

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2017-215

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AUTHORIZING THE INITIATION OF STATUTORY GOVERNMENTAL DISPUTE RESOLUTION PROCEDURES WITH MIAMI-DADE COUNTY PUBLIC SCHOOLS' SCHOOL BOARD OVER THE APPLICABILITY OF THE CITY'S HISTORIC AND ZONING REGULATIONS TO SCHOOL BOARD PROPERTY AND DEVELOPMENT IN THE CITY OF CORAL GABLES

WHEREAS, Miami-Dade County Public Schools ("M-DCPS") is the school district operating various public schools within the City of Coral Gables; and

WHEREAS, one of the schools located within the City is Coral Gables Elementary School, a designated Coral Gables local historic landmark, also listed on the National Register of Historic Places; and

WHEREAS, the City has had a dispute with the M-DCPS School Board regarding the replacement of historic windows at Coral Gables Elementary School and the School Board's failure to comply with the City's historic preservation regulations, a fundamental dispute which remains an issue and will certainly affect future renovations; and

WHEREAS, M-DCPS is currently looking to expand the facilities at Henry S. West Laboratory School, also located in the City of Coral Gables, and the School Board has not been compliant with the City's administrative procedures related to the City's zoning code; and

WHEREAS, in conversations with M-DCPS staff and previous disputes with M-DCPS it is clear that M-DCPS incorrectly believes that the City's historic preservation and zoning regulations do not apply to M-DCPS properties or development within the City; and

WHEREAS, the Coral Gables Zoning Code, and the City's historic preservation regulations encoded therein are applicable to M-DCPS under well-established precedent holding that state agencies, including school boards, are subject to local zoning ordinances, and must appear before local boards and comply with local procedures. *See City of Orlando v. School Board of Orange County*, 362 So. 2d 694, 694 (Fla. 4th DCA 1978)(answering certified question and holding that school boards were subject to municipal zoning ordinances); *The Village of North Palm Beach v. School Board of Palm Beach County*, 349 So. 2d 683, 683- 84 (Fla. 4th DCA 1977); *accord Hillsborough Assoc. Etc. v. City of Temple Terrace*, 322 So. 2d 610, 612 (Fla. 1976); and

WHEREAS, historic landmarks such as Coral Gables Elementary School, and all schools located within the City boundaries are vital to the public welfare and may be irreparably damaged for current and future generations if not protected; and

WHEREAS, the health, safety, and welfare of the residents of the City are of utmost importance to the City Commission, and failure to comply with the City's longstanding historic and zoning regulations could irreparably harm the health, safety, and welfare of the City's residents; and

WHEREAS, Florida Statute 164.1052 establishes a mechanism by which a governmental entity may initiate dispute resolution proceedings against another governmental entity prior to taking court action; and

WHEREAS, it is the intention of the City Commission to initiate the conflict resolution procedures provided by section 164.1052, Florida Statutes prior to initiating court proceedings against the M-DCPS School Board; and

WHEREAS, the City anticipates that the M-DCPS School Board will work with the City to resolve these issues, but to the extent that M-DCPS acts to begin construction on M-DCPS properties within the City without receiving proper City zoning and historic preservation approval, Florida Statute 164.1041(2) provides that a governmental entity may pursue immediate court action against another governmental entity if it finds by a three-fourths vote of its governing body that an immediate danger to the health, safety, or welfare of the public requires immediate court action; and

WHEREAS, the City Commission finds that should M-DCPS School Board failure to comply with the City's procedures insuring compliance with historic preservation and zoning regulations such actions pose an immediate danger to the public welfare and may compromise significant legal rights of the City, requiring immediate court action; and

WHEREAS, the City Commission authorizes the City Attorney to take immediate court action pursuant to section 2-201(e)(3) of the City Code without requiring further action to be taken by the City Commission in the event that M-DCPS proceeds with construction on M-DCPS properties in the City without receiving required City approval;

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 Attorney is hereby authorized and directed to commence dispute resolution procedures against the M-DCPS School Board. The City Attorney is granted full authority to take any actions appropriate to resolve this matter and accomplish the Commission's purpose as stated herein, including the authority to take immediate court action without further action by this Commission.

SECTION 3. That the City Clerk is directed to provide a certified copy of this Resolution to the Superintendent of M-DCPS within five (5) days of the passage of this Resolution.

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

PASSED AND ADOPTED THIS TWENTY-NINTH DAY OF AUGUST, A.D.,
2017.

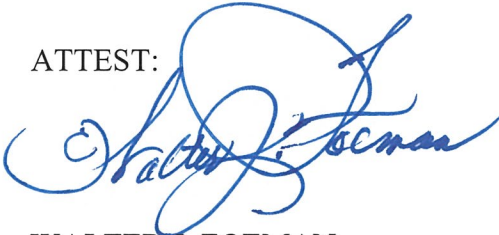
(Moved: Quesada / Seconded: Keon)
(Yeas: Keon, Lago, Mena Quesada, Valdes-Fauli)
(Unanimous: 5-0 Vote)
(Agenda Item: G-8)

APPROVED:



RAÚL VALDÉS-FAULI
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



CRAIG E. LEEN
CITY ATTORNEY