miami Rosenstiel School of Marine and Atmospheric Science, and one from the National Oceanic and Atmospheric Administration;
5. One representative from Biscayne National Park, as recommended by the Superintendent of Biscayne National Park;
6. One representative from the Greater Miami Visitors and Convention Bureau, as recommended by the Greater Miami Visitors and Convention Bureau;
7. One representative of the development industry, as recommended by the South Florida Builders Association;
8. One representative who is a coastal engineer working in Miami-Dade County, as recommended by the Florida Engineering Society;
9. One representative who works in banking and finance in Miami-Dade County, as recommended by the Greater Miami Chamber of Commerce;
10. One representative of the marine or boating industry, as recommended by the Miami Marine Council;
11. One representative of the agricultural industry, recommended by the Dade County Farm Bureau;
12. One representative of the Miccosukee Tribe, as recommended by the Miccosukee Tribe; and
13. Two representatives from environmental groups, one recommended by the Nature Conservancy and one recommended by the Biscayne Bay Marine Health Coalition.<<
- ~~[[3.~~ ~~The South Florida Water Management District Governing Board member who resides in Miami-Dade County;~~
- ~~4.~~ ~~One representative from the Florida Department of Environmental Protection (FDEP), appointed by FDEP;~~

- ~~5. One representative from the United States Department of the Interior (DOI), appointed by DOI;~~
- ~~6. One representative from the Florida Fish and Wildlife Conservation Commission (FWCC), appointed by the FWCC; and~~
- ~~7. One representative from the Florida Inland Navigational District, appointed by FIND.]]~~

(ii) >>Approval process.

1. The designated organizations and entities listed above in subsections 3-13 shall recommend at least one nominee from their respective organizations, including (a) the nominee's resume and (b) either the minutes of the meeting approving the nominee or, for entities such as Biscayne National Park, official correspondence from said entity, to the County Mayor, who shall forward the nominee to the Board of County Commissioners in a timely manner.
2. The Board of County Commissioners may then appoint such nominee to the Biscayne Bay Watershed Advisory Board via resolution.
3. Where a designated organization or entity fails to propose a nominee within 45 days of notification of a vacancy, the Biscayne Bay Watershed Advisory Board may recommend a nominee at a meeting of the Board, and the Board shall forward the minutes approving such nominee, together with the nominee's resume, to the County Mayor, who shall forward the nominee to the Board of County Commissioners in a timely manner. The Board of County Commissioners may then appoint such nominee via resolution.<<

~~[[Appointments made pursuant to paragraphs 2, 4, 5, 6, and 7 above shall be effective upon the respective entity's filing of written notice of said appointment with the Miami-Dade County Clerk of the Board, provided, however, an appointment shall not be effective if an appointee does not meet all required qualifications in this section and otherwise provided in the code. An appointing entity may replace a prior appointee with a new appointee who meets all of the above-mentioned qualifications, upon the filing of~~

~~written notice with the Miami-Dade Clerk of the Board, however, entities are encouraged to maintain consistency to the extent feasible.]]~~

- (iii) The three Miami-Dade County Commissioners who serve on the Biscayne Bay Watershed Management Advisory Board shall be as follows: (1) one County Commissioner appointed by the Chair of the Board of County Commissioners; (2) one County Commissioner appointed by a vote of the Board of County Commissioners, which may be by motion; and (3) the Chair of the Commission committee with jurisdiction over Biscayne Bay and resilience matters.

(b) *Qualifications.*

- (i) Members of the Biscayne Bay Watershed Management Advisory Board shall have experience and familiarity with issues related to Biscayne Bay and Miami-Dade County.
- (ii) Each member of the Biscayne Bay Watershed Management Advisory Board shall be a permanent resident and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives the residency requirement by a two-thirds vote of its membership, and shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community.
- (iii) Unless the Board of County Commissioners by a two-thirds vote of its membership waives the residency requirement, any member of the Biscayne Bay Watershed Management Advisory Board who ceases to be a resident of Miami-Dade County during the term of his or her office shall immediately advise the Clerk of the Board of County Commissioners, and upon being advised by the Clerk of such circumstances, the position shall be deemed vacant.
- (iv) To ensure that members of the Biscayne Bay Watershed Management Advisory Board are as familiar as possible with Biscayne Bay and Miami-Dade County, every effort shall be made to appoint members who are permanent residents and duly qualified electors of Miami-Dade County.

- (c) *Compensation.* Biscayne Bay Watershed Management Advisory Board members shall serve without compensation.
- (d) *Vacancies.* Vacancies shall be filled in the same manner by which the original members were appointed.
- (e) *Attendance.* Attendance requirements for members shall be in accordance with section 2-11.39.
- >>(f) *Terms.* Each member shall be appointed for a term of four years. A member may serve until his or her successor has been duly appointed and qualified.<<

Sec. 2-2422. Organization.

- (a) *Bylaws, Rules, and Regulations.* The Biscayne Bay Watershed Management Advisory Board shall establish, adopt, and amend bylaws, rules, and regulations for its own governance. In the event that the Biscayne Bay Watershed Management Board does not adopt rules or policies, or its adopted rules or policies do not address a particular situation, then the applicable provisions of the Board of County Commissioners' Rules of Procedure, as such may be amended from time to time, shall apply.
- (b) *Officers.* The Biscayne Bay Watershed Management Advisory Board shall elect a chairperson and a vice-chairperson from among its members, who shall serve at the will of the Biscayne Bay Watershed Management Advisory Board. The chairperson shall preside at all meetings at which he or she is present. The vice-chairperson shall act as chairperson in the absence of the chairperson.
- (c) *Staff Support.* The Biscayne Bay Watershed Management Advisory Board shall have assistance from staff, which may include the Chief Bay Officer>>, Department of Regulatory and Economic Resources,<< or such other staff as may be designated by the County Mayor or the County Mayor's designee. The staff shall:
 - (i) maintain and keep the records of the Biscayne Bay Watershed Management Advisory Board;
 - (ii) prepare, in cooperation with the chairperson, the agenda for each meeting;
 - (iii) be responsible for the preparation of such reports, minutes, documents, resolutions, or correspondences as the Biscayne Bay Watershed Management Advisory Board may direct;

- (iv) organize, facilitate, provide critical support for, and actively participate in summits, conferences or other similar events that are open to the public and focused on Biscayne Bay and for which, on at least an annual basis, the following Biscayne Bay topics must be addressed at such events:
 - 1. technical and science matters;
 - 2. community awareness, education, and engagement; and
 - 3. nutrient reduction; and
- (v) report to the Biscayne Bay Watershed Management Board as to ideas and concerns discussed and presented at summits, conferences, and other similar events related to Biscayne Bay; and
- (vi) generally administer the business and affairs of the Biscayne Bay Watershed Management Advisory Board, subject to budgetary limitations.

(d) *Quorum.* A quorum shall be required to transact any business or exercise any power vested in the Biscayne Bay Watershed Management Advisory Board. A quorum of the Biscayne Bay Watershed Management Advisory Board shall consist of a majority of those duly appointed to the board, provided that at least half of the full board membership has been appointed.

Sec. 2-2423. Meetings.

The Biscayne Bay Watershed Management Advisory Board shall hold meetings as it deems necessary. A special meeting may be called by the chairperson or by a written request of the majority of those persons duly appointed to the board.

Sec. 2-2424. Powers and duties.

The Biscayne Bay Watershed Management Advisory Board shall have the following powers, duties, functions, and responsibilities:

- (a) Develop recommendations to the Board of County Commissioners and the County Mayor as to a detailed Watershed Restoration Plan, with the goals of achieving water quality and seagrass restoration and Biscayne Bay health, recovery, and resilience;

- (b) Make recommendations to the Board of County Commissioners and the County Mayor as to proposed improvements to infrastructure and operations which may impact or otherwise be related to Biscayne Bay;
- (c) Make recommendations to the Board of County Commissioners and the County Mayor as to proposed revisions to County regulations which may impact or otherwise be related to Biscayne Bay;
- (d) Make recommendations to the Board of County Commissioners and the County Mayor as to public information campaigns and education; restoration projects; and water quality monitoring and targets;
- (e) Make recommendations to the Board of County Commissioners and the County Mayor as to any matter related to the protection and restoration of Biscayne Bay;
- (f) Make recommendations to the Board of County Commissioners and the County Mayor as to funding strategies, including water quality projects which should be funded and how to best prioritize water quality restoration in the County's annual budgets;
- (g) Consult and communicate with the County's Chief Bay Officer, the Office of Resilience, and the Division of Environmental Resources Management, or other County staff as may be designated by the County Mayor;
- (h) Consult and communicate with other governmental entities and agencies, including, as appropriate, municipalities within Miami-Dade County, the South Florida Water Management District, the Florida Department of Environmental Protection, the United States Department of the Interior, the United States Army Corps of Engineers, the National Oceanic and Atmospheric Administration, the Florida Fish and Wildlife Conservation Commission, the Florida Inland Navigational District, the Biscayne Bay Regional Restoration Coordination Team, academic institutions, and relevant non-profit organizations, so that the Biscayne Bay Watershed Management Advisory Board's recommendations build upon and consider the

knowledge, strategies, and projects of such governmental entities, agencies, academic institutions, and non-profit organizations;

- (i) Participate in summits and conferences related to Biscayne Bay to promote the sharing of information and ideas and to raise community consciousness as to the importance of Biscayne Bay, and where critical support for the creation of these summits and conferences shall be provided by the County's Chief Bay Officer and the Office of Resilience, or other County staff as may be designated by the County Mayor;
- (j) Serve as a forum at which individuals and groups can express concerns and provide suggestions related to the protection and restoration Biscayne Bay;
- (k) Strengthen communication on Biscayne Bay issues between the County and municipalities and other governmental agencies and entities; and
- (l) Perform such other duties as may from time to time be assigned to it by the Board of County Commissioners.

Sec. 2-2425. Applicability of County rules and procedures.

- (a) All proceedings of the Biscayne Bay Watershed Management Advisory Board shall be conducted in accordance with Florida's open government laws, including but not limited to, the Government in the Sunshine Law and the Citizens' Bill of Rights of the Miami-Dade Home Rule Charter.
- (b) Members of the public shall be given a reasonable opportunity to be heard on any proposition before the Biscayne Bay Watershed Management Advisory Board.
- (c) The Biscayne Bay Watershed Management Advisory Board shall be deemed an "agency" for the purposes of the State's public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, section 2-11.1 of this code.

Sec. 2-2426. Reports.

The chairperson or vice-chairperson shall present to the Board of County Commissioners on an annual basis a written report describing the Biscayne Bay Watershed Management Advisory Board's activities and shall appear as needed before the Board of County Commissioners to present any matters pertinent to the Biscayne Bay Watershed Management Advisory Board. The completed reports required by this section shall be placed on an agenda of the Board of County Commissioners pursuant to Ordinance No. 14-65.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

July 20, 2021

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Rebeca Sosa
Co-Sponsor: Commissioner Eileen Higgins