

23 Jan 2019

Approved _____ Mayor

Agenda Item No.

Veto _____

[Date]

Override _____

RESOLUTION NO. _____

RESOLUTION CREATING A BISCAYNE BAY RESTORATION PARTNERSHIP; AND SETTING FORTH POWERS AND RESPONSIBILITIES OF SUCH PARTNERSHIP

WHEREAS, Biscayne Bay is an estuary located on the southeast coast of Florida, in Miami-Dade County; and

WHEREAS, portions of Biscayne Bay, including its tributaries such as the Miami River, Oleta River and Little River (hereinafter referenced as “Biscayne Bay”), have been designated a state aquatic preserve, for their ecological significance and recreational value; and

WHEREAS, expansive portions of Biscayne Bay have been designated a state aquatic preserve, for their ecological significance and recreational value; and

WHEREAS, portions of south Biscayne Bay have been designated as a national park, due to its ecological significance, economic and recreational value; and

WHEREAS, according to the National Oceanic and Atmospheric Administration (NOAA), the ecosystem of Biscayne Bay provides essential natural benefits and billions of dollars in economic output to the surrounding area—including commercial fishing, water sports, marine transportation, and tourism; and

WHEREAS, the health of Biscayne Bay is linked to the economic well-being of Miami-Dade County through industries such as real estate, trade, tourism and commercial and recreational fishing; and

WHEREAS, there were an estimated 15.7 million overnight visitors to Miami-Dade County in 2016, with the beaches and Biscayne Bay being the most heavily visited areas, as noted in <http://partners.miamiandbeaches.com/~media/files/gmcbv/partners/research%20statistics/annual-report-2016>; and

WHEREAS, numerous issues may affect Biscayne Bay, including, but not limited to, the long-term management of Biscayne Bay water quality, reducing marine debris, and increasing awareness of these issues and appreciation of the bay among residents and visitors; and

WHEREAS, based on the economic impact of Biscayne Bay and the Miami River alone, these issues are of the utmost importance to Miami-Dade County; and

WHEREAS, since the early 1970s various efforts have been undertaken to protect and enhance the environmental health of Biscayne Bay, including in 1974, when the Biscayne Bay Aquatic Preserve (“BBAP”) was established with its boundaries later expanded, ; in 1980 when Biscayne National Park was established; in 1981 when Miami-Dade County Department of Environmental Resources Management (“DERM”) created a Biscayne Bay Management Plan, and in 1985 when DERM created a Biscayne Bay Restoration and Enhancement Program; in 1999 when the Biscayne Bay Partnership Initiative was established and funded by the Florida Legislature, evolving in 2001 into the Biscayne Bay Regional Restoration Coordinating Team (“BBRRCT”) under the auspices of the South Florida Ecosystem Restoration Task Force; and in

2013 when the Florida Department of Environmental Protection drafted BBAP's first Management Plan; and

WHEREAS, the Miami-Dade County Comprehensive Development Master Plan's (CDMP) Coastal Element directs the Miami-Dade County to protect its coastal resources, and specifically states that it "shall continue activities to improve or maintain water quality in coastal and estuarine water bodies"; and

WHEREAS, the intent of the CDMP's Conservation Element to "identify, conserve, appropriately use, protect, and restore as necessary the biological, geological, and hydrological resources of Miami-Dade County"; and

WHEREAS, each municipality within Miami-Dade County has either a direct or indirect impact on the health of Biscayne Bay, including but not limited to stormwater contribution that may convey excess nutrients and marine debris; and

WHEREAS, Miami-Dade County has worked collaboratively with agency partners, including, but not limited to, the U.S. Environmental Protection Agency, the National Park Service, NOAA, the U.S. Fish and Wildlife Service, the U.S. Coast Guard, the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, the South Florida Water Management District, the Florida Fish and Wildlife Conservation Commission, the Miami River Commission, and the Florida Inland Navigation District, and universities as well as non-profit groups and other stakeholders, and through such coordination and collaboration, the Miami-Dade County continues to exchange data and ideas with respect to the issues and challenges related to Biscayne Bay; and

WHEREAS, such continued collaboration, dialogue and exchange of data and ideas within Miami-Dade County and between the County, agency partners, non-profit groups, and

other stakeholders may help to address concerns related to Biscayne Bay, including but not limited to developing Biscayne Bay-focused resilience, restoration and enhancement strategies, and studying and addressing potential ecological concerns including but not limited to algal blooms, changes in biotic communities, seagrass die-offs, coral disease, sea level rise, and water quality, and such collaboration and dialogue may also inspire creative solutions to complex issues; and

WHEREAS, such coordination and collaboration may also result in additional funding opportunities for projects that may benefit Biscayne Bay, and the users and admirers of Biscayne Bay; and

WHEREAS, Biscayne Bay may also be impacted by sea level rise, extreme weather, salt water intrusion, and flooding, and Miami-Dade County's resilience planning efforts may be harnessed to provide benefits to and strengthen the resiliency of Biscayne Bay; and

WHEREAS, nearly all aspects of Biscayne Bay have been affected by development, altered hydrology, nutrient input and the spread of non-native species; and

WHEREAS, the distribution, life cycles, community structures, and population densities of flora and fauna of Biscayne Bay are intricately linked to local and regional hydrology; and

WHEREAS, the current status of fish and wildlife has been strongly influenced by the cumulative effects of drainage activities, and the ensuing agricultural and urban development made possible by those activities, and the hydrologic alteration of its natural tributaries; and

WHEREAS, fish, shellfish and plant community abundance continue to be adversely affected in Biscayne Bay; and

WHEREAS, Miami-Dade County seeks to take action to curb this decline and enhance the environmental quality of Biscayne Bay, and to establish a structure and process for

environmental restoration efforts to restore and maintain Biscayne Bay for the enjoyment of future generations; and

WHEREAS, in June of 2017, a diverse group of environmental advocates, governmental officials and private sector participants convened the Biscayne Bay Marine Health Summit (the “Summit”) at FIU’s Biscayne Bay Campus;

WHEREAS, the Summit attracted over 200 participants and established a forum for greater awareness of Biscayne Bay as an ecological system; and

WHEREAS, the Summit highlighted the challenges which Biscayne Bay is experiencing today, including inundation by marine debris, nutrients, and other pollutants; and

WHEREAS, a goal of the Summit is to support healthy bay initiatives including the Biscayne Bay Restoration Partnership; and

WHEREAS, on June 6th, 2017, the Miami Dade County Board of County Commissioners approved Resolution R-620-17 supporting the Biscayne Bay Marine Health Summit in concept and “encouraging partnerships to support the health of Biscayne Bay”; and

WHEREAS, on March 28, 2018, the Miami Dade County Board of County Commissioners approved Resolution R-463-18 directing the County Mayor or Designee to develop and implement an annual “report card” program that evaluates the health of Biscayne Bay and prepare a report for this board; and

WHEREAS, in order to achieve the goals outlined above, this Board wishes to establish a restoration partnership to commit the Miami-Dade County’s resources to restoring and enhancing Biscayne Bay by directing County departments to enhance their collaboration and knowledge-sharing, as well as work with partner agencies and community stakeholders to create and implement projects and strategies that will improve ecological conditions in Biscayne Bay

and help secure critical funds for projects to protect and enhance Biscayne Bay now and into the future,

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

Section 1. *Creation.* This Board hereby creates the Biscayne Bay Restoration Partnership (hereinafter referred to as the “BBRP”).

Section 2. *Purpose.* The BBRP is a multi-agency and stakeholder-based advisory group organized to enhance the environmental quality and public enjoyment of Biscayne Bay, and its tributaries such as the Miami River, Oleta River and Little River (hereinafter referenced as “Biscayne Bay”), and establish a structure and process to further develop and support Miami-Dade County’s environmental restoration efforts in Biscayne Bay and the Miami River. The BBRP does not circumscribe any of Miami-Dade County’s authority relating to Biscayne Bay, but seeks to enhance coordination of restoration efforts and bolster support for development and implementation of projects focused on the restoration of Biscayne Bay.

Section 3. *Membership.*

A. *Steering Committee.* The BBRP Steering Committee shall consist of seven (7) members. Members will have experience with issues related to Biscayne Bay, and are expected to leverage the professional and financial resources of their respective organizations to effectuate the goals of the BBRP. Membership shall include elected or appointed officials from each of the following entities:

1. one from the South Florida Water Management District Governing Board;
2. one from the Florida Department of Environmental Protection;
3. one from the Florida Fish and Wildlife Conservation Commission;

4. one from the Miami-Dade County Commission;
5. one from the Florida Inland Navigation District;
6. one from Miami-Dade County League of Cities (from either Miami or Miami Beach); and
7. one from Miami-Dade County League of Cities (from a different municipality which borders Biscayne Bay).

B. *Voting Members Nomination.* Each of the entities listed in Section 3.A.(1)-(5) shall nominate one representative from their respective organizations or member class. The Miami-Dade County League of Cities shall nominate one elected official from either the City of Miami or the City of Miami Beach, and one member who is an elected official from a municipality which borders Biscayne Bay; provided however, that no municipality may have more than one representative serving on the Steering Committee.

C. *Term.* All voting members shall serve until they are replaced by action of their respective organization.

Section 4. *Officers.*

A. *Election of Officers.* Annually, at the first meeting of the calendar year the BBRP Steering Committee shall elect officers from among its members. Officers shall serve a one (1) year term and shall include a Chairperson and Vice-Chairperson and such other officers as the BBRP Steering Committee deems necessary.

B. *Chairperson.* The Chairperson, who shall be a member of the BBRP Steering Committee, shall preside at all meetings of the BBRP Steering Committee and at other meetings and public hearings called by the BBRP. He or she shall call special meetings of the BBRP Steering Committee when required, and shall transmit reports, plans, and recommendations of

the BBRP to the appropriate governing authorities. The Chairperson may appoint committees or subcommittees (composed of members of the BBRP Steering Committee, or citizens, or a combination thereof) whenever he or she feels such committees can be of value to the BBRP. The Chairperson shall act as a spokesperson for the BBRP and shall also have such other duties as are normally conferred on such officers by parliamentary procedure.

C. *Vice-Chairperson.* The Vice-Chairperson, who shall be a member of the BBRP Steering Committee, shall serve as Chairperson during the temporary absence or disability of the Chairperson. In the event of the Chairperson's permanent absence, due to resignation or other causes, the Vice-Chairperson shall perform the Chairperson's duties until the BBRP Steering Committee shall elect a new Chairperson.

D. *Secretary.* The Secretary, who shall be a member of the BBRP Steering Committee, shall serve under the direction of the Chairperson, and with the assistance of other staff as may be available. The Secretary shall oversee the preparation, distribution, and filing of the minutes and records of the BBRP and assume such other duties as are normally carried out by a Secretary.

Section 5. *Meetings.*

A. *Frequency.* The regular meeting of the BBRP Steering Committee shall be held quarterly and upon call of the Chairperson.

B. *Special Meetings.* Additional special meetings may be called by the Chairperson, provided that reasonable advance notice is given to each BBRP Steering Committee member.

C. *Advertising.* All BBRP Steering Committee meetings are open to the public and shall be advertised in accordance with Florida law.

D. *Public Comments.* The BBRP Steering Committee meetings shall allow public comment prior to any vote. Each speaker will be limited to three (3) minutes or such other time limit established by the Chairperson of the meeting.

E. *Voting.*

1. *Quorum.* A quorum shall consist of a simple majority of the members of the BBRP Steering Committee.

2. *Alternates.* Each BBRP Steering Committee member may designate an alternate who will have voting authority for that member.

3. *Proxies.* All BBRP Steering Committee voting members or their alternates must be present to vote. No proxies will be permitted.

F. *Minutes.* The minutes of all meetings and all written correspondence issued by the BBRP shall be kept by the Secretary of the BBRP. Copies of all minutes shall remain on file with the Miami-Dade County Commission.

G. *Sunshine.* All members of the BBRP Steering Committee are governed by the State of Florida's Sunshine laws.

H. *Staffing.* Miami-Dade County Mayor's Office shall designate a dedicated staff position, with support from various departmental staff as needed, to support the BBRP and to coordinate the BBRP's environmental restoration efforts. The staff shall maintain and keep records of the BBRP, prepared in cooperation with the chairperson, including the agenda for each meeting. The staff shall be responsible for the preparation of such reports, minutes, documents, or correspondence as the BBRP may direct and generally administer the business and affairs of the BBRP, subject to budgetary limitations. The staff shall also provide support to Working Groups including meeting

content and logistics in coordination with staff from agencies comprising the Steering Committee. The County Attorney's Office shall provide legal counsel, as needed, to the BBRP.

Section 6. *Working Groups.*

A. *Creation and Membership.* Working Groups shall be established by the BBRP Steering Committee to focus on specific substantive areas, and shall be forward-thinking, productive, and results-driven. Working Groups subject areas include, but are not limited to:

i. Water – the Water Working Group shall review, evaluate and recommend strategies to improve the quality, quantity, timing and distribution of water flowing into Biscayne Bay. Specific topics of consideration shall include stormwater issues, nutrient enrichment from septic tanks and fertilizers, and sanitary sewer infrastructure issues and coordination with the Comprehensive Everglades Restoration Plan - Biscayne Bay Coastal Wetlands Project Phases 1 & 2. The County Mayor's Office shall direct officials from Miami-Dade Water and Sewer Department, Department of Transportation and Public Works, and Department of Regulatory and Economic Resources to participate in the Water Working Group.

ii. Habitat – the Habitat Working Group shall review, evaluate and recommend strategies to improve the quality and distribution of natural habitat in Biscayne Bay. Specific topics shall include mangrove restoration, seagrass restoration, living shorelines, and artificial reefs. The County Mayor's Office shall direct officials from Miami-Dade County Department of Regulatory and Economic Resources to participate in the Habitat Working Group.

iii. Public Outreach (public awareness, public access, public use and enjoyment). The County Mayor's Office shall direct officials from Miami-Dade Parks Recreation and Open Space and Communications Departments to participate in the Public Outreach Working Group.

Working groups shall additionally be comprised of representatives from non-governmental organizations ("NGOs") including but not limited to Biscayne Bay Waterkeepers, The Nature Conservancy, Greater Miami Chamber of Commerce, Biscayne Bay Marine Health Summit Steering Committee, Miami Marine Council, Miami River Commission, Miami River Marine Group, and Florida SeaGrant; local educational facilities such as the University of Miami, Florida International University and Miami Dade College; and governmental entities such as Biscayne National Park, Biscayne Bay Regional Restoration Coordinating Team, National Oceanic and Atmospheric Administration, Florida Department of Transportation, Miami-Dade County and its various Municipalities.

B. *Tasks.* The primary task of the Working Groups shall be to rigorously evaluate the needs of Biscayne Bay, bringing to bear the relevant disciplines and experts within Miami-Dade County to drive the progress in partnership with representatives from the aforementioned agencies and organizations. The Working Groups shall annually present projects to the BBRP Steering Committee, which will prioritize and forward the projects to Miami-Dade County and the Miami-Dade County legislative delegation. In doing so, the Working Groups shall:

- i. develop ideas for projects which will improve the environmental health, economic sustainability and public enjoyment of Biscayne Bay,

- ii. review the various Biscayne Bay restoration and management plans which exist in order to develop a short-term action plan, and suggest to the steering committee planning needs,
- iii. identify gaps in knowledge and monitoring,
- iv. draft funding and implementation plans for projects,
- v. evaluate existing data and other quantitative indicators of environmental health, including, but not limited to, water quality, hydrology, seagrass coverage, fish populations, bird populations, and marine mammal populations, and
- vi. suggest revisions to policies or regulations which will improve the environmental health, economic sustainability and public enjoyment of Biscayne Bay.

The Working Group Chairs will be selected by the Chair of the Steering Committee and will provide progress reports at each Steering Committee meeting.

Section 7. *BBRP Plan.* The BBRP may develop a BBRP Plan to guide its activities and restoration efforts. The BBRP Plan must be based on the considerable body of work which has previously been developed for Biscayne Bay, and must review and acknowledge the shortcomings of such previous plans. The plan should be outcome-driven, maintaining a focus on the restoration, economic sustainability and resilience of Biscayne Bay through projects, programs, studies and policies that are action-oriented and provide tangible results. In the event a plan is proposed, the BBRP shall create an ad hoc Working Group to facilitate completion of the BBRP Plan.

Section 7. *Amendments to BBRP Charter.* Amendments to the BBRP Charter may be made; however, all amendments shall require the majority vote of the BBRP Steering Committee. Written notice of the proposed amendment(s) shall be provided to each BBRP

Steering Committee member at least ten (10) days prior to the meeting at which the proposed amendment is scheduled for voting.

The Prime Sponsor of the foregoing resolution is _____. It was offered by _____, who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman
Rebeca Sosa, Vice Chairwoman

Eileen Higgins
Jose "Pepe" Diaz
Barbara J. Jordan
Jean Monestime
Esteban L. Bovo, Jr.
Xavier L. Suarez

Danielle Levine Cava
Sally A. Heyman
Joe A. Martinez
Dennis C. Moss
Sen. Javier D. Souto