

## CITY OF CORAL GABLES, FLORIDA

### RESOLUTION NO. 2023-12

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, DIRECTING THE CITY ATTORNEY TO UPDATE THE SEA LEVEL RISE WHITE PAPER ADOPTED IN RESOLUTION 2016-223

**WHEREAS**, in September 2016, outside counsel for the City of Coral Gables presented a draft of a white paper on sea level rise to the City Commission; and

**WHEREAS**, the City Commission, in Resolution No. 2016-223, accepted and finalized the paper titled “Legal Considerations Surrounding Adaptation to the Threat of Sea Level Rise,” and requested that then-Mayor Jim Cason write a foreword to the paper; and

**WHEREAS**, the paper was made available online to the public at [www.coralgables.com/sealevelrise](http://www.coralgables.com/sealevelrise); and

**WHEREAS**, since that time, the paper has been cited and shared as a resource by numerous non-profit organizations and governmental entities, including, for example, Georgetown University’s Climate Center Adaptation Clearinghouse,<sup>1</sup> the Southeast Florida Climate Compact,<sup>2</sup> the Climate Action Tracker consortium,<sup>3</sup> Florida Sea Grant,<sup>4</sup> the City of St. Augustine,<sup>5</sup> the City of Delray Beach,<sup>6</sup> and New York State,<sup>7</sup> and it has been discussed in

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<sup>1</sup> Available at <https://www.adaptationclearinghouse.org/resources/city-of-coral-gables-legal-considerations-surrounding-adaptation-to-the-threat-of-sea-level-rise.html>.

<sup>2</sup> Available at <https://southeastfloridaclimatecompact.org/compact-documents/legal-considerations-surrounding-adaptation-to-the-threat-of-sea-level-rise>.

<sup>3</sup> Climate Action Tracker, “State of Climate Action 2021,” p. 217, available at [https://climateactiontracker.org/documents/989/state\\_climate\\_action\\_2021.pdf](https://climateactiontracker.org/documents/989/state_climate_action_2021.pdf).

<sup>4</sup> Florida Sea Grant, “Planning and Policy Options for Addressing Sea Level Rise & Other Coastal Hazards,” (2021), available at <https://www.flseagrant.org/planning-and-policy-options-for-addressing-sea-level-rise-other-coastal-hazards>.

<sup>5</sup> City of St. Augustine, “Resilient Heritage Report,” p. 61, available at <https://www.citystaug.com/DocumentCenter/View/4058/St-Augustine-Resilient-Heritage-Report>.

<sup>6</sup> City of Delray Beach, “Elevating the Discussion of Rising Waters,” p. 34, available at <https://www.delraybeachfl.gov/home/showpublisheddocument/5788/636818518823870000>.

<sup>7</sup> New York State, Climate Smart Communities Certification Criteria, “PE 7 Action: Strategic Relocation,” p. 4 (“Case studies from NY and beyond”), available at <https://climatesmart.ny.gov/actions-certification/actions/#open/action/98>.

publications such as the *Florida Bar Journal*,<sup>8</sup> the Florida Bar's *ELULS Reporter*,<sup>9</sup> the *N.Y.U. Review of Law & Social Change*,<sup>10</sup> and the *Fordham Environmental Law Review*<sup>11</sup>; and

**WHEREAS**, changes have occurred, both environmentally and legally, since 2016, the City Commission wishes to have "Legal Considerations Surrounding Adaptation to the Threat of Sea Level Rise" updated and republished;

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

**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 directs the City Attorney to update "Legal Considerations Surrounding Adaptation to the Threat of Sea Level Rise" and return to the City Commission to have said update presented and considered for adoption.

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

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<sup>8</sup> Richard O. Jacobs, "Will Our Future Drown? Paying for the Costs of Sea-Level Rise," *Florida Bar Journal*, Vol. 91, No. 7 (July/Aug. 2017), p. 52, available at <https://www.floridabar.org/the-florida-bar-journal/will-our-future-drown-paying-for-the-costs-of-sea-level-rise>.

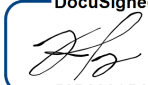
<sup>9</sup> Julie Dick, "Priorities for Resilience in Florida," *Florida Bar ELULS Reporter* (Oct. 2018), pp. 12, 16, n.1, available at <https://eluls.org/~mvalmxmy/wp-content/uploads/2018/10/The-Environmental-and-Land-Use-Law-Section-Reporter-October-2018b.pdf>.

<sup>10</sup> Robin Bronen, "Climigration: Creating A National Governance Framework For Climate-Forced Community Relocation," 45 N.Y.U. REV. L. & SOC. CHANGE 574, p. 583; *id.* at p. 618, n. 287 (2022), available at [https://socialchangenyu.com/wp-content/uploads/2022/05/Bronen\\_45.4\\_Climmigration-National-Governance-Framework.pdf](https://socialchangenyu.com/wp-content/uploads/2022/05/Bronen_45.4_Climmigration-National-Governance-Framework.pdf).

<sup>11</sup> Brion Blackwelder, *Presidential Executive Orders Duel Over Floodplain Definition as S.E. Florida Prepares for Sea Level Rise*, 29 FORDHAM ENVTL. L. REV. 156 (2017), p. 192, available at <https://ir.lawnet.fordham.edu/elr/vol29/iss2/3>.

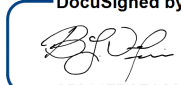
PASSED AND ADOPTED THIS TENTH DAY OF JANUARY, A.D., 2023.  
(Moved: Cason / Seconded: Anderson)  
(Yeas: Menendez, Anderson, Cason, Mena, Lago)  
(Unanimous: 5-0 Vote)  
(Agenda Item: J-1)

APPROVED:

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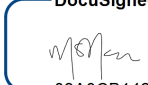
VINCE LAGO  
MAYOR

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