

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 18, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving the
Pinecrest Peafowl Mitigation
Policy

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/ks

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MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 18, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

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)(1)
7-18-23

RESOLUTION NO. _____

RESOLUTION APPROVING THE PINECREST PEAFOWL
MITIGATION POLICY

WHEREAS, section 5-16 of the Code of Miami-Dade County, Florida (the “Code”), provides that “[i]t shall be unlawful for any person to take any peafowl,” subject to certain exceptions; and

WHEREAS, the Code defines “take” as “taking, attempting to take, hunting, molesting, capturing, or killing any peafowl, their nests or eggs, by any means, whether or not such actions result in obtaining possession of peafowl or their nests or eggs”; and

WHEREAS, on February 1, 2022, this Board adopted Ordinance No. 22-14, which amended section 5-16 to provide that, “[n]otwithstanding the foregoing, a municipality may opt out of this section by adopting a peafowl mitigation plan that provides for humane removal of peafowl, provided that the plan is also approved by action of the Board of County Commissioners,” and that “[s]uch opt-out shall become effective upon the Board of County Commissioners’ approval becoming effective”; and

WHEREAS, on June 13, 2023, the Village Council of Pinecrest, Florida, adopted Resolution No. 2023-52 (the “Pinecrest Resolution”), a copy of which is attached hereto as Attachment A; and

WHEREAS, the Pinecrest Resolution adopted the Pinecrest Peafowl Mitigation Policy (which is attached to the Pinecrest Resolution) “for the purpose of opting-out of the prohibitions contained in” section 5-16 of the Code; and

WHEREAS, the Pinecrest Resolution directed the Village Manager to transmit the Pinecrest Peafowl Mitigation Policy to this Board for approval; and

WHEREAS, this Board finds that the Pinecrest Peafowl Mitigation Policy “provides for humane removal of peafowl,” as required by section 5-16(d) of the Code; and

WHEREAS, this Board therefore approves the Pinecrest Peafowl Mitigation Policy pursuant to section 5-16(d) of the Code,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the Pinecrest Peafowl Mitigation Policy, a copy of which is attached hereto as part of Attachment A and is incorporated herein by reference.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado. 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:

- | | |
|----------------------------------|----------------------|
| Oliver G. Gilbert, III, Chairman | |
| Anthony Rodríguez, Vice Chairman | |
| Marleine Bastien | Juan Carlos Bermudez |
| Kevin Marino Cabrera | Sen. René García |
| Roberto J. Gonzalez | Keon Hardemon |
| Danielle Cohen Higgins | Eileen Higgins |
| Kionne L. McGhee | Raquel A. Regalado |
| Micky Steinberg | |

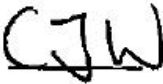
The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of July, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Christopher J. Wahl

RESOLUTION NO. 2023-52**A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, APPROVING A PEAFOWL MITIGATION POLICY AND DIRECTING VILLAGE STAFF TO TRANSMIT SAID POLICY TO THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS FOR APPROVAL PURSUANT TO THE MIAMI-DADE COUNTY CODE, CHAPTER 5 "ANIMALS AND FOWL", SECTION 5-16 "TAKING OF PEAFOWL PROHIBITED"; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Chapter 5 "Animals and Fowl", Section 5-16 "Taking of peafowl prohibited; municipal opt-out" makes it unlawful for any person to take, attempt to take, hunt, molest, capture, or kill any peafowl, their nests or eggs, by any means; but allows a municipality to opt out of the prohibition by adopting a peafowl mitigation plan that provides for humane removal of peafowl, if approved by the Board of County Commissioners; and

WHEREAS, peafowl are a non-native and invasive species and compete with indigenous bird species throughout South Florida; and

WHEREAS, peafowl can cause property damage, transmit parasites, create substantial noise pollution, and block traffic in the Village; and

WHEREAS, the Village Council finds that the proliferation of peafowl within the Village is harmful to the public welfare; and

WHEREAS, the Village Council approves the attached Peafowl Mitigation Policy, which shall be made a part of this Resolution, in furtherance of the health, safety and welfare of the community, and for the purpose of opting-out of the prohibitions contained in Section 5-16 of the Miami-Dade County Code;

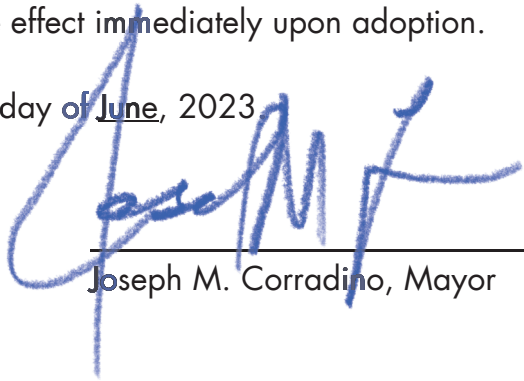
NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF PINECREST, FLORIDA AS FOLLOWS:

Section 1. That the Village Council hereby adopts the attached Peafowl Mitigation Policy and directs the Village Manager to transmit said policy to the Miami-Dade County Board of County Commissioners for approval.

Section 2. That the Village Council hereby directs the Village Manager to budget \$7,500 per month from the General Fund for the implementation of the peafowl mitigation policy.

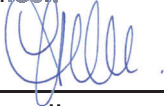
Section 3. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 13th day of June, 2023



Joseph M. Corradino, Mayor

Attest:



Priscilla Torres, CMC
Village Clerk

Approved as to Form and Legal Sufficiency



Mitchell Bierman
Village Attorney



Motion by: Councilmember del Prado
Second by: Councilmember Abbott

Vote: Councilmembers Abbott, del Prado, Fairman, Vice Mayor Hochkammer, and Mayor Corradino voting Yes.

Pinecrest Peafowl Mitigation Policy

This Policy is established pursuant to Resolution 2023 - 5 2 and formalizes the Village's approach to addressing the proliferation of peafowl in the Village of Pinecrest. The Village of Pinecrest would like to implement a new program to manage the peacock population, addressing concerns from residents who find the birds to be a nuisance, while being sensitive to those who appreciate their presence in the community.

This innovative initiative is a collaboration with a veterinarian specializing in avian and exotic species. The specialized veterinarian will conduct low-risk vasectomy procedure for peacocks and salpingectomies (removal of fallopian tube) for juvenile peahens. Both the vasectomy procedure and the salpingectomy procedure are clean, brief, and minimally invasive. In the case of the male peacocks, the vasectomy allows the peacocks to retain their vibrant appearance, which is appealing to many residents, while preventing them from reproducing.

The Village of Pinecrest will carry out the safe and humane retrieval and transporting of peafowl with care. Birds will be temporarily held in a secure and comfortable environment before being safely returned to Pinecrest within 3 to 4 days. The success of this pilot program will be measured by the number of vasectomized peacocks and salpingectomized peahens marked with leg bands.

The Village of Pinecrest aims to create a harmonious balance between the peafowl population and the community through this program, addressing concerns from all residents and promoting coexistence.

Private Property

Residents will be encouraged to help identify and report unmarked male peacocks and juvenile peahens to the Village of Pinecrest by filling out an online form that also provides authorization for access to the private property.

The Village will humanely retrieve eligible peafowl, perform surgical vasectomies on adult peacocks and salpingectomies on juvenile peahens, and safely return the peafowl to their original location in the Village. Peafowl, their nests, and eggs may not be harmed or killed in the process of performing the mitigation program.

The Village does not have an animal control department and will only address any nuisance animal complaints related to privately owned property in those cases where a private property owner is feeding the birds thereby causing a public nuisance, in violation of existing Pinecrest Code.

Public Rights-of-Way and Village Owned Property

The Village will provide funds in the budget for the safe and humane retrieval of eligible peafowl, performance of the afore described surgical treatments to control population, and their return to the Village.