

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2021-213

A RESOLUTION OF THE CITY COMMISSION OPPOSING PROPOSED AMENDMENTS TO THE MIAMI-DADE COUNTY CODE REGARDING PUBLIC WORKS CONSTRUCTION AND PERMITTING IN THE INCORPORATED AND UNINCORPORATED AREAS AND URGING THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY NOT TO MOVE FORWARD WITH THE AMENDMENTS AS DRAFTED.

WHEREAS, on July 8, 2021, the Board of County Commissioners of Miami-Dade County (“BCC”) passed an ordinance on first reading that would provide exclusive permitting jurisdiction to Miami-Dade County (“County”) for certain public works construction projects regardless of ownership over the facility, and prohibit municipalities from charging fees, imposing requirements, or requiring permits for work on certain rights-of-way or easements within municipalities (“the ordinance”); and

WHEREAS, the ordinance is scheduled for second reading on September 1, 2021; and

WHEREAS, the City Commission believes the proposed changes to the Miami-Dade County Code are counter-productive to municipal operations and services and will force County and City departments to work in silos rather than foster collaboration for the public benefit; and

WHEREAS, the City has been a steadfast advocate for the City’s home rule authority and opposes unwarranted County and State preemptions particularly on local matters that concern the City’s regulatory authority over City-owned or maintained facilities; and

WHEREAS, the City requires a public works permit for all right of way work within its geographic boundaries; and

WHEREAS, this universal permit requirement ensures that City staff is aware of work taking place within the City and can effectively coordinate concurrent right of way projects to avoid construction or maintenance of traffic conflicts during construction; and

WHEREAS, the City is best able to communicate information about roadway work and public works projects to residential and business communities to ensure the public is well-informed and can make appropriate decisions; and

WHEREAS, the City is uniquely qualified to handle the hyper-local aspects of public works within the community because City staff is knowledgeable about the issues, utilities, and stakeholders affected by a given project; and

WHEREAS, the ordinance gives the County the broad authority, but not the obligation, to do any construction work or maintenance, on any roadway or facility situated partially or entirely within the incorporated areas of the County, and have the exclusive permitting jurisdiction over any such work regardless of who owns or maintains the facility; and

WHEREAS, the ordinance prohibits municipalities from charging any fees, imposing any requirements, or permitting any construction work on: (i) any County-owned rights-of-way or easements within the municipality; and (ii) any roads or facilities regardless of ownership, that the Miami-Dade County Department of Transportation and Public Works deems necessary for appropriate traffic movement on the County’s roadway network; and

WHEREAS, the ordinance represents a radical departure from today’s practice and cities should be aware of, and in agreement with, any improvements that are proposed by the County within City rights of way and there resulting maintenance obligations; and

WHEREAS, the City of Coral Gables urges the BCC to oppose or postpone the passage of this ordinance until the County has had a chance to work with cities to incorporate common sense revisions to improve this legislation;

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

SECTION 1. That 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 Commission hereby urges the Board of County Commissioners of Miami-Dade County not to approve the above-described amendments, as drafted and to incorporate common sense revisions to improve collaboration between Miami-Dade County and cities.

SECTION 3. That the City Clerk shall transmit a copy of this resolution to Mayor Daniella Levine Cava and the Board of County Commissioners of Miami-Dade County.


SECTION 4. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-FOURTH DAY OF AUGUST, A.D., 2021.
(Moved: Anderson / Seconded: Menendez)
(Unanimous Voice Vote)
(Agenda Item: E-8)


APPROVED:

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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

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MIRIAM SOLER RAMOS
CITY ATTORNEY