

MEMORANDUM

Agenda Item No. 11(A)(3)

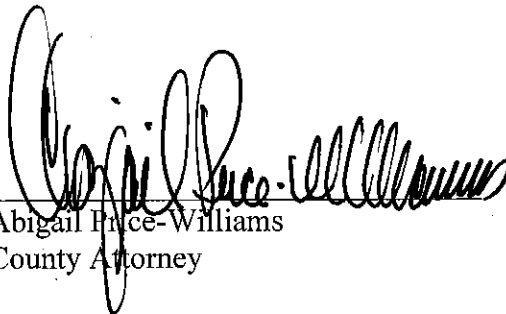
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: December 5, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to create the 2017 Illegal Dumping Task Force to address illegal dumping in Miami-Dade County; providing for task force purpose, powers, duties, membership composition and qualifications, organization and procedures, regulations, reporting requirements, and staff support; providing sunset provision

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Jose "Pepe" Diaz and Commissioner Dennis C. Moss, and Co-Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney

APW/smm

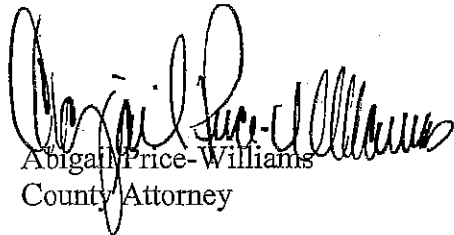


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: December 5, 2017

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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
- Statement of social equity 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)(3)
12-5-17

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO CREATE THE 2017 ILLEGAL DUMPING TASK FORCE TO ADDRESS ILLEGAL DUMPING IN MIAMI-DADE COUNTY; PROVIDING FOR TASK FORCE PURPOSE, POWERS, DUTIES, MEMBERSHIP COMPOSITION AND QUALIFICATIONS, ORGANIZATION AND PROCEDURES, REGULATIONS, REPORTING REQUIREMENTS, AND STAFF SUPPORT; PROVIDING SUNSET PROVISION

WHEREAS, illegal dumping in Miami-Dade County is a serious issue that creates a wide range of problems; and

WHEREAS, illegal dumping may pose serious environmental challenges and sometimes occurs on environmentally-sensitive areas, such as wetlands; and

WHEREAS, illegal dumping may also be an economic threat to Miami-Dade County and County residents; and

WHEREAS, illegal dumping can be a problem in the County's residential areas, such as when violators illegally dump materials on a resident's otherwise legal bulky pick-up pile, and in the County's rural, agricultural areas, such as when violators illegally dump materials on the right-of-way or even on another person's property; and

WHEREAS, the problem cannot solely be addressed by the Solid Waste Department (the "Department"), as the Department has entered into a contract with its bondholders in which it has agreed to not render any free services and to not give preferential treatment to users of the same class; and

WHEREAS, if the Department were to voluntarily pick up all of the illegally dumped materials without monetary remuneration, the bondholders may interpret that act as providing free service in violation of the above covenant; and

WHEREAS, in 2006, this Board adopted Resolution No. R-748-06 and directed the administration to develop a comprehensive program to address issues related to illegal dumping, including the creation of a reward program for information leading to the arrest of persons who have committed illegal dumping, the use of cameras to detect and punish illegal dumpers, and the use of "Crime Watch" resources to encourage individuals to report incidents of illegal dumping, and to present a plan to the Board; and

WHEREAS, in 2015, this Board adopted Resolution No. R-607-15, which directed the County Mayor or the County Mayor's designee to establish a specialized waste-cleanup unit for the unincorporated area to address issues such as illegal dumping; and

WHEREAS, this Board wishes to review the County's current policies and regulations relating to illegal dumping, to further address issues that have either not been fully addressed by prior efforts against illegal dumping, or that require more up-to-date investigations and information; and

WHEREAS, such information will assist the County in determining how to best address the problems of illegal dumping, stop illegal dumping, punish the wrongdoers, and remedy the harms of past illegal dumping; and

WHEREAS, this Board believes a task force is the appropriate body to consider all potential solutions to the above-described issues, and to present to this Board clear recommendations to better address illegal dumping,

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

Section 1. *Creation.* This Board hereby directs the County Mayor or the County Mayor's designee to create the Miami-Dade County 2017 Illegal Dumping Task Force (the "Task Force"), consistent with the requirements set forth in this resolution.

Section 2. *Purpose, Powers, and Duties.* The Task Force is established solely for the purpose of advising this Board and the County Mayor regarding issues related to illegal dumping in Miami-Dade County.

Consistent with this purpose, the Task Force shall:

- (a) Identify all issues related to illegal dumping in Miami-Dade County, including, but not limited to, causes, effects, laws and regulations, enforcement, and punishment;
- (b) Make recommendations to this Board on whether changes to the County's ordinances, resolutions, regulations, implementing orders, and administrative practices could better prevent or deter illegal dumping or could better address problems caused by illegal dumping; and
- (c) Provide a written report to this Board, within 270 days of the effective date of this resolution, describing the Task Force's actions and findings, and providing clear, detailed recommendations explaining (1) the rationale for each recommendation to prevent and deter illegal dumping and to address problems caused by illegal dumping, (2) the particular issue each recommendation is expected to address, and (3) how to implement each recommendation.

Section 3. *Limitations on Authority.* The Task Force is advisory only and shall not have the power or authority to commit Miami-Dade County or any of its agencies or instrumentalities to any policies, incur any financial obligations, or to create any liability, contractual or otherwise, on behalf of Miami-Dade County or any of its agencies or instrumentalities.

Section 4. *Membership Composition, Appointment, and Vacancies.* The County Mayor or the County Mayor's designee shall be responsible for determining the number of members of the Task Force, for selecting and appointing said members, and for filling any vacancies that may arise. The County Mayor or the County Mayor's designee is directed to consult with and invite the following outside entities to participate in the Task Force, whether as members or as attendees to Task Force meetings: the United States Environmental Protection Agency, the United States Attorney's Office—Southern District of Florida, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Transportation, the Florida Department of Environmental Protection, and the State Attorney's Office, Eleventh Judicial Circuit of Florida (in and for Miami-Dade County). This Board further directs the County Mayor or the County Mayor's designee to consult with and invite representatives of the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources, and the Department of Solid Waste Management, to participate in the Task Force, whether as members or attendees. This Board further directs the County Mayor or the County Mayor's designee to invite the Miami-Dade Police Department, including the Agricultural Patrol Division specifically, and the Agricultural Manager of the Department of Regulatory and Economic Resources, to present information and evidence to the Task Force.

Section 5. *Membership Qualifications.* Any person with specialized knowledge or expertise on an issue or issues related to illegal dumping is qualified to serve on the Task Force. No lobbyist registered with the Clerk of the Board of County Commissioners shall serve as a Task Force member.

Section 6. *Organization and procedures at meetings.* The Task Force may establish, adopt, and amend bylaws, rules, and regulations for its own governance. The Task Force shall elect one of its members as chairperson and one of its members as vice-chairperson. The chairperson shall preside at all meetings at which he or she is present. The vice chairperson shall act as chairperson in the absence of the chairperson. To conduct any business or to exercise any power vested in the Task Force, a quorum consisting of a majority of those persons duly appointed shall be present. The members of the Task Force shall serve without compensation.

Section 7. *Government in the Sunshine, Ethics, and Other Regulations.* All proceedings of the Task Force shall be conducted in accordance with the Government in the Sunshine Law, Florida Statute § 286.011, and the Citizens Bill of Rights of the Miami-Dade County Home Rule Charter. The Task Force shall be deemed an “agency” for purposes of the Public Records Law. The Task Force shall be governed by all State and County conflict of interest laws, as applicable, including the Miami- Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 the Code of Miami-Dade County, as determined by the Miami-Dade County Commission on Ethics and Public Trust. The Task Force shall meet within 45 days of the effective date of this resolution, and must meet at least six times before rendering its Report to the Board. Additional meetings may be held at the discretion of the County Mayor or the County Mayor’s designee.

Section 8. *Report.* The Task Force shall provide a written report setting forth its findings and recommendations to the Board within 270 days of the effective date of this resolution. The report shall address the matters described in Section 2 above. The report shall be placed on an agenda of the Board as required by Ordinance No. 14-65 for consideration by the Board. The Board may then request such further work of the Task Force as may be in the public interest.

Section 9. *Staff.* The County Mayor or the County Mayor's designee shall provide adequate staff and support services to the Task Force. The staff shall maintain and keep records of the Task Force, 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 Task Force may direct, and generally administer the business and affairs of the Task Force, subject to budgetary limitations. The County Attorney's Office shall provide legal counsel, as needed, to the Task Force.

Section 10. *Sunset.* The Task Force shall sunset and stand dissolved on the 363rd day from the effective date of this resolution.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Jose "Pepe" Diaz and Commissioner Dennis C. Moss, and the Co-Sponsor is Commissioner Daniella Levine Cava.

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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of December, 2017. 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.



Richard D. Schevis