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

MEMORANDUM

Agenda Item No. 14(A)(2)

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

DATE: February 19, 2014

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

SUBJECT: Resolution approving a form litter removal agreement to be executed between Miami-Dade County and groups participating in the Adopt-a-Road Program
Resolution No. R-183-14

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: February 19, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Adopt-a-Road and Sponsor-a-Road Resolution Creating a Sponsor-a-Road Trust Fund and Modifying the Litter Removal Agreement

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Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution approving a form for a Litter Removal Agreement between the County and groups desiring to volunteer to clean and green-up target transportation corridors and approve the creation of a Sponsor-a-Road Trust Fund to accept donations, contributions, and proceeds from fundraising activities for the maintenance of County roadways.

Scope

Groups performing litter removal and beautification activities under a Litter Removal Agreement would be performing their work on County road rights-of-way, therefore, the scope is Countywide. The Sponsor-a-Road Trust Fund will be applicable to any County maintained corridors and also be Countywide.

Fiscal Impact/Funding Source

There is a minimal fiscal impact for the Adopt-a-Road Litter Removal Agreement to cover supplies, such as garbage bags and gloves for volunteers. Any funds raised through the Sponsor-a-Road Trust Fund will be used to offset these expenses and augment existing maintenance cycles, therefore, this proposal is budget neutral.

Track Record/Monitor

Patrice Gillespie Smith from the Miami-Dade Parks, Recreation and Open Spaces Department's (PROS) Office of Community Image will monitor the Adopt-a-Road agreements and manage the Sponsor-a-Road Trust Fund.

Background

The Adopt-A-Road program was established by the Board through Resolution No. R-509-96. On January 21, 1999, the Board, through Resolution No. R-68-99 (Attachment 1), adopted an agreement to be executed between Miami-Dade County and groups participating in the Adopt-a-Road Program and authorizing the Director of the Public Works Department to sign for and on behalf of the County.

Beginning October of 2011, PROS absorbed the maintenance and beautification of the County's public rights-of-way. Subsequently, the Adopt-a-Road program became the responsibility of PROS. On June 5, 2012, the Office of Community Image and the Mayor's Office produced a report for the Board pursuant to Resolution No. R-872-11, calling for the conversion of the County's Adopt-a-

Road program to an Enhanced Roadway Beautification program. The report outlined best practices from across the nation and suggested key recommendations to improve the existing Adopt-a-Road program. The Community Image Advisory Board (CIAB) reviewed and endorsed the recommendations and the Board accepted the report (Attachment 2) at the June 5, 2012 Regional Transportation Committee. Recently, the Office of Community Image has received requests from local volunteer groups interested in adopting particular County corridors. As a result of these initial inquiries, the proposed agreement would allow PROS to identify the number of times the volunteer group is required to clean up the target corridor.

The report recommended the creation of a Sponsor-a-Road Trust Fund to help enhance the maintenance of key corridors and to provide a mechanism for recognition of the donors with the potential installation of approved signage. The attached resolution addresses the need to update the Litter Removal Agreement between volunteer groups and PROS and enables the department to receive funds through a Sponsor-a-Road Trust Fund that could help enhance the existing maintenance of corridors and provide recognition to the party donating the funds through the installation of approved signs or other similar recognition. Engaging in these agreements would advance the CIAB's goal of cleaning and greening the County's transportation gateways, corridors and terminals to reflect Miami-Dade's world-class image.

The Adopt-A-Road program is monitored through a permit under the National Pollutant Discharge Elimination System (NPDES), in compliance with provisions of the Clean Water Act as amended by the Water Quality Act of 1987. In order to implement the Adopt-a-Road program, the agreement outlines the terms and conditions for those who volunteer for litter removal must abide by.

Approval of the form Litter Removal Agreement (Attachment 3) will enable PROS to engage in partnerships with volunteers to begin the additional cleaning and greening of key corridors. The continuance of the Adopt-a-Road program and the creation of a Sponsor-a-Road Trust Fund will augment existing service levels for the County rights-of-way and foster community stewardship and civic pride.

Lisa M. Martinez, Senior Advisor
Office of the Mayor

Attachments

MEMORANDUM

(Revised)

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

DATE: February 19, 2014

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

SUBJECT: Agenda Item No. 14(A)(2)

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. 14(A)(2)
2-19-14

RESOLUTION NO. R-183-14

RESOLUTION APPROVING A FORM LITTER REMOVAL AGREEMENT (FORM AGREEMENT) TO BE EXECUTED BETWEEN MIAMI-DADE COUNTY AND GROUPS PARTICIPATING IN THE ADOPT-A-ROAD PROGRAM; AUTHORIZING THE DIRECTOR OF THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT (PROS DIRECTOR) TO EXECUTE AGREEMENTS IN SUBSTANTIALLY THE SAME FORM AS THE FORM AGREEMENT UPON REVIEW OF THE COUNTY ATTORNEY FOR LEGAL SUFFICIENCY; AND AUTHORIZING THE ESTABLISHMENT OF THE SPONSOR-A-ROAD TRUST FUND TO ACCEPT DONATIONS AND CONTRIBUTIONS AND PROCEEDS FROM FUNDRAISING ACTIVITIES

WHEREAS, this Board desires to accomplish the objectives set forth in the County Mayor's memorandum that is attached hereto as Exhibit A (the "Memorandum") and incorporated by reference into this Resolution,

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

Section 1. Approves the Form Agreement appended to the Memorandum as Exhibit B and authorizes the PROS Director to, after review and approval by the County Attorney's Office for form and legal sufficiency, execute agreements with groups desiring to participate in the County's Adopt-a-Road Program, which agreements shall be substantially in the same form of the Form Agreement; and

Section 2. Approves the establishment of the Sponsor-a-Road Trust Fund for the purpose of accepting donations, contributions, financial sponsorships, and proceeds from fundraising activities. Expenditures from the Trust Fund shall be restricted to offsetting the costs

of the Adopt-a-Road Program. Trust Fund funds may also be used to offset the cost of signage acknowledging road sponsorships.

The foregoing resolution was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** 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.	**aye**
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 19th 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. MAG

Miguel A. Gonzalez

ATTACHMENT 1

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 6(N)(1)(D)
1-21-99

RESOLUTION NO. R-68-99

RESOLUTION APPROVING THE TERMS OF AN AGREEMENT TO BE EXECUTED BETWEEN MIAMI-DADE COUNTY AND GROUPS PARTICIPATING IN THE ADOPT-A-ROAD PROGRAM AND AUTHORIZING THE PUBLIC WORKS DEPARTMENT DIRECTOR TO SIGN SAID AGREEMENT FOR MIAMI-DADE COUNTY

WHEREAS, this Board in May 7, 1996, adopted Resolution No. R-509-96 establishing an Adopt-A-Road Program in Miami-Dade County; and

WHEREAS, such program requires the execution of an agreement between Miami-Dade County and groups participating in the program; and

WHEREAS, the program shall be limited to local groups made up of individuals residing or working within the surrounding vicinity of the requested roadways; and

WHEREAS, no group shall participate in the program where the group discriminates on the basis of race, religion, color, age, sex, marital status, handicap or national origin in violation of state or federal laws; and

WHEREAS, the Public Works Department will be the agency responsible for administering the program.

M E M O R A N D U M Agenda Iter No. 6(N)(1)(D)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: January 21, 1999

SUBJECT: Resolution approving an Agreement to be used in the Adopt-A-Road Program of Miami-Dade County and authorizing the Director of the Public Works Department to sign for the County

FROM: M. R. Stierheim
County Manager

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached resolution approving an agreement to be executed between Miami-Dade County and groups participating in the Adopt-A-Road Program, and authorizing the Director of the Public Works Department to sign for the County.

BACKGROUND

The Board of County Commissioners established through Resolution No. R-509-96, an Adopt-A-Road Program in Miami-Dade County to permit local organizations, private corporations, and volunteer groups to beautify local roads through litter removal activities. Participants in these programs gain a sense of civic pride and an increased awareness of how individuals can contribute to the betterment of their community through litter control and prevention.

Furthermore, establishment of the program is mandated to satisfy a requirement of a permit under the National Pollutant Discharge Elimination System, in compliance with the provisions of the Clean Water Act as amended by the Water Quality Act of 1987. The Environmental Protection Agency has given the County authorization for storm water discharges and as a condition of the permit, the County has agreed to promote and support a voluntary Adopt-A-Road Program.

This agreement will set the terms and obligations that will govern participation in the program and authorize the Director of the Public Works Department to sign for the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the agreement to be executed between Miami-Dade County and groups participating in the Adopt-A-Road Program and authorizes the Director of the Public Works Department to sign for and on behalf of the County.

The foregoing resolution was offered by Commissioner Katy Sorenson, who moved for its adoption: The motion was seconded by Commissioner Gwen Margolis, and upon being put to a vote, the vote was as follows :

Dr. Miriam Alonso	aye	Bruno A. Barreiro	aye
Dr. Barbara M. Carey	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	absent	Gwen Margolis	aye
Natacha Seijas Millán	aye	Jimmy L. Morales	absent
Dennis C. Moss	aye	Pedro Reboredo	aye
Dorrin D. Rolle	aye	Katy Sorenson	aye
Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 1999. 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

Approved by County Attorney as to form and legal sufficiency:

By: KAY SULLIVAN
Deputy Clerk

ADOPT-A-ROAD PROGRAM

LITTER REMOVAL AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, _____, by and between MIAMI-DADE COUNTY, hereinafter called the "COUNTY", through its PUBLIC WORKS DEPARTMENT, hereinafter called the "DEPARTMENT", and

_____

_____, hereinafter called the "GROUP".

WITNESSETH

WHEREAS, _____ is a part of the County Roadway System in Miami-Dade County, Florida; and

WHEREAS, the Department has responsibility for operation and maintenance of the County Roadway System; and

WHEREAS, the Department is authorized to contract with the private sector for performance of its duties.

WHEREAS, the Board of County Commissioners of Miami-Dade County, through Resolution No. R-509-96, has established an "Adopt-A-Road Program" permitting civil organizations, private corporations and volunteer groups to beautify County maintained roads through litter removal activities and landscaping efforts; and

WHEREAS, the Group wishes to adopt a minimum of one mile of roadway, to remove litter at _____

_____;

NOW THEREFORE, the parties agree as follows:

I.

A. THE GROUP SHALL:

1. Remove litter at least four (4) times a year in the right-of-way adjacent to the roadway along the minimum one-mile section of road right-of-way adopted by the Group.
2. Perform litter removal in strict accordance with the guidelines of the Department's Adopt-A-Road Program.
3. Conduct and attend safety meetings and pre-task briefings prior to litter removal.
4. Remove litter during daylight hours only.

5. Remove litter during good weather conditions only.

6. Contact the Adopt-A-Road Program to arrange an appropriate litter removal schedule which will not conflict with Department mowing schedules.

7. Ensure that all participants wear safety vests at all times during the litter removal activity. The Adopt-A-Road Program should be contacted to obtain safety vests, traffic control signs and large plastic bags prior to litter removal activity and return same when the activity is complete.

8. Not pick up litter at construction or maintenance sites, in tunnels, on bridges or overpasses, or on medians.

9. Only allow such persons to participate as are determined by the Group to be responsible enough to safely participate in the litter removal activities. Participating youths must be at least 12 years of age and the Group shall provide at least one adult supervisor to supervise every 5 youths aged 12 - 15 who are participating in the litter removal activity.

10. Not bring persons to observe the activity if the person is under the age of 16 and is not an official participant.

11. Not wear clothing which would hinder the sight of participants.

12. Not have any individual, director, officer, member or volunteer within the Group who has been convicted of a felony or misdemeanor within the past five (5) years or who is currently the subject of a criminal investigation.

13. Not discriminate on the basis of race, religion, color, age, sex, marital status, handicap or national origin in violation of any state or federal law.

B. THE DEPARTMENT SHALL:

1. Provide permanent "Adopt-A-Road" signs at the beginning and end of the adopted roadway section.

2. Provide safety vests, traffic control signs and large plastic bags for use by the Group.

3. Remove filled plastic bags from the adopted roadway section, and dispose of them at an approved facility.

4. Remove certain litter under unusual circumstances (i.e. large, heavy or hazardous items).

II.

No member, officer, director or volunteer of the Group shall be an employee or independent contractor of the Department or County for any reason whatsoever in carrying out its obligations under this Agreement.

III.

The GROUP covenants and agrees that it will indemnify and hold harmless Miami-Dade County and its Public Works Department, and all County and Department officers, agents and employees from any claim, loss, damage, cost charge or expense arising out of any act, action, neglect or omission by the Group during the performance of the agreement, whether direct or indirect, and whether to any person or property to which the County or said parties may be subject, except that neither Group nor any members shall be liable under this provision for damages arising out of injury or damage to persons or property directly caused or resulting from the sole negligence of the County and its member agencies, any governing agencies and all their officers, agents and employees.

IV.

The agreement shall remain in effect for a two-year period. The Department or Division may terminate this agreement for any reason with thirty (30) days written notice.

V.

This agreement is non-transferable and non-assignable in whole or in part without the consent of the County.

VI.

This agreement is mainly for litter removal activities. Beautification activities and graffiti removal activities are encouraged.

VII.

The Department shall screen and select the sections of County roadways to be adopted. The Department shall also decide all questions, difficulties and disputes of any nature whatsoever that may arise under or by reason of this agreement, the prosecution of fulfillment of the services hereunder and the character, quality, amount and value thereof; and its decisions upon all claims, questions and disputes shall be final and conclusive upon the parties hereto.

VIII.

The Department may suspend or revoke a Group's participation in the Adopt-A-Road Program if it finds:

1. The Group, any director, officer, member or volunteer has engaged in any deceptive or fraudulent practices.

2. Any representative of the Group made a false, deceptive or fraudulent statement or material misstatement or misrepresentation in its application or in any other information submitted to the Department.

IN WITNESS WHEREOF: the parties hereto have caused these present to be executed, the day and year first written above.

MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT

BY: _____ DATE: _____
Department Director

ATTEST: _____ DATE: _____
Assistant Director for Highways

I CERTIFY that I am familiar with the information contained in this agreement and that I possess the authority to execute this agreement on behalf of the Group.

NAME OF GROUP: _____

ADDRESS: _____

BY: _____ DATE: _____
Group Representative's Signature

PRINT NAME: _____ TITLE: _____

APPROVED AS TO FORM, EXECUTION AND LEGALITY:

_____
County Attorney

Memorandum

MIAMI-DADE COUNTY

Date:	June 5, 2012
To:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners
From:	Carlos A. Gimenez Mayor
Subject:	Adopt-A-Road Report and Recommendations – Resolution No. R-872-11

Agenda Item No. 2(B)1

At the October 4, 2011 Board of County Commissioners (Board) meeting, the Board approved Resolution No. R-872-11 (Attachment A). The resolution directs the County Mayor or County Mayor's designee to provide a report and recommendations on converting the County's Adopt-a-Road program to an "Enhanced Roadway Beautification" program as part of the effort to improve tree canopy in Miami-Dade County.

The County's "Adopt-a-Road" program, approved by the Board on May 7, 1996 by Resolution No. R-509-96 (Attachment B), permitted local organizations, private corporations or volunteer groups to maintain local roads through litter removal and landscaping efforts. The program called for volunteer groups to agree to remove litter on the adopted corridor four times per year for a minimum of two years. The cost of operating the Adopt-a-Road program was approximately $20,000 per year in addition to administrative support from the Office of Community Image, estimated at $18,000 in staff time. At that time, the office had a staff of 10 employees and is currently staffed with one employee. The funding to operate the Adopt-a-Road program was eliminated in FY 2010-11.

This report addresses the eleven items outlined in the October resolution including key recommendations related to implementing an enhanced roadway beautification program as part of the effort to improve tree canopy in Miami-Dade County.

1. *A survey of other successful programs of this nature around the U.S., and how they are structured and funded*

Twenty-one government agency roadway adoption and sponsorship programs around the country were researched for this report. Among them, twelve programs offered both volunteer-based and sponsorship-based adoptions, five offered only volunteer-based adoptions; and four offered only sponsorship-based adoptions, (of which two used non-profit organizations to coordinate their sponsorship-based adoption program). Out of the programs that offered both volunteer-based and sponsorship-based programs, six used a third-party contractor to operate the program. The most common structure of the roadway adoption programs researched offer a model that provides for both volunteer-based and sponsor-based adoptions. The use of a third party to administer the adoption programs on an agency's behalf and provide the maintenance of the segment of adopted roadway was identified in six of the programs researched. In these six models, a government agency provides a list of eligible roads and basic criteria for maintenance to the third party contractor, frequently selected through a bid. The contractor is then responsible for procuring sponsors for the roadway corridors, receiving the funds from sponsors, and maintaining the adopted areas per specifications provided by the agency. The agencies did not receive any funds from the sponsors. A list of the programs researched is provided in Attachment C.

2. *Recommendations based on current estimated costs for the amounts corporate and other sponsors could contribute for each mile of:*

    a. *Litter clean-up*
    b. *Landscaping maintenance*
    c. *Landscaping installation*

This report recommends that an Enhanced Roadway Beautification program offer both volunteer-based and sponsorship-based options for the adoption of a one-mile section of roadway.

Option 1: Sponsorship of a Roadway Section

In this model, sponsors would independently provide 12 cycle year-round maintenance or provide an equivalent monetary contribution to support 12 maintenance cycles per year. Based on current estimated costs, below are the recommended sponsorship levels. A third party may be contracted to solicit sponsors.

Table 1. Proposed Sponsorship Levels (2-year sponsorship)		
Clean Neighborhoods Sponsor	$5,000	*Funds mowing, litter pickup, signage, graffiti removal*
Clean and Green Sponsor	$10,000	*Funds mowing, litter pickup, signage, graffiti removal, tree care and landscape maintenance.*
Million Trees Sponsor	$50,000	*Funds mowing litter pickup, signage, graffiti removal, tree installation, and establishment.*

Option 2: Volunteer-based Roadway Adoption of a Roadway Section

A volunteer-based program would mirror the County's previous Adopt-a-Road program, but would increase the number of litter removal events to 12 per year since holding only four litter pick-up events per year makes an insufficient impact since littering is such a chronic problem. Volunteers would agree to adopt a one-mile section of road right-of-way; dedicate at least two years to the program; follow specified Miami-Dade safety regulations; and remove litter 12 times per year.

Options 1 and 2 can operate simultaneously (see item 6 of this report for County costs to support the recommended options).

3. *The efforts the County might undertake to market and promote such a program to potential corporate and other sponsors*

The proposed Enhanced Roadway Beautification Program could be promoted on the Parks, Recreation, and Open Spaces department's (PROS) website, the Parks Foundation website, through the Parks Store, on the websites for the Community Image Advisory Board and Million Trees Miami, and through the County's in-house communication channels. A list of key and highly visible roadway segments would be selected for larger sponsorships and promoted on the websites.

4. *Options for foundation support grants, and for facilitating donors and benefactors in addition to corporate and other sponsors*

No grants have been identified that specifically support this type of program. Sponsorships would be sought using existing County resources. None of the programs researched referred to grants as a source to fund their programs.

5. *Signage options the County could use to recognize sponsors, any restrictions on such signage being placed in the right-of-way and identification of other possible sponsor benefits and recognition*

The Parks, Recreation, and Open Spaces Department has adopted a Way-finding signage program where signage specification have been vetted by the County departments responsible for signs in the public domain and templates have been developed by the department for its parks. Because the signs are in the public right-of-way, signage installation must be kept outside clear zones and sight distance triangles and be approved by the PWWM Traffic Engineering Division.

6. *The cost to the County of such a program, including both an analysis of the start-up costs that the County might have to incur to initiate the program and the ongoing costs to maintain the program, and where such funding might be found*

The startup cost for Option 1 only, sponsorship-based roadway adoptions, of the recommended program is approximately $68,650 which includes an estimated $58,650 to fund a program coordinator and a one-time cost of $10,000 for an outreach and marketing effort to promote the program. The County would not pay for equipment or signage since those costs are borne by the sponsors. The continuing cost for this option is $58,650 for the program coordinator.

The startup cost for Option 2 only, volunteer-based roadway adoptions, is approximately $125,150 for the first year of the program. This cost includes the program coordinator position, estimated at $58,650 annually, a one-time marketing and outreach effort estimated at $10,000, and materials, equipment and signage estimated at $56,500. The startup cost assumes that there are 50 active volunteer adoptions that require the installation of two signs per mile, twelve (12) annual volunteer litter-collection service events, an average of fifteen (15) volunteers per service event, trash bags, gloves, safety vests, and "workers ahead" safety signs. The cost for Option 2 (second year) is approximately $76,000. This includes $58,650 to fund a program coordinator, and $16,350 for any needed replacements of existing adoption signs, and to provide event support and materials for an estimated 10 new adoptions per year.

It is recommended that a combined approach using options 1 and 2 be implemented to insure success for a total cost of $125,150 and continuing cost of $75,000.

This program could be implemented by the existing Right-of-Way Aesthetics and Asset Management Division (RAAM) in the PROS department if additional funding were made available as part of their

general fund allocation. Currently, PROS does not have the necessary funding to implement options 1 and 2.

7. *Options for securing labor to clean up litter and install and maintain landscaping under such a program, whether through contracted labor or use of internal County staff or both*

The PROS department's RAAM Division currently manages landscape maintenance contractors that provide the services required to clean up litter, install and maintain trees and landscaping, and perform all necessary tasks to carry out the proposed program. Inspectors are already in place along the County corridors that would be eligible for sponsorship. Any direct costs for an Enhanced Roadway Beautification Program would be covered through Options 1 and 2, above described, so as the existing level of service is maintained.

8. *Options for use of community groups, such as Girl Scouts, Boy Scouts, or 4H volunteers, and where such volunteers could be most effectively and safely utilized*

Volunteers could be utilized in this program as labor to remove litter. If volunteer organizations agree to adopt a section of roadway, according to the program criteria, then there are no restrictions to using volunteers, as there were none in the previous Adopt-a-Road program. Using volunteer labor as part of the proposed program is completely contingent upon the County funding the operations and administration of the volunteer-based component of the proposed program. Safety is of the utmost concern when volunteers are working in or near the right-of-way. Volunteers would receive safety training and be equipped with high visibility safety vests, temporary warning signs would be set-up alerting motorists, and orange cones and other traffic safety features would be used.

9. *Options for using inmate crews to clean up litter and carry out other aspects of the program and the associated cost*

Inmate crews could not be used unless guards are made available and funded specifically to supervise the inmate work crews. PROS staff has consulted with Emily M. Phelps of the Florida Department of Corrections, there is currently a shortage of guards available in the State prison system to serve in this capacity and in addition, the County would be required to pay an estimated $60,000 to cover the guard's labor costs. Equipment would also need to be purchased to outfit an operation of this kind. Therefore, this is not a viable option. PROS uses court ordered non-violent community service workers in parks where existing supervision is present. The mixing of these community service workers with volunteers is a possibility but would have to be approved by the volunteer organization.

10. *Options for entering into agreements with the Florida Department of Transportation and other governmental entities to extend such a program to state roads and roads owned and maintained by other governmental entities*

The Florida Department of Transportation (FDOT) is operating a volunteer-based Adopt-a-Highway program based in Tallahassee for all State Roads. Communications with FDOT were initiated through the local FDOT District 6 office. Since the state program is centralized, the managers in Tallahassee are not interested in entering into an agreement for maintenance sponsors at County level at this time. However, this could change if the Miami-Dade model demonstrates successful cost-savings.

11. *The need for and contents of any legal agreements that may need to be entered, including issues such as ownership and site control; design, type of trees and plantings; and provisions addressing liability, theft and vandalism issues*

The County has an existing boilerplate agreement for the Adopt-a-Road program. With the assistance of the County Attorney's Office, this agreement can be modified to include the requirements outlined in this proposal.

Recommendation
The recommended Enhanced Roadway Beautification program would seek roadway adoptions in the form of sponsorships (Option 1) and/or volunteer-based (Option 2) adopters to provide a combination of litter pick-up, mowing, tree plantings, tree and landscape care (12 times per year), in exchange for signage acknowledging their contributions. This recommended model of offering both options was the most common structure for adoption programs found across the country. Offering both sponsors-based and volunteer-based opportunities for roadway adoptions would serve the broadest interests for the County in that sponsorships can fund maintenance of key roadway sections and volunteer participation would raise public awareness on litter control.

We continue to experience enthusiastic interest from the public on participating in a volunteer-based roadway adoption program. The recommended program, that proposes litter pickup and maintenance events to 12 per year, restores the level of service from prior years and gives the County the opportunity to more frequently maintain previous tree and landscape plantings in areas slated for adoption.

The proposed program requires the funding of a position dedicated to coordinate the program and also to fund the contracted or in-house labor for the installation of signage, maintenance and equipment purchases at approximately $126,150 for program start-up and a continuing cost of $75,000.

Attachments

Lisa Martinez, Senior Advisor
Office of the Mayor

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

ATTACHMENT A

Amended
Agenda Item No. 11(A)(3)

MEMORANDUM

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 4, 2011

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

SUBJECT: Resolution directing the Mayor to provide a report and recommendations on converting the County's "Adopt-A-Road" program to an enhanced roadway beautification program as part of the effort to improve tree canopy in Miami-Dade County

Resolution No. R-872-11

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell, and Co-Sponsors Commissioner Sally A. Heyman, Commissioner Jean Monestime and Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/11s

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 4, 2011

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

SUBJECT: Amended Agenda Item No. 11(A)(3)

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 Manager'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 _____

Amended
Agenda Item No. 11(A)(3)
10-4-11

RESOLUTION NO. R-872-11

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO PROVIDE A REPORT AND RECOMMENDATIONS ON CONVERTING THE COUNTY'S "ADOPT-A-ROAD" PROGRAM TO AN ENHANCED ROADWAY BEAUTIFICATION PROGRAM AS PART OF THE EFFORT TO IMPROVE TREE CANOPY IN MIAMI-DADE COUNTY

WHEREAS, adequate tree canopy is vital to the environmental and economic well being of our community; and

WHEREAS, trees improve air quality, shade pavement, reduce air temperature, reduce storm water runoff, make communities more visually environmentally appealing and save money on electric bills by shading homes, offices and streets and reducing the need for air conditioning; and

WHEREAS, on September 11, 2007, this Board passed Resolution No. 231-07 adopting the Miami-Dade County Street Tree Master Plan which found that tree canopy in Miami-Dade County is in critically short supply; and

WHEREAS, the Street Tree Master Plan found that a number of factors have contributed to the diminished tree cover in Miami-Dade, including the removal of trees due to citrus canker, but the problem became even more significant after many trees were destroyed by the 2005 hurricanes, Katrina, Rita, and Wilma; and

WHEREAS, the Street Tree Master Plan set the ambitious goal of achieving 30 percent tree canopy by 2020; and

WHEREAS, one of the key goals of the Street Tree Master Plan was to plant quality trees in the public rights of way; and

WHEREAS, in an effort to increase tree canopy, Miami-Dade County and its Community Image Advisory Board through the leadership of Commissioner Dennis C. Moss has initiated the "Million Trees Miami" campaign with the goal of planting one million trees across Miami-Dade County by 2020; and

WHEREAS, Miami-Dade County also has an Adopt-A-Road Program in place to improve the aesthetic appearance of roads in the County; and

WHEREAS, on May 7, 1996, this Board adopted Resolution No. R-509-96 sponsored by Senator Javier D. Souto establishing the Adopt-A-Road Program in Miami-Dade County; and

WHEREAS, under the Adopt-A-Road Program, public, not-for-profit and private sector organizations and firms volunteer for at least two (2) years to adopt a one-mile section of road right-of-way and remove litter at least four (4) times a year; and

WHEREAS, the County posts Adopt-A-Road signs acknowledging the group at the beginning and end of the adopted roadway, provides safety vests and litter bags, picks up litter at specified locations and assists with safety meetings; and

WHEREAS, there are currently 49 Adopt-A-Road volunteer participants that pick up litter along 49 miles of county roads; and

WHEREAS, roadside littering is an ongoing and chronic problem, and the Adopt-A-Road Program has been and continues to be a strong tool for public outreach and education on litter reduction; and

WHEREAS, there is a cost to the County taxpayers for the Adopt-A-Road Program of approximately $20,000 per year based on the County's various obligations to install signage, pick up litter at specified locations and provide safety vests and litter bags; and

WHEREAS, because of the costs associated with the program coupled with the existing County budget situation, the Adopt-A-Road Program currently is closed to new groups participating; and

WHEREAS, some states and local governments have expanded on adopt-a-road programs to include Sponsor-A-Road programs, whereby a sponsoring public, not-for-profit or corporate entity provides funding for crews to collect litter; and

WHEREAS, under such Sponsor-A-Road programs, sponsors contribute an amount equal to the full year-round maintenance for a particular segment of road, covering the entire cost of such maintenance to the governmental entity; and

WHEREAS, in Miami-Dade County, such full year-round maintenance generally would consist of eighteen (18) litter cleanup cycles per year, as compared to only four (4) under the County's existing Adopt-A-Road Program; and

WHEREAS, such Sponsor-A-Road programs also provide a safer alternative for high traffic roads where conditions may present dangers for volunteers to pick up litter; and

WHEREAS, a number of states, including Arizona, California, Connecticut, Colorado, Maryland, Massachusetts, Missouri, Nevada, New Jersey, New York, New Hampshire, Rhode Island and Washington successfully have introduced and maintained Sponsor-A-Road programs; and

WHEREAS, yet another approach is a Landscape-A-Road program, wherein sponsors would contribute funding for installation of trees, other enhanced landscaping and maintenance in the public right of way; and

WHEREAS, Chicago successfully took up this approach through the Chicago Gateway Green initiative , which joins the State of Illinois, the City of Chicago and Chicago's corporate community with the goal of converting Chicago's expressways into beautifully-landscaped parkways; and

WHEREAS, distinct from Adopt-A-Road or Sponsor-A-Road programs, Chicago Gateway Green develops and maintains trees and landscaping on major expressways into and out of the City of Chicago through corporate sponsors; and

WHEREAS, on June 2, 2009, this Board passed Resolution No. 751-09 sponsored by Senator Javier D. Souto which directed the Mayor or designee to conduct a study to determine the feasibility and advisability of creating a Landscape-A-Road program; and

WHEREAS, Miami-Dade County has also pursued a similar approach related to parks; and

WHEREAS, on September 4, 2007, this Board also passed Resolution No. 998-07 sponsored by Chairman Joe A. Martinez which directed the Mayor or designee to create a program for corporate sponsorship and underwriting of County parks; and

WHEREAS, Miami-Dade County should build on the success of these worthwhile programs by pursuing roadway beautification, Sponsor-A-Road and Landscape-A-Road programs as part of the effort to improve the aesthetic appearance of roadways and the tree canopy in Miami-Dade County; and

WHEREAS, such programs not only would provide a self-sustaining mechanism to improve tree canopy along roadways and maintain the appearance of roads in Miami-Dade County, but also could provide jobs during these challenging economic times,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the Mayor or designee to provide a report and recommendations to the Board related to implementing an enhanced roadway beautification program as part of the effort to improve tree canopy in Miami-Dade County. The report and recommendations shall be presented to the Regional Transportation Committee during its committee meeting in the third month following the effective date of this resolution, or the next available RTC Committee meeting if no meeting is held that month. The report and recommendations shall include, among other relevant and related matters:

(1) A survey of other successful programs of this nature around the U.S., and how they are structured and funded.

(2) Recommendations based on current estimated costs for the amounts corporate and other sponsors could contribute for each mile of:

a. Litter cleanup;
b. Landscaping maintenance; and
c. Landscaping installation.

(3) The efforts the County might undertake to market and promote such a program to potential corporate and other sponsors.

(4) Options for foundation support and grants, and for facilitating donors and benefactors in addition to corporate and other sponsors.

(5) Signage options the County could use to recognize sponsors, any restrictions on such signage being placed in the right-of-way and identification of other possible sponsor benefits and recognition.

(6) The cost to the County of such a program, including both an analysis of the start-up costs that the County might have to incur to initiate the program and the ongoing costs to maintain the program, and where such funding might be found.

(7) Options for securing labor to clean up litter and install and maintain landscaping under such a program, whether through contracted labor or use of internal County staff or both.

(8) Options for use of community groups, such as Girl Scouts, Boy Scouts or 4-H as volunteers, and where such volunteers could be most effectively and safely utilized.

(9) Options for using inmate crews to clean up litter and carry out other aspects of the program and the associated costs.

(10) Options for entering into agreements with the Florida Department of Transportation and other governmental entities to extend such a program to state roads and roads owned and maintained by other governmental entities.

(11) The need for and contents of any legal agreements that may need to be entered, including issues such as ownership and site control; design, type of trees and plantings; and provisions addressing liability, theft and vandalism issues.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of October, 2011. 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

Christopher Agrippa

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty

ATTACHMENT B

Agenda Item No. 6(D)(7)
5-7-96

RESOLUTION NO. R-509-96

RESOLUTION ESTABLISHING AN ADOPT-A-ROAD PROGRAM IN DADE COUNTY TO PERMIT LOCAL ORGANIZATIONS, PRIVATE CORPORATIONS, AND VOLUNTEER GROUPS TO BEAUTIFY LOCAL ROADS THROUGH LITTER REMOVAL ACTIVITIES AND LANDSCAPING EFFORTS AND DIRECTING THE COUNTY MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THIS PROGRAM

WHEREAS, Florida's Adopt-A-Highway program has been very successful in reducing the cost of litter removal and improving the appearance of highway right-of-way through Florida since its inception in 1990; and

WHEREAS, under the Florida Adopt-A-Highway program, volunteers from various organizations, and private corporations enter into a two-year agreement with the Florida Department of Transportation, during which they agree to conduct litter removal at regularly scheduled intervals; and

WHEREAS, Keep Dade Beautiful, Inc.,was the only entity in Dade County providing an Adopt-A-Road program for local roads within Dade County, but now no longer operates this program; and

WHEREAS, there are many civic minded groups and private sector companies that have expressed an interest in participating in an Adopt-A-Road program in order to maintain and beautify our local roads; and

WHEREAS, Dade County, as a policy, does not perform litter removal activities on our local roads, with the exception of sweeping major streets,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that the County Manager is directed to establish an Adopt-A-Road program to permit local organizations, private corporations or volunteer groups to maintain local roads through litter removal activities and to beautify local roads through landscaping efforts. The County will provide the organization with safety guidelines and an agreement calling for the group or organization to maintain any landscaping for a minimum of two years or to agree to remove litter on the adopted corridor for at least two years. In return, the County will post a sign recognizing the group, organization or corporate sponsor at both ends of the adopted road.

The foregoing resolution was sponsored by Commissioner Javier D. Souto and was offered by Commissioner Javier D. Souto, who moved its adoption. The motion was seconded by Commissioner James Burke, and upon being put to a vote, the vote was as follows:

James Burke	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	aye	Maurice A. Ferre	aye
Bruce Kaplan	aye	Gwen Margolis	aye
Natacha S. Millan	aye	Dennis C. Moss	aye
Alexander Penelas	aye	Pedro Reboredo	aye
Katy Sorenson	aye	Javier D. Souto	aye
Arthur E. Teele, Jr.	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of May, 1996.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MEMORANDUM Agenda Item No. 6(D)(7)

To: Hon. Chairperson and Members
Board of County Commissioners

Date: May 7, 1996

Subject: Adopt-A-Road program in Dade County

From: Robert A. Ginsburg
County Attorney

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

Robert A. Ginsburg
County Attorney

RAG/mlw

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I, HARVEY RUVIN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. R-509-96, adopted by the said board of County Commissioners at its meeting held on May 7th 19 96

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this _____ day of _____, A.D. 19 _____.

HARVEY RUVIN, Clerk
Board of County Commissioners
Dade County, Florida

By _____
Deputy Clerk

SEAL

Board of County Commissioners
Dade County, Florida

CLK/OT 587 3/93

ATTACHMENT C

List of Program Researched

Florida Department of Transportation
Broward County, FL
California Department of Transportation
New Hampshire Department of Transportation
Arizona Department of Transportation
Indiana Department of Transportation
Rhode Island Department of Transportation
New York Department of Transportation
Maryland Department of Transportation
Massachusetts Department of Transportation
Missouri Department of Transportation
North Carolina Department of Transportation
Jacksonville, FL Department of Public Works
Santa Barbara, CA
Newton, MA
Baton Rouge, LA
Downey, CA
Knoxville, TN
St. Louis, MO
New York, NY
Chicago Gateway Green

Innovative Programs

Additional detail is provided for three programs that stood out as innovative while researching for this report.

In 1999, Chicago Gateway Green developed the "Expressway Partnership Program," which joins the City of Chicago and the State of Illinois with Chicago's corporate community to "transform our Expressways into Parkways." Distinct from traditional "Adopt-a-Highway" programs in other states, "Gateway Green" develops and maintains each sponsor's site through a dedicated program in the State of Illinois Department of Transportation and a non-profit organization acting as fiscal agent. The Expressway Partnership program includes various sites that represent major gateways into and out of the Chicago area. As that program evolved, innovative landscape design concepts were installed in highly visible areas such as the Kennedy Expressway route to the airport. The success of that project led to a variety of other

installations. As sponsors continue to participate, the overall profile of the Chicago's Gateway Green organization expands through fundraising events and promotions.

This program has been successful in Chicago, but would require a marketing and promotion component to attract sponsors, since the cost of membership would be significant and directed at larger corporate entities.

An innovative program was also researched in the City of Baton Rouge, Louisiana. Baton Rouge Green, a non-profit organization, works in collaboration with the City of Baton Rouge's Department of Transportation and Development. Sponsors make an annual tax deductible contribution to the organization, for which they receive recognition, if desired, on a sign at the sponsored site. Sponsorship funds are used to pay for weed spraying, fertilizing, pruning, of the Baton Rouge Green program. Roadway sponsorship signs are identified on the program website using Google Maps and information on the number of trees planted at the location is listed for each sponsorship site. Their program currently has 61 signs at 22 locations.

The use of a third party to operate adoption programs for government agencies seems to be gaining popularity across the country and was found on the websites of several Department of Transportation (DOT) agencies across the country, such as Missouri, Rhode Island, parts of New York State Highway system, California, and North Carolina.

In the case of North Carolina, NCDOT selected two "Service Providers" based on their technical proposals, Adopt A Highway Maintenance Corporation of Santa Ana, CA, and Adopt-A-Highway Litter Removal Service of America, Inc. of Encinitas, CA. who both have a 20-year history in the roadside litter removal industry, and will use their own staff, that is trained to work on interstates and other high traffic roads. In return for sponsoring a highway segment cleanup, Sponsors have a logo acknowledgement panel attached to the Sponsor-A-Highway program sign installed at or near the location of where the sponsored segment begins.

ATTACHMENT 3

Miami- Dade County
Parks, Recreation and Open Spaces Department
ADOPT-A-ROAD PROGRAM

LITTER REMOVAL AGREEMENT

This Agreement (the "Agreement") is made and entered into this ____ day of _____, 20___, between _____ (the "Group") and Miami-Dade County (the "County"), hereinafter called the "County" through its Parks, Recreation and Open Spaces Department (the "Department").

Recitals

WHEREAS, _____ (the "Adopted Roadway") is a section of the County's roadway system equaling or exceeding one mile in length; and

WHEREAS, the County is responsible for operation and maintenance of the County's roadway system; and

WHEREAS, the Board of County Commissioners of Miami-Dade County, through Resolution No. [ ], authorized the County to enter into this Litter Removal Agreement in furtherance of the County's Adopt-a-Road Program, which enables local organizations, private corporations, and volunteer groups to beautify County-maintained roads through litter-removal activities; and

WHEREAS, the Group wishes to undertake such activities at the Adopted Roadway;

NOW THEREFORE, the County and Group agree as follows:

Terms and Conditions of Agreement

(1) Group's Responsibilities. The Group shall be responsible for (1) the removal of litter [___ times per year] in the right-of-way adjacent to the Adopted Roadway and on the medians along the Adopted Roadway; (2) providing a schedule to the County, which schedule shall be coordinated with the Department to avoid conflicts with the Department's landscaping schedule, setting forth the dates and times of at least ____ litter pick-up events; (3) removing litter in accordance with the guidelines of the Department's Adopt-a-Road Program; (4) conducting and attending safety meetings and pre-task briefings before litter removal; (5) removing litter during daylight hours only; (6) removing litter during favorable weather conditions only; (7) ensuring that all participants wear safety gear (including, at a minimum, safety vests) at all times during the litter-removal activity; (8) refraining from pick-up activities at construction or maintenance sites, tunnels, bridges, or overpasses; (9) allowing participation only by persons responsible enough to participate in the litter-removing activities; (10) limiting participation to individuals who are at least twelve years old, and providing at least one adult supervisor for every participant between ages twelve and fifteen; (11) excluding observers under the age of sixteen; (12) ensuring that participants wear

clothing that is highly visible to vehicles on the roadway; (13) excluding any participants who have been convicted of a felony or misdemeanor within the past five years or who are currently under criminal investigation; and (14) refraining from discrimination on the basis of race, religion, color, age, sex, marital status, sexual orientation, handicap, or national origin in violation of federal, state, or local law.

(2) **Department's Responsibilities.** The Department shall be responsible for (1) providing a safety demonstration and training for the Group before execution of this Agreement; (2) removing litter that would be hazardous for the Group to remove (e.g., large, heavy, or dangerous items); and (3) making safety vests, traffic control signage, and large plastic bags available to the Group before litter-removal activity. Notwithstanding the Department's agreement to provide a safety demonstration and training, the Group shall be solely responsible for ensuring that all participants in the litter-removal activity act prudently and take all necessary precautions to avoid personal injury or property damage. Similarly, although the Department agrees to remove hazardous litter in advance of the Group's litter-removal activities, the County's failure to remove such litter shall not be interpreted as a direction to the Group to remove such litter, and the Group shall be solely responsible for determining what litter it can safely remove.

(3) **Signage.** The County is not, under any circumstances, required to provide or install signage for the Group. At the County's sole discretion, standardized Adopt-a-Road signs acknowledging the Group for their adoption may be installed at the beginning and end of the Adopted Roadway section, subject to the availability of funding. If the County is unable or unwilling to pay for and install the signage, the Group may request that the County prepare an estimate for signage preparation and installation at the Group's own cost and expense. The parties acknowledge that the litter-removal activities undertaken by the Group under this Agreement are done as a service to the community and not in exchange for any compensation, including the installation of signage, from the County.

(4) **Indemnification.** The Group shall indemnify and hold harmless the County and its officers, employees, agents and instrumentalities from any and all liability, losses, damages, including attorney's fees and costs of defense, which County may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of the Agreement by the Group, and the Group shall defend the County, including any and all appellate actions, in any such actions or proceedings whether in the name of the County or otherwise. Provided, however, the indemnification contained herein shall only be to the extent and within the limitations of Fla. Stat. § 768.28, subject to the provisions of the Statute whereby the Group shall not be held liable to pay a personal injury or property damage claim or judgment by any one person which exceeds the sum of $200,000, or any claim or judgment or portions thereof, which when totaled with all other claims or judgments paid by the Group arising out of the same incident or occurrence, exceed the sum of $300,000 from any and all personal injury

or property damage claims, liabilities, losses or causes of action which may arise as a result of the negligence of the Group.

(5) **Term and Termination.** The Agreement shall remain in effect for a two-year period. The County or Group may terminate this Agreement for any reason, including for its own convenience, by written notice, without any liability to either party, except as provided in Condition (4) of this Agreement.

(6) **Assignment.** This Agreement is non-transferrable and non-assignable in whole or in part without the written consent of the County.

(7) **Additional Activities.** Under the same terms and conditions governing its litter removal activities, the Group may also undertake beautification activities and graffiti removal.

(8) **Dispute Resolution.** The County shall be solely responsible for directing the Group's activities under this Agreement, including the means and methods by which the Group will undertake its litter removal activities. The County shall be the sole arbiter of and decision maker as to all questions, difficulties, and disputes of any nature whatsoever that may arise under or out of this Agreement. The County's decision as to any question, difficulty, and/or dispute arising under or out of this Agreement shall be final and conclusive upon the parties hereto.

(9) **Compliance with Laws.** The Group agrees that it shall, at all times, comply with all applicable local, state, and federal laws, ordinances, codes, statutes, and rules and regulations.

(10) **Authority of Signatories.** The undersigned executing this Agreement on behalf of the Group represents and warrants that he/she has authority to bind the Group under this Agreement.

[EXECUTION PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have caused these present to be executed on the day and year first written above.

NAME OF GROUP:_____

ADDRESS:_____

BY:_____ DATE:_____
Group Representative's Signature

PRINT NAME_____

TITLE:_____

MIAMI-DADE COUNTY, FLORIDA

BY:_____ DATE:_____
Director
Parks, Recreation and Open Spaces

LEGAL SUFFICIENCY: _____ DATE:_____
County Attorney