

MEMORANDUM

Agenda Item No. 11(A)(20)

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

DATE: October 5, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to prepare a written report to the Board outlining unsafe structures enforcement procedures and disclosing number of open unsafe structures cases and related information

This item was amended at the 9-16-21 County Infrastructure, Operations and Innovations Committee to require a report to the Board within 95 days instead of 45 days. The resolution was also amended to provide that the report shall include the number of open enforcement cases pending per municipality based upon information provided by municipalities in response to the County Mayor's or County Mayor's designee's requests.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM
(Revised)

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

DATE: October 5, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(20)

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)(20)
10-5-21

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO PREPARE A WRITTEN
REPORT TO THE BOARD OUTLINING UNSAFE
STRUCTURES ENFORCEMENT PROCEDURES AND
DISCLOSING NUMBER OF OPEN UNSAFE STRUCTURES
CASES AND RELATED INFORMATION

WHEREAS, section 8-5 of the Code of Miami-Dade County, Florida established the Unsafe Structures Board and Unsafe Structures Appeals Panel to hear appeals of the decisions of Building Officials declaring structures to be unsafe where there is a danger to the health and safety of the residents of Miami-Dade County; and

WHEREAS, both the Unsafe Structures Board and Unsafe Structures Appeal Panel have jurisdiction in both the incorporated and unincorporated areas of Miami-Dade County; and

WHEREAS, at the time of the Surfside collapse, there may have been 1,000 unsafe structures cases somewhere in the enforcement pipeline; and

WHEREAS, given the potentially high number of open unsafe structures cases and the tragic loss of life at Surfside, this Board believes it is imperative that the Board has a complete understanding of the unsafe structures enforcement processes and procedures, the number of open unsafe structures cases and other related information to ensure that the dangers caused by unsafe structures and buildings are remedied to protect the public,

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

Section 1. The foregoing recitals are hereby incorporated as true and correct.

Section 2. This Board directs the County Mayor or County Mayor's designee to prepare a written report outlining the unsafe structures enforcement procedures and disclosing the number of open enforcement cases before the Unsafe Structures Board and Unsafe Structures Appeals Panel. The report shall disclose ~~[[the number of open enforcement cases pending per municipality,]]~~¹ the number of open enforcement cases pending in unincorporated Miami-Dade County, the number of demolition orders issued by the Unsafe Structures Board and Unsafe Structures Appeals Panel during the last five years, the number of structures demolished per a demolition order during the last five years and the average length of time an enforcement proceeding takes before the Unsafe Structures Board and Unsafe Structures Appeals Panel. >>The report shall also include the number of open enforcement cases pending per municipality based upon information provided by municipalities in response to the County Mayor's or County Mayor's designee's requests.<< The report shall also identify issues and challenges the Unsafe Structures Board and Unsafe Structures Appeals Panel faces in moving enforcement proceedings to a conclusion that protects the public through the remediation, repair or demolition of the unsafe structure.

Section 3. This Board directs the County Mayor or County Mayor's designee to provide this report to this Board within ~~[[45]]~~ >>95<< Days of the effective date of this resolution, and to place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

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

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado. The foregoing resolution 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 5th day of October, 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.



Eduardo W. Gonzalez
Michael B. Valdes