



## Legislation Text

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**File #: 21-2741, Version: 2**

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A Resolution of the City Commission of Coral Gables, Florida, 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.

(Sponsored by Mayor Lago)

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”). The ordinance is scheduled for second reading on September 1, 2021.

The City Commission believes the ordinance is 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. As a steadfast advocate for the City’s home rule authority, the City opposes unwarranted County and State preemptions, particularly on local matters that concern the City’s regulatory authority over City-owned or maintained facilities.

Currently, the City requires a public works permit for all right of way work within its geographic boundaries. 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. The City Commission believes the City is best able to communicate information about roadway work and public works projects to the community and is uniquely qualified to handle the hyper-local aspects of public works, because City staff is knowledgeable about the issues, utilities, and stakeholders affected by a given project.

The ordinance at issue 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. It also 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.

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 any resulting maintenance obligations. Therefore, the City of Coral Gables urges the BCC not to move forward with the amendments as drafted and instead work with cities to incorporate common sense revisions to

improve the legislation.