

MEMORANDUM

Agenda Item No. 11(A)(5)

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

DATE: June 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution establishing County policy to require training on proper tree care and maintenance for County landscape maintenance staff and for County contractors; establishing County policy that County inspectors include staff who are trained related to landscaping and trees; directing the County Mayor to provide training and periodic reviews

Resolution No. R-572-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

DATE: June 2, 2021

FROM: 
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)
6-2-21

RESOLUTION NO. _____ R-572-21

RESOLUTION ESTABLISHING COUNTY POLICY TO REQUIRE TRAINING ON PROPER TREE CARE AND MAINTENANCE FOR COUNTY LANDSCAPE MAINTENANCE STAFF AND FOR COUNTY CONTRACTORS; ESTABLISHING COUNTY POLICY THAT COUNTY INSPECTORS INCLUDE STAFF WHO ARE TRAINED RELATED TO LANDSCAPING AND TREES; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE TRAINING AND PERIODIC REVIEWS

WHEREAS, trees and the overall tree canopy in Miami-Dade County (the "County") are of great importance and may provide benefits to quality of life, as well as broader resiliency and environmental benefits; and

WHEREAS, various County departments and divisions are involved with trees, and the County deals with trees both as a regulator and in the County's proprietary capacity for County parks and County owned rights-of-way; and

WHEREAS, the County's policies and regulations with respect to trees have the potential to increase and expand upon current tree-related benefits in the County to quality of life, resiliency, and the environment, while at the same time better mitigating potential harm that certain trees may cause; and

WHEREAS, accordingly, in 2018, this Board adopted Resolution No. R-362-18, which directed the County Mayor or County Mayor's designee to review the County's regulations and policies on trees and hurricane readiness and to prepare a report with recommendations for this Board; and

WHEREAS, in addition to Resolution No. R-362-18, which emphasized hurricane readiness, on January 23, 2019, this Board adopted Resolution No. R-82-19, which directed the County Mayor or County Mayor's designee to conduct a review of the County's overall tree regulations and tree policies and prepare a report with recommendations for this Board; and

WHEREAS, the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources and the Parks, Recreation and Open Spaces Department (PROS) prepared a single report in response to both resolutions; and

WHEREAS, one of the report's recommendations is that the County utilize appropriately trained professional staff as landscape inspectors that can assess the quality of trees being planted in new developments and assure that the right species and quality of trees are being planted in the right spaces; and

WHEREAS, the report further recommends that the County require that both staff and contractors who are responsible for landscaping maintenance receive adequate training on proper tree care and maintenance; and

WHEREAS, such training may reduce the damage and mortality of newly planted trees by landscaping equipment and improve the maintenance of established and mature trees; and

WHEREAS, therefore, this Board wishes to establish County policy to require landscape maintenance training for both County staff and relevant contractors; and

WHEREAS, in addition, this Board wishes to establish County policy that County inspectors include staff who are trained related to landscaping and trees, or direct the County Mayor or County Mayor's designee to provide training to private landscape professionals on what is expected and required for County submittals and to do periodic checks of certifications or similar submittals provided to the County by such private landscape professionals,

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

Section 1. This Board hereby establishes County policy to require that County staff who are responsible for landscape maintenance be adequately trained on proper tree care and maintenance.

Section 2. This Board hereby establishes County policy that County inspectors include staff who are trained related to landscaping and trees, so that they are able to assess the quality and species of trees, in order to ensure that the correct species and quality of trees are being planted pursuant to existing requirements, or that the County Mayor or County Mayor's designee is directed to provide training to private landscape professionals on what is expected and required for County submittals and for the County Mayor or County Mayor's designee to do periodic checks of certifications or similar submittals provided to the County by such private landscape professionals.

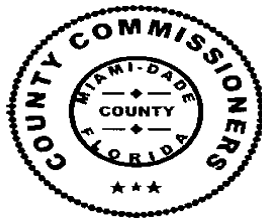
Section 3. This Board hereby establishes a County policy to require that County contractors who are responsible for landscaping maintenance be adequately trained on proper tree care and maintenance. This policy shall not affect the current term of existing contracts. For all contract extensions, contract renewals, and new contracts, the County Mayor or County Mayor's designee is directed to include specific language in all such contracts to require that contractors be adequately trained, including language indicating that any post-contract violations of this resolution or any of the foregoing provisions may, at the County's sole discretion, be considered a breach of the agreement and render the contract voidable.

Section 4. This Board directs the County Mayor or County Mayor's designee to take all actions necessary to implement the policies in sections 1, 2, and 3 of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Rebeca Sosa**, 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:

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 2nd day of June, 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

Melissa Adames
By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "ASR", written over a horizontal line.

Abbie Schwaderer-Raurell