

Memorandum



Date: February 7, 2023

Agenda Item No. 8(N)(1)

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor *Daniella Levine Cava*

Subject: Intergovernmental Agency Agreement Authorizing the City of Coral Gables the Use of Miami-Dade County Right-of-Way for the Removal of Epiphytes on Certain Trees

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to ratify an Intergovernmental Agency Agreement, Right of Entry, and Hold Harmless Agreement with the City of Coral Gables (City) for the treatment and/or removal of certain epiphytes, including strangler figs, from trees along Miami-Dade County right-of-way. The agreement was executed on July 27, 2022, and the work commenced shortly thereafter. There is no cost to the County for the City's one-time removal of the epiphytes. The Interlocal Agreement was approved by the City Commission via Resolution No. 2022-103 on April 26, 2022.

Recommendation

It is recommended that the Board approve the attached resolution, pursuant to Sections 2-9 and 2-10 of the Miami-Dade County Code, ratifying the Intergovernmental Agency Agreement with the City of Coral Gables for the treatment and/or removal of certain epiphytes from trees along the County's right-of-way. The agreement grants Coral Gables permission to enter the County's right-of-way to remove the invasive plants from the trees.

Scope

The City of Coral Gables intends to treat and/or remove epiphytes, including strangler figs, from 66 Quercus Virginiana (Southern Live Oak) along Coral Way from Red Road to Segovia Circle. The City will collect, haul away, and pay the dumping fees for the disposal of the plant debris associated with the project. Additionally, the City will obtain any and all necessary permits for removal. The City will remove these epiphytes on a one-time basis and have no other obligation to maintain the County right-of-way.

Fiscal Impact/Funding Source

There is no fiscal impact to the County. The City will absorb all costs, estimated to be \$12,000.

Track Record/Monitor

Michael Rojas, Chief of Miami-Dade County Parks, Recreation, and Open Spaces Department, Right-of-Way Aesthetic and Assets Management Division (PROS-RAAM), will monitor the Agreement.

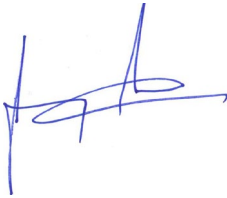
Delegation of Authority

Pursuant to Section 2-8.3 of the County Code, there are no delegations of authority beyond those specified in the Resolution.

Background

The City of Coral Gables wishes to use its resources and contractors to treat and/or remove invasive exotic species, including strangler figs, from approximately 66 trees along Coral Way between Red Road and Segovia, which is under the County's jurisdiction. The clean-up efforts targets Ficus Aurea which have not established themselves beyond the epiphyte stage and therefore are not regulated. PROS-RAAM currently provides safety tree trimming services along the referenced corridor, on an as needed basis, which includes 10' vertical clearance over the sidewalk as well as 16' over the roadway. PROS-RAAM have no objections regarding the proposed maintenance project by the City.

Strangler figs is the common name for a number of tropical and sub-tropical plant species, particularly of the genus Ficus. They grow extremely fast and aggressively, reaching 70 feet or taller with an even wider spread. The strangler fig produces small fruits that are soft and sweet. It can be found in U.S. Department of Agriculture plant hardiness zones 9 through 11. They are named for their pattern of growth upon host trees, which often results in the host's death.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(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(N)(1)
2-7-23

RESOLUTION NO. _____

RESOLUTION RATIFYING, PURSUANT TO SECTIONS 2-9 AND 2-10 OF THE MIAMI-DADE COUNTY CODE, AN INTERGOVERNMENTAL AGENCY AGREEMENT, RIGHT OF ENTRY, AND HOLD HARMLESS AGREEMENT WITH THE CITY OF CORAL GABLES FOR THE REMOVAL OF EPIPHYTES ON CERTAIN TREES ON MIAMI-DADE COUNTY RIGHT-OF-WAY

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:

Section 1. This Board approves the agreement attached hereto and incorporated herein between Miami-Dade County and the City of Coral Gables for the removal and/or treatment of epiphytes on certain trees on Miami-Dade County right-of-way.

Section 2. This Board further ratifies the agreement as executed by the County Mayor's designee on behalf of Miami-Dade County in substantially the form attached.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of February, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. D.P.C

Dale P. Clarke

**INTERGOVERNMENTAL AGENCY AGREEMENT, RIGHT OF ENTRY, AND
HOLD HARMLESS AGREEMENT
PROVIDING FOR THE REMOVAL OF EPIPHYTES ON CERTAIN TREES
ON MIAMI-DADE COUNTY RIGHT-OF-WAY**

THIS INTERGOVERNMENTAL AGENCY AGREEMENT PROVIDING FOR THE REMOVAL OF EPIPHYTES ON CERTAIN TREES ON MIAMI-DADE COUNTY RIGHT-OF-WAY (the "Agreement"), made and entered into this 27 day of July, 2022, by and between the **CITY OF CORAL GABLES, FLORIDA**, a municipal corporation of the STATE OF FLORIDA, (the "City") and **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, Miami-Dade County (the "County").

RECITALS

WHEREAS, the CITY wishes to use CITY resources and contractors to remove certain epiphytes, including strangler figs, from trees along County right-of-way, which are currently maintained by the COUNTY; and

WHEREAS, the COUNTY wishes to give permission for the CITY to enter the COUNTY right-of-way to remove those invasive plants detailed below; and

WHEREAS, the CITY will remove these epiphytes on a one-time only basis, and have no other obligation to maintain the County right-of-way pursuant to this agreement; and

WHEREAS, the CITY will collect, haul away, and pay all dumping fees for the disposal of all plant debris removed by the CITY and the CITY will obtain any and all necessary permits for the removal, and will hold the COUNTY harmless as indicated below.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto hereby consent and agree that the above recitation are true and further covenant and agree to the following terms and conditions:

1. The CITY intends to treat and/or remove epiphytes, including strangler figs, from 66 Quercus virginiana- Live Oaks ("The Project"), on Coral Way from Red Road to Segovia Circle within the City of Coral Gables ("The Project Area"). Said project will be completed no later than six (6) months from execution of agreement.
2. The CITY will apply for and pay all necessary County permits, and provide all necessary crews to complete the project by DATE.
3. The COUNTY grants the CITY a right-of-entry to the Project Area as necessary for the CITY to complete the Project.
4. The CITY will provide for any and all necessary Maintenance of Traffic operations necessary to complete the work.
5. The CITY will timely collect, haul away, and pay the dumping fees for the disposal of the plant debris associated with the project.
6. The CITY estimates this project will take seven (7) days to complete at a cost of approximately \$12,000. The CITY will seek no reimbursement from the COUNTY.
7. The CITY shall not trim or remove any dead, dying, broken, or hanging branches as part of this project.
8. Following the completion of the CITY's removal of epiphytes in the Project Area and acknowledgement by the COUNTY of the

CITY'S completion of the Project, the CITY shall have no further obligation to maintain the Project Area.

INDEMNIFICATION and HOLD HARMLESS: To the fullest extent permitted by laws and regulations, the CITY shall defend, indemnify, and hold harmless the COUNTY, and respective successors and assigns from and against all claims, damages, losses, and expenses direct, indirect, or consequential arising out of or resulting from the CITY's entry in to the Project Area, or any epiphyte removal pursuant to this Agreement. This indemnification and hold harmless provision shall survive termination of this Agreement. Moreover, nothing in this indemnification and hold harmless provision shall be considered to increase or otherwise waive any limits of liability, or to waive any immunity, established by Florida Statutes § 768.28, case law, or any other source of law.

AMENDMENTS AND/OR MODIFICATIONS: Any amendments and/or modifications to this Agreement shall be made in writing. No agreement other than those outlined herein has been entered into by the Parties.

APPLICABLE LAW. This Agreement shall be governed by the laws of the State of Florida and venue for any litigation hereunder shall be in Miami-Dade County, Florida.

INVALIDITY OF PROVISION. If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this License or the application of such term or provision, to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and each term and provision of this Agreement shall be valid and be enforceable to the fullest extent permitted by law.

WAIVER OF TRIAL BY JURY. IT IS MUTUALLY AGREED BY AND BETWEEN THE RESPECTIVE PARTIES THAT THEY HEREBY WAIVE TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM BROUGHT BY EITHER OF THE PARTIES HERETO AGAINST THE OTHER ON ANY MATTERS ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS AGREEMENT. SINCE MIAMI-DADE COUNTY AND THE CITY OF CORAL GABLES ARE GOVERNMENTAL ENTITIES AS DEFINED BY FLORIDA STATUTES CHAPTER 164, ANY DISPUTES BETWEEN THE PARTIES SHALL COMPLY WITH THE DISPUTES PROVISIONS OF CHAPTER 164.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the day and year first written above.

MIAMI-DADE COUNTY:

By  (Seal)
Director and CEO

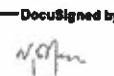
CITY OF CORAL GABLES:

By  (Seal)
City Manager


Approved as to form and legal sufficiency:


Assistant County Attorney

Approved as to form and legal sufficiency:

 (Seal)
City Attorney


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DocuSigned by:




**City of Coral Gables
CITY COMMISSION MEETING
April 26, 2022**

ITEM TITLE:

RESOLUTION. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND MIAMI-DADE COUNTY PROVIDING FOR THE REMOVAL OF EPIPHYTES ON CERTAIN TREES ON MIAMI-DADE COUNTY RIGHT-OF-WAY

BRIEF HISTORY:

The City wishes to use City resources and contractors to remove certain epiphytes, including strangler figs, from trees along County right-of-way, which are currently maintained by the County. The City will remove these epiphytes on a one-time only basis, and have no other obligation to maintain the County right-of-way pursuant to this agreement. In this resolution, the City Commission finds it to be in the best interest of the City and its residents to enter in to the attached interlocal agreement and approves it being entered into.

ATTACHMENT(S):

1. Draft Resolution
2. Draft Interlocal Agreement



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Reports

File #: 22-4053 Version: 1 Name:

Type: Resolution Status: Adopted

File created: 4/18/2022 In control: City Commission

On agenda: 4/26/2022 Final action: 4/26/2022

Enactment date: 4/26/2022 Enactment #: 2022-103

Title: A Resolution of the City Commission approving an interlocal agreement between the City of Coral Gables and Miami-Dade County providing for the removal of epiphytes on certain trees on Miami-Dade right-of-way.

Attachments: 1. [Signed Resolution 2022-103](#), 2. [Interlocal epiphytes cover memo](#), 3. [Resolution Approving Interlocal Agreement with MDC EPIPHYTES CORAL WAY](#), 4. [Draft Interlocal Invasive Removal Coral Way Revised 4-7-22](#)

EMPHASIS

Text

1 record Group Export

Date	Ver.	Action By	Action	Result	Action Details	Meeting Details	Video
4/26/2022	1	City Commission	adopted by Resolution Number	Pass	Action details	Meeting details	Not available

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2022-103

A RESOLUTION OF THE CITY COMMISSION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND MIAMI-DADE COUNTY PROVIDING FOR THE REMOVAL OF EPIPHYTES ON CERTAIN TREES ON MIAMI-DADE COUNTY RIGHT-OF-WAY.

WHEREAS, the City wishes to use City resources and contractors to remove certain epiphytes, including strangler figs, from trees along Miami Dade County (the County) right-of-way, which are currently maintained by the County; and

WHEREAS, the County wishes to give permission for the City to enter the County right-of-way to remove those invasive plants detailed below; and

WHEREAS, the City will remove these epiphytes on a one-time only basis, and have no other obligation to maintain the County right-of-way pursuant to this agreement; and

WHEREAS, the City Commission finds it to be in the best interest of the City and its residents to enter in to the attached interlocal agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.


SECTION 2. That the City Manager and City Attorney shall execute an Interlocal Agreement between Miami-Dade County and the City of Coral Gables in substantially the attached form, with the City Manager and City Attorney authorized to make changes consistent with the spirit of this Resolution, in order to provide for the removal of epiphytes on certain trees on County right-of-way.

SECTION 3. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF APRIL, A.D.,
2022.


(Moved: Mena / Seconded: Anderson)
(Unanimous Voice Vote)
(Agenda Item: E-6)

APPROVED:

DocuSigned by:

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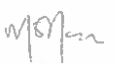
VINCE LAGO
MAYOR

ATTEST:

DocuSigned by:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

DocuSigned by:

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MIRIAM SOLER RAMOS
CITY ATTORNEY