

MEMORANDUM

Agenda Item No. 11(A)(5)

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

DATE: May 4, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to create an illegal dumping partnership pilot program with the Cities of Miami Gardens and Opa Locka at no cost to the County to collect, transport, and deposit qualifying illegally dumped debris at designated County facilities; establishing guidelines for such program; authorizing the County Mayor to negotiate and execute all documents for such program; and requiring a report

Resolution No. R-452-21

This item was amended at the 4-15-21 County Infrastructure, Operations and Innovations Committee to (i) add the word partnership to the pilot program, (ii) provide that no County jobs would be cut during the pilot program, (iii) include that the cities bear exclusive liability and costs for their own actions, and (iv) allow the Department of Solid Waste Management to pick up debris within three (3) days of notification before the cities can remediate that same location of debris.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

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Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(5)

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)
5-4-21

RESOLUTION NO. R-452-21

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CREATE AN ILLEGAL DUMPING PARTNERSHIP PILOT PROGRAM WITH THE CITIES OF MIAMI GARDENS AND OPA LOCKA AT NO COST TO THE COUNTY TO COLLECT, TRANSPORT, AND DEPOSIT QUALIFYING ILLEGALLY DUMPED DEBRIS AT DESIGNATED COUNTY FACILITIES; ESTABLISHING GUIDELINES FOR SUCH PROGRAM; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AND EXECUTE ALL DOCUMENTS FOR SUCH PROGRAM; AND REQUIRING A REPORT

WHEREAS, illegal dumping in Miami-Dade County (the "County") is a serious issue that creates a range of continuing problems; and

WHEREAS, illegal dumping is a crime that can harm the environment and negatively impact neighborhood aesthetics; and

WHEREAS, illegal dumping may also be an economic threat to the County and its residents; and

WHEREAS, the County takes pride in its image as a clean and inviting destination to live, work, and visit; and

WHEREAS, on December 5, 2017, this Board adopted Resolution No. R-1201-17 creating the 2017 Illegal Dumping Task Force (the "Task Force"), to analyze and investigate the causes and effects of illegal dumping in the County, and the applicable laws and regulations, enforcement, and punishment related to illegal dumping, and to make recommendations to the Board and County Mayor to better address and combat illegal dumping; and

WHEREAS, on October 1, 2018, the Task Force issued its Illegal Dumping Task Force Report which (i) identified and explained five factors which lead to illegal dumping, and (ii) provided ten recommendations to combat illegal dumping through prevention, remediation, and punishment; and

WHEREAS, the County's Department of Solid Waste Management ("DSWM"), provides waste collection, recycling, disposal, and mosquito control services to protect, preserve, and improve the environment and quality of life in the County; and

WHEREAS, DSWM provides solid waste collection and disposal services to (i) single-family residential units (including certain multi-family units such as duplexes), (ii) a small number of commercial and multi-family accounts in the unincorporated portions of the County, and (iii) the Village of Pinecrest, City of Sunny Isles Beach, City of Aventura, Town of Miami Lakes, Village of Palmetto Bay, City of Miami Gardens, City of Doral, Town of Cutler Bay, and City of Opa Locka; and

WHEREAS, while some municipalities within the County provide their own waste collection services, DSWM has executed long-term interlocal agreements with 15 municipalities to provide solid waste disposal services and nine municipalities to provide curbside recycling; and

WHEREAS, illegal dumping is a problem in residential areas, such as when violators illegally dump trash and waste (i) on a resident's legal bulky waste pickup pile causing an excess beyond the services included within the annual service fees, or (ii) on the public right of way, or (iii) in general; and

WHEREAS, Ordinance No. 96-168 (the "Bond Ordinance"), provided for the issuance of Solid Waste System Revenue Bonds, and also provided for (i) such bonds being payable solely from pledged revenues, (ii) bond covenants, and (iii) the issuance of additional bonds, refunding bonds, and completion bonds; and

WHEREAS, section 611 of the Bond Ordinance requires that the “County will develop and maintain any necessary enforcement programs and will not agree to or approve any modifications of any such agreements, orders, directives or ordinances which would adversely affect the receipt of Operating Revenues”; and

WHEREAS, this Board desires to remediate and remove illegally dumped debris more quickly; and

WHEREAS, this Board wishes to create a pilot program >>for one year in partnership<<¹ with the City of Miami Gardens and City of Opa Locka for said municipalities to collect, transport, and dispose of illegally dumped debris pursuant to the program guidelines, at no cost to the County; and

WHEREAS, the development of a pilot program with the City of Miami Gardens and City of Opa Locka would allow the Board to consider the allocation of DSWM resources to address and remediate illegally dumped debris, and the amounts charged to all customers of the system to offset the expense of such activities; and

WHEREAS, it is in the best interest of the County to prevent or minimize negative aesthetic impacts to the public, wherever feasible; and

>>**WHEREAS**, no DSWM jobs will be cut during the partnership pilot program; and<<

WHEREAS, the City of Miami Gardens and City of Opa Locka, as part of the pilot program, have volunteered to collect and transport such illegally dumped debris at their own expense, which the County would be responsible to collect and dispose of at a County facility,

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

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

Section 1. This Board adopts the matters set forth in the foregoing recitals.

Section 2. This Board directs the County Mayor or County Mayor's designee to create an illegal dumping >>partnership<< pilot program (the "IDPP"), with the City of Miami Gardens and the City of Opa Locka (collectively, the "City"). The City, pursuant to the IDPP, has volunteered to collect and transport such illegally dumped debris at its own expense, which the County would be responsible to collect and dispose of at a County facility. >>No Department of Solid Waste Management jobs will be cut during the partnership pilot program. The City bears exclusive liability and associated costs for its actions or failure to comply with the requirements contained herein.<< The City and its representatives, employees, contractors, subcontractors, and agents shall be governed by the following IDPP guidelines:

- (a) Training – Code Enforcement staff from the Department of Solid Waste Management ("DSWM"), will train staff from the City to investigate trash piles. Enforcement by the City will be conducted under its own municipal code, to minimize duplication of cases. Training will include:
 - (i) compliance process to maintain continuity between the Code of Miami-Dade County and City codes;
 - (ii) the boundaries of the Waste Collection Service Area ("WCSA");
 - (iii) the categories of customers paying into the WCSA;
 - (iv) the categories of property owners that do not pay into the WCSA;
 - (v) the distinction between waste on the public right-of-way ("ROW") and waste on private property;
 - (vi) required documentation for confirming that waste meets the definition of "Illegal Dumping;" and
 - (vii) confirmation that the illegally dumped debris is not part of the County's bulky waste pickup program (scheduled or not scheduled).
- (b) Collection – Material may be collected by the City and delivered to the County for disposal where such material:
 - (i) meets the definition of "Illegal Dumping" per the standards of DSWM;

- (ii) accumulates on the public ROW as described in Chapter 15 of the Code of Miami-Dade County;
 - (iii) accumulates in an area adjacent to property belonging to a customer paying into the WCSA; and
 - (iv) is documented by the City to support its determination that the material is illegally dumped debris.
- (c) Documentation and Notification – The City must provide documentation to support its determination of illegally dumped debris. >>DSWM shall have three days from notification of a location of illegally dumped debris, to remediate same. After the three days,<< City enforcement shall address such debris locations prior to and before the County addresses and remediates the same material. City enforcement shall notify the County of the locations where the City has or is in the process of collecting illegally dumped debris, to avoid the County expending resources to address the same locations and material. The City shall provide advanced notice to DSWM at the disposal facility prior to arrival, such that DSWM Code Enforcement and disposal facility attendants are ready to review the City documentation upon arrival to minimize delay at the scale.
- (d) Disposal –
- (i) Class 1 Material collected by the City, with documentation acceptable by DSWM, may be taken to Miami-Dade County’s Resources Recovery Facility or South Dade Landfill and charged to the DSWM Collection account for Illegal Dumping.
 - (ii) Class 3 Material collected by the City, with documentation acceptable by DSWM, may be taken to the North Dade Landfill and charged to the DSWM Collection account for Illegal Dumping.

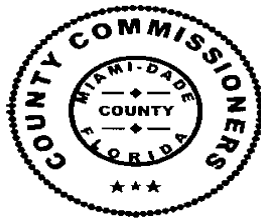
Section 3. The County Mayor or County Mayor’s designee is authorized to negotiate and execute any documents necessary to enact the IDPP, following review and approval by the County Attorney’s Office, subject to compliance with the Bond Ordinance.

Section 4. The County Mayor or County Mayor’s designee shall provide a report to this Board detailing the status of the IDPP as set forth in section 2 of this resolution, and shall include the allocation of DSWM resources to address and remediate illegally dumped debris, and the amounts charged to all customers of the system to offset the expense of such activities, one year after the effective date of the resolution. Such report shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Vice-Chairman Oliver G. Gilbert, III. It was offered by Commissioner **Oliver G. Gilbert, III**, 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:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of May, 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

dsh

David Stephen Hope