

MEMORANDUM

Agenda Item No. 11(A)(6)

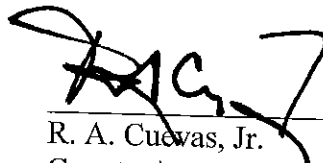
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 6, 2015

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

SUBJECT: Resolution directing the Mayor to examine and prepare a report regarding recycling at County owned facilities and directing the Mayor to place this report on an agenda of the Board; directing the Mayor to develop contingency plans to ensure continuity of recycling at County facilities; and directing the Mayor to develop training and education programs for County employees

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava and Co-Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 6, 2015

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

SUBJECT: Agenda Item No. 11(A)(6)

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 Mayor'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)(6)
10-6-15

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO EXAMINE AND PREPARE A REPORT REGARDING RECYCLING AT COUNTY OWNED FACILITIES AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO PLACE THIS REPORT ON AN AGENDA OF THE BOARD; DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO DEVELOP CONTINGENCY PLANS TO ENSURE CONTINUITY OF RECYCLING AT COUNTY FACILITIES; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO DEVELOP TRAINING AND EDUCATION PROGRAMS FOR COUNTY EMPLOYEES

WHEREAS, the protection of the County's natural resources is critical to preserving both the economic viability of the County as well as the ability of the County to sustain a growing population; and

WHEREAS, recycling is one of the best ways to protect the County, State, and Nation's natural resources and contribute to a more sustainable economy; and

WHEREAS, recycling diverts waste materials from landfills and instead creates a source of raw materials for new products useful to the community; and

WHEREAS, manufacturing new products from recycled materials often takes less energy and prevents the unnecessary consumption of virgin raw materials; and

WHEREAS, the Board desires to utilize recycling to the fullest extent possible at all County facilities; and

WHEREAS, recycling programs are necessary requirements of Leadership in Energy and Environmental Design (LEED) certification of County facilities; and

WHEREAS, consistent with the County's Sustainable Building Program, the County desires to maintain LEED certification on County facilities; and

WHEREAS, on October 1, 2013, the Board approved Resolution No. R-805-13 awarding a contract to provide recycling services at County facilities to Ecological Paper Recycling, Inc. for the implementation of comprehensive recycling services at nearly 500 County facilities; and

WHEREAS, Ecological Paper Recycling, Inc. began failing to perform on its contractual obligations in early 2014 and continued to fail in meeting its contractual obligations to provide recycling services through 2015; and

WHEREAS, the County does not have contingency plans to maintain recycling services at County facilities, including LEED certified County facilities, during periods of vendor non-performance; and

WHEREAS, the failure of the Ecological Paper Recycling, Inc. to perform under the contract and the County's lack of contingency plans to maintain recycling services has led to the County unnecessarily disposing of recyclable materials as trash; and

WHEREAS, even when vendors are adequately performing on County recycling contracts, County employees and cleaning services vendors do not fully make use of available recycling opportunities; and

WHEREAS, the diversion of recyclable materials perpetuates the all-too-common perception that recyclable materials are sent to the landfill instead of repurposed as new raw material; and

WHEREAS, this failure has harmed the environment, increased costs to the County and damaged our reputation as a leader in sustainability; and

WHEREAS, this Board desires that Miami-Dade County government facilities have continuous, uninterrupted recycling services,

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

Section 1. The Mayor or Mayor's designee is directed to examine and prepare a report detailing: (1) the performance of Ecological Paper Recycling, Inc. and the steps that the administration has taken to enforce the provisions of the contract approved by Resolution No. R-805-13; (2) the current state of recycling at all County facilities; (3) the current status of any potential replacement contract to provide recycling services to County facilities; (4) the cleaning services vendors' compliance with contractual provisions that require proper collection of recycled materials; and (5) any recommendations for Board action to improve recycling at County facilities. The Mayor or Mayor's designee is directed to provide the report to this Board within 30 days of the effective date of this resolution and place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65 at the next scheduled meeting.

Section 2. The Mayor or Mayor's designee is further directed to develop contingency plans to ensure continuation of recycling services at County facilities in the absence of a recycling vendor, or in instances of vendor non-performance, including but not limited to the mobilization of the Public Works and Waste Management Department to provide recycling at County facilities.

Section 3. The Mayor or Mayor's designee is further directed to develop training and education programs for County employees on the benefits of recycling and how to ensure the correct items are recycled.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava and Co-Sponsor Commissioner Sally A. Heyman. 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Oren Rosenthal