

MEMORANDUM

Agenda Item No. 11(A)(3)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 20, 2021

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution requesting County Mayor to implement a pilot program to reposition or remove certain "no littering" signs in certain County Commission Districts and plant and maintain trees or shrubs in those areas under specified circumstances, use recyclable materials for future "no littering" signs in District, and provide reports to the Board

This item was amended at the 12-8-20 Infrastructure and Capital Improvements Committee to:

(1) clarify that the Public Works Department designed the "No Littering" signs required by Resolution No. R-1155-03 to read "No Dumping";

(2) expand the pilot program created in this resolution from District 2 to Districts 1, 2, 3, and 8;

(3) require that all trees and shrubs planted pursuant to this resolution shall be non-invasive native species, and shall be planted in a manner that is aesthetically pleasing;

(4) provide that the County will maintain the trees or shrubs planted pursuant to this resolution, and deletes language that would have placed the responsibility for maintenance with owners of the properties adjacent to the County-owned rights-of-way where the trees and shrubs are to be planted; and

(5) make conforming changes to the title.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime and Co-Sponsors Vice-Chairman Oliver G. Gilbert, III and Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
Successor County Attorney

GBK/uw



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 20, 2021

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

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)(3)
1-20-21

RESOLUTION NO. _____

RESOLUTION REQUESTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO IMPLEMENT A PILOT PROGRAM TO REPOSITION OR REMOVE CERTAIN "NO LITTERING" SIGNS IN CERTAIN COUNTY COMMISSION DISTRICTS AND PLANT AND MAINTAIN TREES OR SHRUBS IN THOSE AREAS UNDER SPECIFIED CIRCUMSTANCES, USE RECYCLABLE MATERIALS FOR FUTURE "NO LITTERING" SIGNS IN DISTRICT, AND PROVIDE REPORTS TO THE BOARD

WHEREAS, illegal dumping of materials like tires, construction debris, furniture, appliances, and hazardous materials is a serious issue that creates a wide range of problems; and

WHEREAS, illegal dumping may pose serious environmental challenges and contribute to slum and blight; and

WHEREAS, illegal dumping is a problem in Miami-Dade County's rural and agricultural areas, as well as residential areas; and

WHEREAS, in the County's rural and agricultural areas, violators illegally dump trash and waste on the right-of-way or even on another person's real property; and

WHEREAS, in the County's residential areas, violators illegally dump trash and waste on the right-of-way and often illegally dump on a resident's otherwise legal bulky waste pick-up pile, causing an excess beyond the services included within the annual service fees; and

WHEREAS, sections 19-13(B) and 19-14(B) of the Code of Miami-Dade County make property owners responsible, in both residential-zoned and non-residential zoned districts, for maintaining the swale area which abuts their properties where that swale is adjacent to a County right-of-way property; and

WHEREAS, illegal dumping on the swale may result in added cleanup costs for the adjacent property owners or a citation to the property owners, particularly when the person responsible for the dumping is not identified; and

WHEREAS, on October 9, 2003, this Board approved Resolution No. R-1155-03, which, among other things, directed the then County Manager to design and install, through the Miami-Dade County Public Works Department, a standardized “No Littering” sign, including reference to the penalties for littering, on all County roads and public rights-of-way; and

WHEREAS, illegal dumping has become a serious problem in District 2, like other areas of the County; and

>>**WHEREAS**, the Public Works Department designed the “No Littering” signs to read “No Dumping” (hereafter “no littering”); and<<¹

WHEREAS, the “no littering” signs seem to have a deleterious effect in ~~[[District 2]]~~ >>Districts 1, 2, 3, and 8,<< as illegal dumpers seemingly dump trash and bulky waste wherever “no littering” signs are posted in the ~~[[District]]~~ >>Districts<<; and

WHEREAS, a reduction in the number of “no littering” signs may decrease littering and dumping, particularly if the signs are instead replaced by trees or shrubs planted in the County rights-of-way, making it more difficult to park a vehicle and illegally unload litter and waste from the vehicle on the County right-of-way; and

WHEREAS, the planting of additional trees also enhances the natural beauty of the County, improves air quality, provides shade, and will help the County meet its goal of one million trees planted, a campaign started by the County in 2011, provided that the trees planted are

¹ Committee amendments are indicated as follows: words stricken through and/or ~~[[double bracketed]]~~ are deleted, words underscored and/or >>double arrowed<< are added.

consistent, as to type and location, with applicable policies of this Board with respect to trees, including, but not limited to, provisions of chapter 24 and chapter 18A of the Code, the County's Street Tree Master Plan, together with recommendations by the County Mayor >>, and provided that non-invasive native trees and shrubs are selected<<; and

WHEREAS, in addition to benefits from the planting of additional trees and shrubs, recycling is a way to protect our natural resources by decreasing waste while reusing old products to make something new; and

WHEREAS, several materials, including but not limited to aluminum, can be recycled and reused; and

WHEREAS, signs can be made of aluminum and other recyclable materials; and

WHEREAS, this Board also recognizes the need to use recyclable materials, including the manufacturing of any new "no littering" signs, to minimize waste, in order to promote a more sustainable future for our community,

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

Section 1. Requests that the County Mayor or County Mayor's designee examine the distance between any two or more "no littering" signs on any one block within ~~[[District 2]]~~ >>Districts 1, 2, 3, and 8,<< and reposition the "no littering" signs such that each of the signs is no less than 50 feet from the next "no littering" sign on the same block, and to remove any excess signs remaining after the repositioning of the signs.

Section 2. Requests that the County Mayor or County Mayor's designee cause the planting of trees or shrubs in the County right-of-way or swale on any block within ~~[[District 2]]~~

>>Districts 1, 2, 3, and 8,<< where “no littering” signs are currently placed and removed pursuant to section 1 herein, provided that:

- (a) there are legally available funds to plant said trees or shrubs or eligible trees or shrubs available for planting, through existing County programs or other grant programs;
- (b) the trees or shrubs selected for planting and planting locations are consistent with all applicable policies of this Board with respect to trees, including, but not limited to, provisions of chapter 24 and chapter 18A, the County’s Street Tree Master Plan, together with recommendations by the County Mayor >>, and provided that non-invasive native trees and shrubs are selected<<;
- (c) consideration is also given to spacing of the trees and shrubs necessary to inhibit vehicle positioning on the rights-of-way or swales that would or could facilitate illegal dumping of trash or solid waste >>, and provided that the trees and shrubs are positioned to be aesthetically pleasing<<; and
- (d) ~~[[for trees or shrubs to be planted in a swale area which abuts private properties in a residential-zoned or non-residential district where that swale is also adjacent to a County right of way, the County Mayor or County Mayor’s designee is requested to proceed with planting pursuant to this resolution only when the private property owners voluntarily acknowledge their responsibility in writing, in the form of a covenant, to maintain the trees or shrubs, including, but not limited to, trimming and pruning.]]~~
>>the County will maintain the trees or shrubs planted pursuant to this resolution.<<

Section 3. Requests that the County Mayor or County Mayor’s designee ensure that all “no littering” signs created after the date of this Resolution for posting in ~~[[District 2]]~~ >>Districts 1, 2, 3, and 8,<< are made of aluminum or other recyclable materials.

Section 4. Requests that the County Mayor or County Mayor’s designee provide a written report to the Board within 120 days of the effective date of this Resolution, which shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65, regarding compliance with sections 1, 2, and 3.

Section 5. Requests that the County Mayor or County Mayor’s designee provide a written report to the Board within two years of the effective date of this Resolution, which shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65, regarding the effectiveness of the pilot project delineated in section 1. The report shall include a statistical comparison of the volume of 3-1-1 complaint calls concerning illegal dumping in ~~[[District 2]]~~ >>Districts 1, 2, 3, and 8,<< before and after implementation of the repositioning and removal of “no littering” signs required by section 1, and the amount of illegally dumped materials, by weight or volume, during the same period of time.

The Prime Sponsor of the foregoing resolution is Commissioner Jean Monestime and the Co-Sponsors are Vice-Chairman Oliver G. Gilbert, III and Commissioner Danielle Cohen 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:

Jose “Pepe” Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of January, 2021. 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.

A handwritten signature in black ink, consisting of the initials 'DS' enclosed within a circular scribble.

David Sherman