

# Memorandum



**Date:** June 29, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Illegal Activities Related to Tampering of Utility Fixtures and Marijuana Grow Houses – Directive No. 150415

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At the March 10, 2015 Strategic Planning and Government Operations Committee, during a discussion related to the ratification of an emergency repair at the North District Wastewater Treatment Plant, Senator Javier D. Souto requested information from the Miami-Dade Water and Sewer Department (WASD) pertaining to the various enforcement actions being taken by the Department in response to tampering violations and marijuana grow houses. Both matters are addressed below.

## Tampering Violations

WASD is responsible for the enforcement of Section 32-121 of the Code of Miami-Dade County which makes it unlawful to tamper with utility fixtures owned by the County and maintained by WASD without authorization and written consent. Tampering is defined as altering, removing, bypassing or otherwise meddling with any meter, meter seal, pipe, lock, valve, main, lateral, fire hydrant and or any other water and sewer infrastructure.

Per the guidelines of Chapter 8CC of the Miami-Dade County Code and in accordance with the schedule of civil penalties listed under Section 10, WASD issues civil violation notices for removing water meters, resetting water meters, installing meters, installing connections to fire hydrants and removing locks to gain access to water service, without authorization. As of October 1, 2014, WASD has issued a total of 1,716 civil violation notices for tampering, of which 1,267 were issued to residential single-family homes, 341 were issued to multi-family units (consisting of three [3] or more dwelling units), and 108 were issued to non-residential commercial properties. A summary of the Department's activity is listed below for the time period October 1, 2014 – February 28, 2015:

Total Number of Citations Issued	1,716
Total Amount of Fines Issued	\$647,900
Total Amount of Fines Paid	\$561,700
Total Number of Citations Appealed	85
Total Number of Administrative Hearings	110
Total Number of Administrative Hearings Pending	23
Total Number of Administrative Hearings Withdrawn by the Appellant	23
Total Number of Administrative Hearings Ruled in Favor of the County	53
Total Number of Administrative Hearings Ruled in Favor of the Appellant	5
Total Number of Administrative Hearings Dismissed by the County	6

**Marijuana Grow Houses**

On February 4, 2014 the Board of County Commissioners adopted Resolution No. 140-14 which directed WASD, the Miami-Dade Police Department (MDPD) and Florida Power & Light Company (FP&L) to meet and review methods that can be used to identify properties that may be engaged in on-site illegal activities, specifically marijuana grow houses. Two (2) meetings were held in which WASD, MDPD and FP&L discussed the requirements of Resolution No. R-140-14, and the determination was made that water is not a significant resource used by marijuana grow houses as minimal water is used in the process; however, electrical power is significant as electricity is diverted before setting up the grow house to avoid being detected by FP&L. The attached memorandum reports the findings provided to the County Mayor's office.

Per Ordinance 14-65, this memorandum will be placed on the next available applicable Committee meeting agenda and subsequently placed on the next available Board of County Commissioners meeting agenda.

Should you have any questions or require further information, please contact Miami-Dade Water and Sewer Director Lester Sola at 786-552-8086.

Attachment

C: Jack Osterholt, Deputy Mayor, Office of the Mayor  
Lester Sola, Director, Water and Sewer Department

# Memorandum



**Date:** April 11, 2014

**To:** Honorable Chairwoman Rebeca Sosa and Members  
Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a faint, larger version of the same signature.

**Subject:** Directive No. 132376: Resolution 140-14 - Identify possible methods or procedures that can be employed to identify properties with unusually high utility usage that may be indicative of on-site illegal activity

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At the February 4, 2014 Board of County Commissioners meeting, the Board adopted Resolution No. 140-14 (attached) which directs representatives from the Miami-Dade Water and Sewer Department (WASD), the Miami-Dade Police Department (MDPD), and Florida Power & Light Company (FP&L) to work together to provide a report to the Board with methods that could be used to identify properties with unusually high utility usage that may be indicative of on-site illegal activities (i.e. marijuana grow houses.)

Currently, the primary means of identifying properties conducting illegal activities is either Miami-Dade's Crime Stoppers Program or tips received by the MDPD. For the past three years, between 38 percent and 45 percent of the tips received by the MDPD have resulted in the identification of marijuana growing houses. People associated with these marijuana grow houses typically divert electrical power before setting up the grow house to avoid detection through the FP&L meter. It should be pointed out that water is not of value in a marijuana grow house operation as minimal water is used. As such, the rate at which water is consumed cannot be used by utilities or by the MDPD to identify marijuana grow houses.

Two meetings have already been held to discuss the requirements of Resolution No. 140-14. MDPD and FP&L have agreed to meet again to discuss, in depth, a methodology that may be made available by FP&L to assist the MDPD in identifying properties with marijuana grow houses. If it is determined by FP&L and the MDPD that the proposed methodology is viable, meetings will be set up with Commissioners to discuss it in more detail, as this is information that should be confidential

If you have any questions, please contact MDPD Director J. D. Patterson, Jr. at 305-471-3272 or me directly at 305-375-1880.

## Attachment

c: Alina T. Hudak, Deputy Mayor and Interim Director of Public Works and Waste Management  
Genaro "Chip" Iglesias, Deputy Mayor  
John W. Renfrow, P.E., Director, Water and Sewer Department  
J. D. Patterson, Jr., Director, Miami-Dade Police Department  
Christopher Agrippa, Clerk of the Board  
Charles Anderson, Commission Auditor

## MEMORANDUM

Agenda Item No. 1.1(A)(1.1)

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

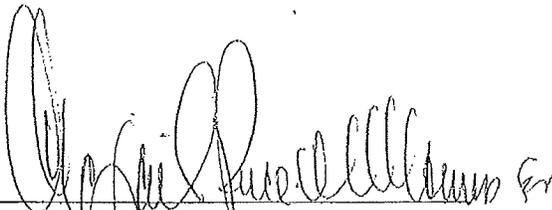
**DATE:** February 4, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution directing the County Mayor to work with representatives from Florida Power & Light, the Miami-Dade Police Department, and the Miami-Dade Water and Sewer Department to develop methods to recognize properties with unusually high utility usage on which illegal activities may be occurring and to prepare a report to the board within ninety days on the possible methods

Resolution No. R-140-14

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



R. A. Cuevas, Jr.  
County Attorney

RAC/lmp



**MEMORANDUM**  
(Revised)

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

**DATE:** February 4, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

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

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)(11)  
2-4-14

RESOLUTION NO. R-140-14

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO WORK WITH REPRESENTATIVES FROM FLORIDA POWER & LIGHT, THE MIAMI-DADE POLICE DEPARTMENT, AND THE MIAMI-DADE WATER AND SEWER DEPARTMENT TO DEVELOP METHODS TO RECOGNIZE PROPERTIES WITH UNUSUALLY HIGH UTILITY USAGE ON WHICH ILLEGAL ACTIVITIES MAY BE OCCURRING AND TO PREPARE A REPORT TO THE BOARD WITHIN NINETY DAYS ON THE POSSIBLE METHODS

**WHEREAS**, marijuana grow houses present dangers to neighboring houses, apartments and condominium units through the proximity of a potentially dangerous criminal element as well as through the fire risks that may arise from the extensive electrical rewiring and the use of hot grow lamps at such houses; and

**WHEREAS**, law enforcement agencies frequently analyze utility consumption at residential properties when determining whether a location may be a potential marijuana grow house; and

**WHEREAS**, in order to assist law enforcement agencies with their marijuana grow house investigations, it may be helpful to identify methods that utilities, such as Florida Power & Light and the Miami-Dade Water & Sewer Department, can use in order to recognize whether a property has unusually high electricity or water usage indicative of illegal activity,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board directs the County Mayor or County Mayor's designee to work with Florida Power & Light, the Miami-Dade Police Department and the Miami-Dade Water & Sewer Department in order to identify

methods or procedures that can be employed by the utilities to identify properties with unusually high utility usage that may be indicative of on-site illegal activity (i.e. marijuana grow houses) and to report to the Board within ninety (90) days from the date of this resolution what its findings and recommendations are regarding such methods and procedures.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of February, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this 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.

SED