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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(5)

TO: Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: September 4, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution requesting that the County Mayor expand the existing public education campaign regarding the prohibitions on illegal dumping to include multiple County departments in addition to the Department of Solid Waste and to include specified topics

Resolution No. R-954-19

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz and Co-Sponsor Senator Javier D. Souto.

Abigail Price-Williams
County Attorney

APW/lmp

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

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County Attorney

SUBJECT: Agenda Item No. 11(A)(5)

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)(5)
9-4-19

RESOLUTION NO. R-954-19

RESOLUTION REQUESTING THAT THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE EXPAND THE EXISTING PUBLIC EDUCATION CAMPAIGN REGARDING THE PROHIBITIONS ON ILLEGAL DUMPING TO INCLUDE MULTIPLE COUNTY DEPARTMENTS IN ADDITION TO THE DEPARTMENT OF SOLID WASTE AND TO INCLUDE SPECIFIED TOPICS

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 the County and its residents; and

WHEREAS, illegal dumping is a problem in the County's residential areas, such as when violators illegally dump trash and waste 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, illegal dumping is a problem in the County's rural, agricultural areas, where violators illegally dump trash and waste on the right-of-way or even on another person's real property; and

WHEREAS, this Board previously adopted Resolution No. R-1201-17 and directed the administration to create the Miami-Dade County 2017 Illegal Dumping Task Force ("the Task Force"), for the purpose of investigating the causes and effects of illegal dumping in the County, and the applicable laws and regulations, enforcement, and punishment relating to illegal dumping,

and to make recommendations to the Board and the County Mayor to better address and combat illegal dumping; and

WHEREAS, the Task Force issued its Illegal Dumping Task Force Report ("the Report") on October 1, 2018; and

WHEREAS, at its December 4, 2018 meeting, the Board accepted the Report; and

WHEREAS, in an effort to prevent illegal dumping, the Report recommended, among other things, an expansion of the existing illegal dumping public awareness campaign, to prevent illegal dumping and to encourage members of the public to report illegal dumping; and

WHEREAS, in Fiscal Year 2016-17, the County Department of Solid Waste Management ("DSWM") spent $161,595.00 on its public awareness campaign, and increased the amount spent to $235,000.00 in Fiscal Year 2017-18; and

WHEREAS, the Report recommends that the campaign be further expanded to involve publication by other County departments such as the Department of Parks, Recreation and Open Spaces ("PROS"), Miami-Dade Police Department ("MDPD"), the Department of Transportation and Public Works ("DPTW"), and the Department of Regulatory and Economic Resources ("RER"); and

WHEREAS, this Board agrees with the recommendation of the Report, as an increased public awareness campaign would likely decrease dumping by better informing violators and potential violators of the consequences and penalties of illegal dumping; and

WHEREAS, an increased public awareness campaign would likely decrease dumping by encouraging witnesses to report violators to facilitate enforcement, and by better educating the public about available alternatives to properly dispose of bulky waste and other materials, such as landscaping debris and construction debris; and

WHEREAS, this Board also recognizes the need to remind property owners that they are legally responsible for maintaining their properties free of solid waste and junk, and responsible for maintaining the swale adjacent to their properties, even when the solid waste and junk are illegally dumped by a third party; and

WHEREAS, section 15-17 of the Code of Miami-Dade County requires:

- General permits for "any person engaged in the business of solid waste collection, removal, or transport for hire or salvage, or any person engaged in the business of recyclable materials collection, removal or transport for hire or salvage;
- Waste tire generator permits for "any person that is either principally or partially engaged in the selling, trading or otherwise transferring of new, used or waste tires, whether such transactions are for cash, barter or without consideration;"
- Waste tire transporter permits for "any person transporting five (5) or more waste tires for hire;" and
- Landscaping business permits which allow landscaping businesses to use neighborhood trash and recycling centers, and use County-owned solid waste management facilities for disposal of clean yard trash; and

WHEREAS, this Board also recognizes the need to educate the public regarding the requirement for permits to transport specific items, to lessen the unknowing hiring of unpermitted haulers by the County's residents, as permitted professionals are more likely to comply with the law and properly dispose of trash and waste at Neighborhood Trash and Recycling Centers, and County-owned solid waste management facilities,

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 expand the illegal dumping public awareness campaign to include and involve publication by other County departments, such as PROS, MDPD, DPTW, and RER, in addition to DSWM;

Section 2. Requests that the County Mayor or County Mayor's designee include the following within the expanded public awareness campaign:

(i) Encouragement for the public to report violators;

(ii) Information relating to applicable penalties for illegal dumping, including prison and vehicle impoundment and forfeiture;

(iii) Applicable alternatives to illegal dumping, including use of the County's Trash and Recycling Center facilities;

(iv) Education of private property owners regarding their responsibility to maintain their properties, and the swale areas adjacent to their properties, free of solid waste and trash; and

(v) Education regarding permit requirements in section 15-17 of the Code of Miami-Dade County;

Section 3. Directs the County Mayor or County Mayor's designee to provide a written report, regarding the requests set forth in sections 1 and 2, including the availability of funding, to the Board within 180 days of the effective date of this Resolution, which shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz and the Co-Sponsors is Senator Javier D. Souto. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman **aye**
Rebeca Sosa, Vice Chairwoman **aye**

Esteban L. Bovo, Jr.	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Sally A. Heyman	**aye**
Eileen Higgins	**aye**	Barbara J. Jordan	**aye**
Joe A. Martinez	**aye**	Jean Monestime	**aye**
Dennis C. Moss	**aye**	Sen. Javier D. Souto	**aye**
Xavier L. Suarez	**aye**		

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of September, 2019. 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: **Linda L. Cave**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

David Sherman