

RESOLUTION No. 20-149

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, OPPOSING THE PROPOSED AMENDMENTS TO MIAMI-DADE COUNTY ORDINANCE (MIAMI-DADE COUNTY LEGISLATIVE FILE No. 200973) SECTIONS 2-103.1 AND 2-103.4, RELATING TO COUNTY RIGHTS-OF-WAY AND EASEMENTS WITHIN MUNICIPALITIES WHICH PROHIBITS MUNICIPALITIES FROM CHARGING FEES, IMPOSING REQUIREMENTS, OR REQUIRING PERMITS FOR WORK ON COUNTY-OWNED OR COUNTY-MAINTAINED RIGHTS-OF-WAY OR EASEMENTS WITHIN MUNICIPALITIES; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Miami-Dade Board of County Commissioners is considering adoption of an ordinance (Miami-Dade County Legislative Item File No. 200973) (“Ordinance”) that prohibits municipalities from charging fees, imposing requirements, or requiring permits for work on rights-of-way or easements owned or maintained by Miami-Dade County (“County”) within municipalities; and

WHEREAS, the proposed amendments prohibit municipalities from charging any fees, imposing any requirements, including but not limited to the maintenance of traffic requirements, or requiring that any permit be obtained for any construction, maintenance, or improvements done by any person, corporation, partnership, association, governmental agency, or other legal entity on any County-owned or County-maintained rights of way or easements within the municipality; and

WHEREAS, on June 2, 2020, the Miami-Dade County Board of County Commissioners heard the first reading of the ordinance amending Sections 2-103.1 and 2-103.4 of Miami-Dade County Code; and

WHEREAS, the proposed ordinance will prohibit the City of Doral (the “City”) from requiring permits for work within County rights-of-ways and easements, as such reducing the City’s ability to regulate the construction work; and

WHEREAS, the Ordinance under consideration is unnecessary as the City has waived, and will continue to waive, permitting fees for municipal, county, state, and federal projects; and

WHEREAS, the City’s subdivision regulations and requirements for street improvements in connection with certain building permits have assisted in procuring necessary right-of-way dedications for roadway improvement purposes on County rights-of-way at no cost to the County; and

WHEREAS, if this Ordinance is adopted by the Board of County Commissioners, the County will be able to permit and authorize work on County roadways, within the City, that has not been properly coordinated with the City giving rise to instances where County contractors will negatively impact City maintained rights-of-way; and

WHEREAS, the proposed ordinance violates the principles of subsidiarity by adding an unnecessary layer of government, creating confusion for City residents and the overall public, that will be required to route concerns about access and construction impacts to their properties, maintenance of traffic, and other general contractor activities to the County, as opposed to the City, as well as posing a challenge to public outreach, coordination and prompt response to such inquiries to City residents and businesses who will now be tasked to navigate the County system when seeking relief; and

WHEREAS, the City finds that the proposed amendments to the Miami-Dade County Code are overly intrusive, encroach on the City's home rule powers, and impinge on the City's ability to carry out its municipal functions; and

WHEREAS, the City believes that the existing permitting process that centralizes responsibility with the City has worked well and continues to evolve in an effort to continuously improve the level of quality provided to our residents and visitors; and

WHEREAS, the County is not equipped to properly coordinate all the ongoing roadway projects within City limits as City staff has direct knowledge of all projects ongoing and proposed through our current permitting system and process; and

WHEREAS, the County has a backlog of roadway plan reviews as there is not sufficient staff to provide timely reviews on design plans submitted, therefore, it cannot be expected that the County would have sufficient staff to now coordinate all the Countywide roadway construction projects rather than allow individual municipalities to assist and provide regulation within their own City limits; and

WHEREAS, the City Council wishes to express opposition to the proposed ordinance; and

WHEREAS, the City deems this Resolution to be of an emergency nature in order to immediately protect the public health, welfare, and safety of the City's businesses, residents, and visitors.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made part hereof by this reference.

Section 2. Approval. The Mayor and City Council opposes the proposed amendments to the Miami-Dade County ordinance (Miami-Dade County Legislative File No. 200973) Sections 2-103.1 and 2-103.4 relating to County rights-of-way and easements within municipalities which prohibits municipalities from charging fees, imposing requirements, or requiring permits for work on County-owned or County-maintained rights-of-way or easements within municipalities. The Mayor and City Council hereby oppose proposed amendments to Sections 2-103.1 and 2-103.4 of the Miami-Dade County Code, as overly intrusive, encroach on the City's home rule powers, and impinge on the City's ability to carry out its municipal functions.

Section 3. Implementation. The City Clerk is directed to transmit a copy of this Resolution to Miami-Dade County Mayor Carlos A. Gimenez and the entire Board of County Commissioners.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilmember Mariaca who moved its adoption.

The motion was seconded by Councilmember Cabral and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Claudia Mariaca	Yes

PASSED AND ADOPTED this 12 day of August, 2020.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY