

**RESOLUTION NO. 21-\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN  
COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA,  
SUPPORTING THE JUNE 2020 BISCAYNE BAY TASK  
FORCE REPORT AND RECOMMENDATIONS;  
PROVIDING FOR AUTHORIZATION; AND PROVIDING  
FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (the “Town”), a coastal community located adjacent to the Biscayne Bay Aquatic Preserves, is diligent in its efforts to preserve the environment, including our ocean, waterways, wetlands, and land in between; and

**WHEREAS**, as a leader in the State of Florida (the “State”) for promoting environmental stewardship, the Town has adopted various resolutions in efforts to protect the natural environment of the planet and of this community, and conserve natural resources by minimizing its impact on said environment and resources; and

**WHEREAS**, the water quality of Biscayne Bay, the Atlantic Ocean, and area water channels is critical to the health of the environment, the strength of the economy (including the tourism and recreation sectors), and the health, safety, and welfare of the residents of the Town and Miami-Dade County (the “County”); and

**WHEREAS**, Biscayne Bay has been suffering from detrimental amounts of pollution; and

**WHEREAS**, there have been unprecedented fish kills, increases in phosphorus and nitrogen levels, rises in water temperature, algae blooms, toxic salinity levels, and low levels of oxygen in Biscayne Bay; and

**WHEREAS**, this harm to Biscayne Bay was caused in part by fertilizer runoff as well as septic tank spills; and

**WHEREAS**, on May 20, 2020, the Town Council adopted Resolution No. 20-23, which urged the County to implement minimum standards applicable to the incorporated and unincorporated areas of the County for the proper use and application of fertilizers by adopting a Florida-Friendly Fertilizer Ordinance; and

**WHEREAS**, regulating fertilizer runoff through fertilizer ordinances would help manage the pollution by including provisions that ban fertilizer application during summer rainy season, requiring mandatory setbacks from water bodies, and requiring training for landscaping professionals; and

**WHEREAS**, on July 15, 2020, the Town Council adopted Ordinance 20-06, which revised the standards in Chapter 14, “Environmental Protection,” of the Town Code of Ordinances by creating, among other things, Article III, “Fertilizer Use,” to address environmental concerns and ensure sustainability and resiliency for the Town’s residents and future generations; and

**WHEREAS**, on October 22, 2020, a letter of guidance regarding the protection of Biscayne Bay was produced by the Friends of Biscayne Bay, in which it referenced the detrimental amounts of pollution (caused in part by fertilizer runoff as well as septic tank spills) that have produced unprecedented fish kills, increases in phosphorus and nitrogen levels, rises in water temperature, algae blooms, toxic salinity levels, and low levels of oxygen in the water in Biscayne Bay; and

**WHEREAS**, the County Board of County Commissioners (BCC) adopted Resolution No. R-165-19, which established the Biscayne Bay Task Force (the “Task Force”); and

**WHEREAS**, the Task Force’s purpose was to develop recommendations and an action plan identifying problem areas and prioritizing projects for Biscayne Bay, and to present them in a report to the BCC; and

**WHEREAS**, the report was presented to the BCC in October 2020 and includes 62 recommendations under seven policy themes: water quality, governance, infrastructure, watershed habitat restoration and natural infrastructure, marine debris, education and outreach, and funding; and

**WHEREAS**, the problems facing Biscayne Bay are serious and complex: most will require financial investments and a unified and collaborative approach to restoration and recovery; and

**WHEREAS**, the process of restoring and recovering Biscayne Bay’s resources and continuing to work to ensure the Bay is visually and physically accessible for all people is in service of environmental justice, and, in doing so, is in service to the people and natural resources of the County; and

**WHEREAS**, the Town Council finds that the adoption of this Resolution is in the best interest and welfare of the residents of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Support.** The Town Council supports the June 2020 Biscayne Bay Task Force Report and Recommendations.

**Section 3. Authorization.** The Town Manager is hereby authorized, on behalf of the Town, to actively participate in any Task Force and work closely with the County’s Chief Bay Officer in order to provide further input from the Town.

**Section 4. Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_ day of January, 2021.

\_\_\_\_\_  
TIM MEERBOTT  
Mayor

Attest:

\_\_\_\_\_  
DEBRA E. EASTMAN, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN  
COLE & BIERMAN, P.L.  
Town Attorney

Moved By: \_\_\_\_\_  
Seconded By: \_\_\_\_\_

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott \_\_\_\_\_

Vice Mayor Michael P. Callahan \_\_\_\_\_

Council Member Robert "BJ" Duncan \_\_\_\_\_

Council Member Suzy Lord \_\_\_\_\_

Council Member Roger Coriat \_\_\_\_\_