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MEMORANDUM

Agenda Item No. 2(I)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** November 9, 2009

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging Congress to pass legislation addressing imported Chinese drywall; directing the Mayor or Designee to prepare a report related to the prevalence of Chinese drywall in Miami-Dade County and related issues facing Miami-Dade homeowners

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** November 3, 2009

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No.

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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) 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.  
11-3-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING CONGRESS TO PASS LEGISLATION ADDRESSING IMPORTED CHINESE DRYWALL; DIRECTING THE MAYOR OR DESIGNEE TO PREPARE A REPORT RELATED TO THE PREVALENCE OF CHINESE DRYWALL IN MIAMI-DADE COUNTY AND RELATED ISSUES FACING MIAMI-DADE HOMEOWNERS

**WHEREAS**, in 2006 and 2007, more than 550 million pounds of drywall and associated building materials were imported from China to the U.S.; and

**WHEREAS**, around half this drywall was imported from China to the State of Florida, enough to build approximately 36,000 homes; and

**WHEREAS**, media reports indicate that drywall imported from China was also used in homes in no fewer than 11 other states, including Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia; and

**WHEREAS**, cases of Chinese drywall have been reported in Miami-Dade County; and

**WHEREAS**, testing by Florida officials found that drywall imported from China contains potentially hazardous levels of strontium sulfide, which, when exposed to moisture and humidity, can release hydrogen sulfide into the air; and

**WHEREAS**, emissions from drywall imported from China have caused substantial safety hazards in homes containing such drywall, including corrosion in electrical wiring, which can result in a fire hazard, failure of air conditioning units, and the failure of other household electrical products; and

**WHEREAS**, preliminary testing shows that the drywall may also be responsible for certain health hazards; and

**WHEREAS**, legislation has been filed in Congress to address the Chinese drywall issue, including S. 739 and S. Res. 91, both by Senators Bill Nelson and Mary Landrieu, and H.R. 1977 by Representative Robert Wexler; and

**WHEREAS**, this legislation would initiate a formal proceeding to investigate drywall imported from China from 2004 through 2007; prohibit further importation of drywall and associated building products from China; order a recall of hazardous Chinese drywall; and seek civil penalties against the drywall manufacturers in China that produced or distributed hazardous drywall and their U.S. subsidiaries to cover the cost of the recall effort and associated remediation; and

**WHEREAS**, in addition to federal legislation, local efforts should be undertaken where possible to assist homeowners facing issues related to Chinese drywall,

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

**Section 1.** Urges Congress to pass legislation addressing imported Chinese drywall.

**Section 2.** Urges Congress to pass S. 739, S. Res. 91, H.R. 1977 or similar legislation.

**Section 3.** Directs the Mayor or designee to prepare a report related to the prevalence of Chinese drywall in Miami-Dade County and related issues facing Miami-Dade homeowners, and to present such report along with recommendations for addressing the issue of Chinese drywall to the Board within the next 90 days.

**Section 4.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the two U.S. Senators that represent Florida and the members of the Miami-Dade County Congressional Delegation.

**Section 5.** Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2009 and 2010 Federal Legislative Packages.

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

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of November, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

JMM

Jess M. McCarty

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