

## MEMORANDUM

Agenda Item No. 11(A)(5)

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

**DATE:** July 8, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution directing the County Mayor to prepare an Implementing Order to establish and implement a standardized procedure, including increased measures, to collect damages or restitution from persons or companies responsible for damaging County-owned property in County rights-of-way and to present such Implementing Order to this Board for its approval; further directing the County Mayor to report to the Board on a semi-annual basis regarding collections by placing such reports on an agenda pursuant to Ordinance No. 14-65

Resolution No. R-670-20

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



Abigail Price-Williams  
County Attorney

APW/lmp



# MEMORANDUM

(Revised)

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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)

7-8-20

RESOLUTION NO. R-670-20

RESOLUTION DIRECTING THE COUNTY MAYOR TO PREPARE AN IMPLEMENTING ORDER TO ESTABLISH AND IMPLEMENT A STANDARDIZED PROCEDURE, INCLUDING INCREASED MEASURES, TO COLLECT DAMAGES OR RESTITUTION FROM PERSONS OR COMPANIES RESPONSIBLE FOR DAMAGING COUNTY-OWNED PROPERTY IN COUNTY RIGHTS-OF-WAY AND TO PRESENT SUCH IMPLEMENTING ORDER TO THIS BOARD FOR ITS APPROVAL; FURTHER DIRECTING THE COUNTY MAYOR TO REPORT TO THE BOARD ON A SEMI-ANNUAL BASIS REGARDING COLLECTIONS BY PLACING SUCH REPORTS ON AN AGENDA PURSUANT TO ORDINANCE NO. 14-65

**WHEREAS**, Miami-Dade County, through its Parks, Recreation and Open Spaces Department and the Department of Transportation and Public Works, is responsible for the improvement, repair, upkeep and maintenance of the vegetation on County road rights-of-way and for guardrails, roads, sidewalks, and traffic signs and signalizations on County rights-of-way, respectively and all costs associated therewith; and

**WHEREAS**, frequently, individuals are involved in accidents involving motor vehicles or otherwise that cause damage to County-owned property located on County rights-of-way such as trees, guardrails, and traffic signs; and

**WHEREAS**, in 2012, this Board, pursuant to Resolution No. R-367-12, adopted Board policy to mandate that police officers include information in their police reports identifying individuals responsible for damaging County-owned property and to require that copies of such reports be forwarded to the Internal Services Department; and

**WHEREAS**, the County's Internal Services Department houses the County's risk management division and has the ability to submit claims to automobile insurance companies resulting from motor vehicle accidents that cause damage to County property or to seek damages directly from the individuals or companies responsible for such damage; and

**WHEREAS**, in addition, in cases where the incident that resulted in damage to County property also resulted in an arrest and criminal prosecution of the individual(s) responsible for such damage, the County can work with the State Attorney's Office in order to demand that restitution be paid to the County for such damage as part of any penalty imposed on the defendant; and

**WHEREAS**, taking vigorous action to seek damages or restitution would allow the County to repair and replace damaged County property at an expense to the party responsible for such damage, rather than the general taxpayer,

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

**Section 1.** The Board approves the foregoing recitals and incorporates them herein by reference.

**Section 2.** The Board hereby directs the County Mayor to prepare an Implementing Order to establish and implement a standardized procedure, including increased measures, to collect damages or restitution from persons or companies responsible for damaging County-owned property within County rights-of-way, and to present such Implementing Order to this Board for its approval within 90 days of the effective date of this resolution.

**Section 3.** The Board further directs the County Mayor to submit a report to the Board on a semi-annual basis henceforth setting forth: (a) the efforts taken to increase the imposition of

restitution and collections of damages and restitution consistent with the measures put in place to implement same; (b) the amount of damages and restitution collected within the last six month period preceding the semi-annual report; and (c) suggestions on how to continue to increase collections and limit the County's financial liability and responsibility for repair and replacement of property damaged in County rights-of-way. This Board further directs the County Mayor to place the completed reports directly on an agenda of this Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

|                                |            |
|--------------------------------|------------|
| Audrey M. Edmonson, Chairwoman | <b>aye</b> |
| Rebeca Sosa, Vice Chairwoman   | <b>aye</b> |
| Esteban L. Bovo, Jr.           | <b>aye</b> |
| Jose "Pepe" Diaz               | <b>aye</b> |
| Eileen Higgins                 | <b>aye</b> |
| Joe A. Martinez                | <b>aye</b> |
| Dennis C. Moss                 | <b>aye</b> |
| Xavier L. Suarez               | <b>aye</b> |
| Daniella Levine Cava           | <b>aye</b> |
| Sally A. Heyman                | <b>aye</b> |
| Barbara J. Jordan              | <b>aye</b> |
| Jean Monestime                 | <b>aye</b> |
| Sen. Javier D. Souto           | <b>aye</b> |

The Chairperson thereupon declared this resolution duly passed and adopted this 8<sup>th</sup> day of July, 2020. 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

**Melissa Adames**

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, consisting of the letters "MRP" in a stylized, cursive font, positioned above a horizontal line.

Monica Rizo Perez