



MEMORANDUM

Agenda Item No. 11(A)(8)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 5, 2012

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

SUBJECT: Resolution directing the County Mayor to use funds previously authorized and earmarked for the cleanup and closure of the no longer used landfill on Virginia Key to begin effecting the cleanup of that landfill

This item was amended at the Infrastructure and Land Use Committee on April 11, 2012 to add a date by which the implementation was to occur.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.

R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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County Attorney

SUBJECT: Agenda Item No. 11(A)(8)

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(A)(8)
6-5-12

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR TO USE FUNDS PREVIOUSLY AUTHORIZED AND EARMARKED FOR THE CLEANUP AND CLOSURE OF THE NO LONGER USED LANDFILL ON VIRGINIA KEY TO BEGIN EFFECTING THE CLEANUP OF THAT LANDFILL

WHEREAS, the County has issued bonds and set aside approximately \$28 million for the purpose of effecting the cleanup and closure of the prior landfill that exists on Virginia Key; and

WHEREAS, the funds for the cleanup have been held in a pooled cash account since approximately 2005; and

WHEREAS, the Office of the Inspector General's report of February 27, 2012 has expressed dissatisfaction with the delay in the use of the funds to effect the cleanup and the closure of the landfill; and

WHEREAS, the 2009 Contamination Assessment Plan Addendum indicates that ammonia is the primary chemical of concern with concentrations of up to 160 mg/L and that other contaminants, specifically iron, arsenic, phenol, vanadium, aldrin and dieldrin have sporadically been detected above applicable standards; the ammonia groundwater contamination represents a potential risk to ecological receptors; and

WHEREAS, the City of Miami intends to use the property for four softball/Little League baseball fields, four soccer/football fields, four tennis courts, batting cages, meadows, recreational center, playground, coastal hammock/nature trails with associated parking and facilities such as restrooms, all of which would be available and useful to the general public; and

WHEREAS, the delay in the cleanup and closure of the landfill prevents the use of the property as described herein,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor is directed to use existing County contracts and/or issue appropriate requests for proposals to begin and proceed with the necessary assessments and cleanup and closure of the Virginia Key Landfill~~[[.]]>>~~, such that the remediation process will begin by no later than December 1, 2012.~~<<~~¹

The Prime Sponsor of the foregoing resolution is Commissioner Xavier L. Suarez. 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

¹ Committee amendments are indicated as follows: words stricken through and/or ~~[[double bracketed]]~~ shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of June, 2012. 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

Approved by County Attorney as
to form and legal sufficiency.



Thomas H. Robertson

By: _____
Deputy Clerk