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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(27)

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: (1) the Miami-Dade County's business recycling requirements, including compliance and enforcement thereof; (2) the creation of a recognition program for compliance with Miami-Dade County's business recycling requirements; and (3) ways to raise recycling awareness; further directing the Mayor to place this report on an agenda of the Board

Resolution No. R-899-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa, and Co-Sponsors Commissioner Sally A. Heyman and Commissioner Barbara J. Jordan.

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)(27)

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)(27)
10-6-15

RESOLUTION NO. R-899-15

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO EXAMINE AND PREPARE A REPORT REGARDING: (1) THE MIAMI-DADE COUNTY'S BUSINESS RECYCLING REQUIREMENTS, INCLUDING COMPLIANCE AND ENFORCEMENT THEREOF; (2) THE CREATION OF A RECOGNITION PROGRAM FOR COMPLIANCE WITH MIAMI-DADE COUNTY'S BUSINESS RECYCLING REQUIREMENTS; AND (3) WAYS TO RAISE RECYCLING AWARENESS; FURTHER DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO PLACE THIS REPORT ON AN AGENDA OF THE BOARD

WHEREAS, nestled between the Everglades and the sea, Miami-Dade County is blessed with a wealth of unique natural resources which, coupled with our tropical climate, make the County a great place to live and visit; and

WHEREAS, recycling is a way to protect our natural resources by decreasing waste while reusing old products to make something new; and

WHEREAS, for example, used aluminum can make new cans and used glass can be turned into new bottles, while used tires can become vehicle floor mats; and

WHEREAS, commercial establishments in Miami-Dade County produce an estimated 1.7 million tons of waste each year, which is more than half of our community's solid waste; and

WHEREAS, much of the waste produced by commercial establishments is recyclable; and

WHEREAS, in order to promote a more sustainable future for our community, this Board enacted Ordinance No. 91-123 on October 15, 1991, codified in Section 15-2.3 of the Code of Miami-Dade County, which imposed recycling requirements on commercial establishments; and

WHEREAS, pursuant to Section 15-2.3 of the Code of Miami-Dade County, business owners in Miami-Dade County must provide a recycling program for their employees and tenants, using the services of a permitted hauler or private recycling hauler (the "Miami-Dade County business recycling requirements"); and

WHEREAS, the mandated program must facilitate recycling of at least three of the following items: high grade office paper, mixed paper, corrugated cardboard, wood, scrap production metals, steel, glass, textiles, plastic, or aluminum; and

WHEREAS, because not all businesses are alike, business owners can request, pursuant to Section 15-2.4 of the Code of Miami-Dade County, that the Miami-Dade County Department of Solid Waste Management approve a recycling program which incorporates modifications, substitutions or reductions to the requirements of Section 15-2.3; and

WHEREAS, additionally, Miami-Dade County offers technical assistance to help businesses comply with Section 15-2.3 of the Code of Miami-Dade County; and

WHEREAS, a violation of Section 15-2.3 of the Code of Miami-Dade County constitutes a civil offense punishable by civil penalty which can range from $300 to $950 based on the square footage of the commercial establishment at issue; and

WHEREAS, this Board wishes to take steps to further encourage recycling efforts, to increase compliance with Section 15-2.3 of the Code of Miami-Dade County, and to recognize the businesses that have been diligently complying with Miami-Dade County's business recycling requirements,

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

Section 1. Approves and incorporates the foregoing recitals in this Resolution.

Section 2. Directs the Mayor or Mayor's designee to examine and prepare a report regarding:

a) The rate by which businesses are complying with Section 15-2.3 of the Code of Miami-Dade County;

b) The current enforcement procedures used to ensure compliance with Section 15-2.3 of the Code of Miami-Dade County and whether other alternative enforcement measures could result in greater compliance, and if so, the feasibility and cost of, and plan for, implementing any such alternative enforcement measure;

c) The feasibility of partnering with environmental not-for-profit organizations to raise recycling awareness in an effort to increasing the rate by which businesses are complying with Section 15-2.3 of the Code of Miami-Dade County; and

d) The feasibility and cost of, and plan for, implementing a recognition program for businesses that have been diligently complying with Section 15-2.3 of the Code of Miami-Dade County. The plan should identify how businesses should be selected for the recognition and recommend a method of recognition, such as the presentation of a certificate or plaque or/and notable mention on Miami-Dade County's website.

Section 3. Directs the Mayor or Mayor's designee to provide the report identified in Section 2 above to this Board within 90 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.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa, and the Co-Sponsors are Commissioner Sally A. Heyman and Commissioner Barbara J. Jordan. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Annery Pulgar Alfonso