

MEMORANDUM

Agenda Item No. 11(A)(1)


TO: Honorable Acting Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 15, 2020

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution directing the County Mayor to implement design standards requiring all utility facilities and associated equipment to be covered with landscaping to prevent graffiti vandalism; to prepare and file revisions to the Public Works Manual with the Clerk of the Board and perform all other acts necessary to implement the landscaping requirement; and to provide a report to the Board

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto and Co-Sponsor Commissioner Eileen Higgins.



Geri Bonzon-Keenan
Successor County Attorney

GBK/uw



MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

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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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(1)
12-15-20

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO IMPLEMENT DESIGN STANDARDS REQUIRING ALL UTILITY FACILITIES AND ASSOCIATED EQUIPMENT TO BE COVERED WITH LANDSCAPING TO PREVENT GRAFFITI VANDALISM; TO PREPARE AND FILE REVISIONS TO THE PUBLIC WORKS MANUAL WITH THE CLERK OF THE BOARD AND PERFORM ALL OTHER ACTS NECESSARY TO IMPLEMENT THE LANDSCAPING REQUIREMENT; AND TO PROVIDE A REPORT TO THE BOARD

WHEREAS, Miami-Dade County (the “County”) has experienced a proliferation of graffiti vandalism on utility facilities and associated equipment such as splice boxes, transformers, amplifiers, and auxiliary structures; and

WHEREAS, various studies, including one described in a 2008 article published in *The Economist*, have shown that the presence of graffiti—defined as writing or drawings that have been scribbled, scratched, or painted illicitly on a wall or other surface—can foster the violation of behavioral norms, encouraging theft and littering; and

WHEREAS, in addition to contributing to social ills, graffiti is unsightly, giving the impression that affected areas are undesirable; and

WHEREAS, the County’s main economic engine is the tourism industry, and the County has always prided itself on its image as a clean and inviting destination for visitors; and

WHEREAS, graffiti is costly to remove, imposing costs on private property owners and County taxpayers; and

WHEREAS, graffiti vandalism on utility facilities and associated equipment can be prevented by placing foliage and landscaping around such structures, so as to cover and camouflage them; and

WHEREAS, section 337.401(7)(r) of the Florida Statutes expressly authorizes local governments to adopt “objective design standards,” including standards relating to “reasonable location context, color, camouflage, and concealment requirements”; and

WHEREAS, section 2-100(d) of the Code of Miami-Dade County provides that the Public Works Manual shall be the official guide and standard for public works construction in Miami-Dade County, which provisions take effect upon the Director of the Department of Transportation and Public Works (“DTPW”) filing them with the Clerk of the Board; and

WHEREAS, on July 1, 2020, the DTPW Director recorded the Second Edition of the Utility Accommodation and Appurtenance Specifications for Public Rights-of-Way, a portion of Part 2 of the Public Works Manual, which governs utility installations in the rights-of-way (the “Utility Accommodation Manual”); and

WHEREAS, although the Utility Accommodation Manual permits DTPW to require a utility company to install and maintain landscaping around certain utility equipment and requires appurtenances to have graffiti-resistant paint or finishes, the Manual currently does not require all such equipment to be covered with landscaping to further prevent and conceal graffiti vandalism; and

WHEREAS, graffiti-resistant paint or finishes may make it easier to remove graffiti, but they do not prevent graffiti from being applied to the equipment in the first place; and

WHEREAS, it is in the best interests of the County to prevent or minimize negative aesthetic impacts to the public, wherever feasible,

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

Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals.

Section 2. This Board directs the County Mayor or County Mayor's designee to:

- (a) implement objective design standards requiring all utility facilities and associated equipment such as splice boxes, transformers, amplifiers, and auxiliary structures to be concealed with landscaping to prevent graffiti vandalism;
- (b) within 30 days of the effective date of this resolution, to revise and record an update of the Utility Accommodation Manual in accordance with section 2-100(d) of the code to include such objective design standards;
- (c) perform all other acts necessary to implement the landscaping requirement;
- (d) prepare a report setting forth the status of the foregoing directive and to place the completed report on an agenda of the Board within 90 days of the effective date of this resolution, pursuant to Ordinance 14-65; and
- (e) within one year of the effective date of this resolution, report back to this Board regarding the status of the foregoing directive, including whether the intent of this resolution has been met, and to place a report on an agenda of the Board, pursuant to Ordinance 14-65.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto and the Co-Sponsor is Commissioner Eileen Higgins. 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:

Rebeca Sosa, Acting Chairwoman

Jose "Pepe" Diaz

Oliver G. Gilbert, III

Sally A. Heyman

Eileen Higgins

Kionne L. McGhee

Raquel A. Regalado

Sen. René García

Keon Hardemon

Danielle Cohen Higgins

Joe A. Martinez

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of December, 2020. 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.



Cristina M. Rabionet