

MEMORANDUM

Substitute
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 research and develop a plan for a pilot program for County Commission District 10 at no cost to the County to implement design standards to cover all existing and future utility facilities and associated equipment with landscaping to prevent graffiti vandalism; and to provide a report to the Board regarding the feasibility and advisability of implementing the pilot program

This substitute differs from the original version in that it (1) directs the County Mayor or County Mayor's designee to research and develop a plan for a pilot program for County Commission District 10, rather than implementing design standards countywide for utility facilities to be covered with landscaping to prevent graffiti vandalism; and (2) reduces the time within which the County Mayor or County Mayor's designee is directed to provide a report from 90 days to 60 days.

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)

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

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Successor County Attorney

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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 _____

Substitute
Agenda Item No. 11(A)(1)
12-15-20

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RESEARCH AND DEVELOP A PLAN FOR A PILOT PROGRAM FOR COUNTY COMMISSION DISTRICT 10 AT NO COST TO THE COUNTY TO IMPLEMENT DESIGN STANDARDS TO COVER ALL EXISTING AND FUTURE UTILITY FACILITIES AND ASSOCIATED EQUIPMENT WITH LANDSCAPING TO PREVENT GRAFFITI VANDALISM; AND TO PROVIDE A REPORT TO THE BOARD REGARDING THE FEASIBILITY AND ADVISABILITY OF IMPLEMENTING THE PILOT PROGRAM

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 >>Utility Accommodation<<¹ 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

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

>>WHEREAS, landscaping may prevent graffiti vandalism more effectively; and

WHEREAS, the installation of such landscaping may pose technical issues, including impaired access to the covered utility facilities for repairs or upgrades, a lack of irrigation sources for plant maintenance, potential difficulty with planting due to existing underground infrastructure, and possible equipment damage from heat buildup caused by plant material preventing air circulation; and

WHEREAS, the development of a pilot program in a single county commission district would allow this Board to consider whether design standards requiring all utility facilities to be concealed with landscaping to prevent graffiti vandalism can be implemented while addressing any technical issues; and

WHEREAS, County Commission District 10 is an appropriate location for this pilot program; 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~~]] >>research and develop a plan for a pilot program at no cost to the County for County Commission District 10 to implement<< design standards requiring all >>existing and future<< utility facilities and associated equipment such as splice boxes, transformers, amplifiers, and auxiliary structures>>, but excluding utility poles,<< to be concealed with landscaping to prevent graffiti vandalism>>. The County Mayor or County Mayor's designee

shall collaborate with utility companies to form recommendations regarding the types of landscaping appropriate for the pilot program and a safe minimum distance between the landscaping and the utility facilities.<< [[;

~~(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)]~~

>>**Section 3.** This Board directs the County Mayor or County Mayor’s designee to<< prepare a report setting forth ~~[[the status of the foregoing directive]]~~ >>the plan for implementation of the pilot program, as set forth in section 2 above,<< and to place the completed report on an agenda of the Board within >>60<<[[90]] days of the effective date of this resolution, pursuant to Ordinance 14-65>>. The report shall evaluate the feasibility and advisability of implementing a pilot program in County Commission District 10.<<[[; 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	Sen. René García
Oliver G. Gilbert, III	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	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