

MEMORANDUM

Agenda Item No. 8(I)(1)

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

DATE: October 5, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving and establishing the Illegal Dumping Trust Fund; authorizing the County Mayor to execute necessary documents for the establishment and operation of the Illegal Dumping Trust Fund and to exercise provisions set forth therein; directing the County Mayor to disburse all funds held in the Florida Environmental Task Force Trust Fund into the Illegal Dumping Trust Fund to be used by the Miami-Dade Police Department for illegal dumping and environmental crimes investigations; directing the County Mayor to close the Florida Environmental Task Force Trust Fund; authorizing the County Mayor to receive and expend additional future funds that have been designated for deposit into the Illegal Dumping Trust Fund for the purposes set forth herein; and directing the County Mayor to provide reports

Resolution No. R-907-21

The accompanying resolution was prepared by the Miami-Dade Police Department and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.


Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: October 5, 2021

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

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Resolution Establishing the Illegal Dumping Trust Fund, Directing the Disbursement of All Funds Held in the Florida Environmental Task Force Trust Fund into the Illegal Dumping Trust Fund for Use by the Miami-Dade Police Department's Illegal Dumping and Environmental Crimes Unit and Authorizing the Closure of the Florida Environmental Task Force Trust Fund

Recommendation

It is recommended that the Board of County Commissioners (Board) approve this resolution authorizing the County Mayor or the County Mayor's Designee to (1) establish the Illegal Dumping Trust Fund (IDTF) and (2) disburse funds held in the Florida Environmental Task Force (FETF) Trust Fund into the IDTF. Such funding shall be used for illegal dumping and environmental crimes investigations and enforcement operations conducted by the Miami-Dade Police Department's (MDPD) Illegal Dumping and Environmental Crimes Unit (Illegal Dumping Unit). The Illegal Dumping Unit shall investigate matters that include, but are not limited to, dumping of waste on private and public lands, abandonment of vehicles and derelict vessels in the County's waterways and lands, operations of illegal waste transfer stations, and operations of illegal roadside auto repair businesses. Additionally, the Illegal Dumping Unit shall be authorized to enforce County ordinances pertaining to open burning, tire hauling, and general hauling. It is further recommended that the County Mayor or County Mayor's designee be authorized to execute all documents necessary to effectuate the purposes of this resolution, including documents necessary for the receipt and expenditure of funds deposited into the IDTF, and to exercise all provisions set forth therein. It is also recommended that this Board authorize the closure of the FETF Trust Fund and require the County Mayor or County Mayor's designee to provide reports on the IDTF. The first report shall be provided no later than January 2022. Thereafter, subsequent reports shall be provided every six months.

Scope

The impact of this item is Countywide.

Delegation of Authority

The County Mayor or the County Mayor's designee is authorized to (1) establish the IDTF, (2) disburse funds held in the FETF Trust Fund into the IDTF for use by the MDPD's Illegal Dumping Unit to investigate illegal dumping and other environmental crime, (3) close the FETF Trust Fund, and (4) execute all documents necessary to effectuate the purposes of this resolution, including documents necessary for the receipt and expenditure of funding, as well as exercise any provisions contained therein provided that such provisions are consistent with the purposes of the resolution.

Fiscal Impact/Funding Source

Miami-Dade County will not incur any costs related to the IDTF. The funds currently held in the FETF Trust Fund originated from settlement agreements in criminal cases, and other non-county sources. Similarly, the IDTF will be authorized to accept public and private donations, grant awards, settlement agreements, court awarded payments, and other funding authorized by the Board.

Track Record/Monitor

Assistant Director Gustavo Knoepffler, of the MDPD’s Departmental Services, will manage the administration of the IDTF.

Background

The FETF Trust Fund was established by the Board in 2000 to support criminal investigations conducted by the FETF. A memorandum of understanding was signed in 2002 by the MDPD and the United States Environmental Protection Agency, which guided the process for using the FETF Trust Fund for this stated purpose. The FETF Trust Fund was administered by the MDPD Fiscal Administration Bureau, and expenditures were paid through the Miami-Dade County Finance Department after review and approval.

In 2010, the Miami-Dade County Inspector General investigated the FETF Trust Fund for possible misuse. In response to this investigation, the MDPD agreed that the FETF Trust Fund would no longer accept deposits, and any remaining funds would be spent on appropriate environmental crimes investigations pursuant to its original intended purpose. This Board approved Resolution No. R-361-11, which memorialized this decision on May 3, 2011. However, soon after, the MDPD discontinued all FETF and FETF Trust Fund operations, leaving the FETF Trust Fund with a remaining balance of approximately \$1.4 million.

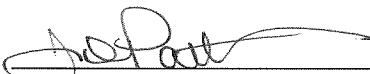
On December 5, 2017, this Board adopted Resolution No. R-1201-17, which directed the County Mayor to create the Miami-Dade County 2017 Illegal Dumping Task Force (2017 Task Force) to advise this Board and the County Mayor regarding illegal dumping issues in the County. The 2017 Task Force was directed to provide a report that identified all issues related to illegal dumping including, but not limited to, causes, effects, laws and regulations, enforcement, and punishment. This Board further directed the 2017 Task Force to make recommendations on whether changes to the County’s ordinances, resolutions, regulations, implementing orders, and administrative practices could better prevent or deter illegal dumping or better address problems caused by illegal dumping. The 2017 Task Force presented this Board with its report on December 4, 2018, which the Board accepted.

The 2017 Task Force’s report recommended, among other things, the dedication of more law enforcement resources and/or the creation of a specialized unit to combat illegal dumping. More specifically, the 2017 Task Force recommended the institution of an MDPD Illegal Dumping and Environmental Crimes Unit that would focus on preventing illegal dumping and apprehending illegal dumping offenders through all legally available means, including making arrests and issuing stringent fines. The 2017 Task Force’s report also recommended that a dedicated funding source be identified to support efforts to combat illegal dumping in the County.

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
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In response to recommendations made by the 2017 Task Force, this Board adopted Resolution No. R-766-19, on July 10, 2019. Resolution No. R-766-19 requested that the County Mayor or the County Mayor's designee dedicate additional law enforcement resources from the MDPD to combat illegal dumping. This Board further directed the County Mayor or the County Mayor's designee to provide a written report, regarding its requests set forth in Resolution No. R-766-19, including the availability of funding.

Closing the FETF Trust Fund and disbursing the funds into the IDTF for use by the MDPD Illegal Dumping Unit will allow for the implementation of long-term strategies and solutions for preventing and combating environmental crimes including, but not limited to, illegal dumping of waste on private and public lands, abandoned vehicles and derelict vessels in the County's waterways and lands, operation of illegal waste transfer stations, operation of illegal roadside auto repair business, and enforcement of County permit ordinances pertaining to open burning, tire hauling, and general hauling.



JD Patterson
Chief Public Safety Officer



MEMORANDUM

(Revised)

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

DATE: October 5, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(I)(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. 8(I)(1)
10-5-21

RESOLUTION NO. R-907-21

RESOLUTION APPROVING AND ESTABLISHING THE ILLEGAL DUMPING TRUST FUND; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE NECESSARY DOCUMENTS FOR THE ESTABLISHMENT AND OPERATION OF THE ILLEGAL DUMPING TRUST FUND AND TO EXERCISE PROVISIONS SET FORTH THEREIN; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DISBURSE ALL FUNDS HELD IN THE FLORIDA ENVIRONMENTAL TASK FORCE TRUST FUND INTO THE ILLEGAL DUMPING TRUST FUND TO BE USED BY THE MIAMI-DADE POLICE DEPARTMENT FOR ILLEGAL DUMPING AND ENVIRONMENTAL CRIMES INVESTIGATIONS; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CLOSE THE FLORIDA ENVIRONMENTAL TASK FORCE TRUST FUND; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECEIVE AND EXPEND ADDITIONAL FUTURE FUNDS THAT HAVE BEEN DESIGNATED FOR DEPOSIT INTO THE ILLEGAL DUMPING TRUST FUND FOR THE PURPOSES SET FORTH HEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE REPORTS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. Approves and incorporates the foregoing recital herein by reference.

Section 2. Approves and establishes the Illegal Dumping Trust Fund to be used by the Miami-Dade Police Department's Illegal Dumping and Environmental Crimes Unit ("Illegal Dumping Unit") to support investigations of illegal dumping and other environmental crimes. Among other things, the Illegal Dumping Unit shall: (i) investigate waste dumped on public and

private property and abandoned vehicles or derelict vessels in the County's waterways or lands; (ii) investigate illegally operating waste transfer stations and roadside auto repair businesses and initiate measures to close such operations; and (iii) enforce County ordinances pertaining to open burning, tire hauling, and general hauling. Further, support for such investigations and enforcement shall include, but not be limited to, funding necessary for supplies, equipment and expenses related to investigating and identifying parties responsible for illegal dumping and environmental crimes.

Section 3. Authorizes the County Mayor or County Mayor's designee to execute all documents necessary to effectuate the purposes described in section 2 above, including documents necessary for the receipt and expenditure of funding into and out of the Illegal Dumping Trust Fund. This Board further authorizes the County Mayor or County Mayor's designee to exercise provisions set forth therein, provided that the execution of any documents or the exercise of any provisions therein are consistent with the purposes described in section 2 above and following approvals for legal form and sufficiency by the Miami-Dade County Attorney's Office.

Section 4. Directs the County Mayor or County Mayor's designee to disburse all funds held in the Florida Environmental Task Force Trust Fund into the Illegal Dumping Trust Fund. Said funds shall be used by the Illegal Dumping Unit for the purposes described in section 2 above.

Section 5. Directs the County Mayor or County Mayor's designee to close the Florida Environmental Task Force Trust Fund.

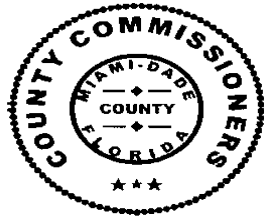
Section 6. Authorizes the County Mayor or County Mayor's designee to receive and expend additional future funds that have been designated for deposit into the Illegal Dumping Trust Fund for the purposes described in section 2 above. Such funding shall include, but not be limited to, public and private donations, grant awards, settlement agreements, court awarded payments, and other funding authorized by this Board.

Section 7. Pursuant to Ordinance No. 14-65, directs the County Mayor or County Mayor’s designee to provide a report to this Board within six months of the effective date of this resolution and every six months thereafter, which shall commence no later than January 2022, and specify funding received by and expenditures made from the Illegal Dumping Trust Fund.

The foregoing resolution was offered by Commissioner **Raquel A. Regalado** , 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 5th day of October, 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.

Shanika A. Graves