

RESOLUTION NO. 21 - 1771

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; OPPOSING THE COUNTY CODE AMENDMENT PROHIBITING MUNICIPALITIES FROM REQUIRING PERMITS FOR WORK ON CERTAIN RIGHTS-OF-WAY AND EASEMENTS LOCATED WITHIN MUNICIPALITIES ; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR INSTRUCTIONS TO TOWN CLERK ; AND PROVIDING FOR AN EFFECTIVE DATE (PIDERMANN)

WHEREAS, on June 2, 2020, the Miami-Dade County Board of County Commissioners (the “BCC”) heard the first reading of an ordinance amending Sections 2-103.1 and 2-103.4 of Miami-Dade County Code, prohibiting 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 July 14, 2020, the Town of Miami Lakes (the “Town”) passed Resolution 20 – 1688, opposing said Ordinance; and

WHEREAS, in June 2021, the BCC adopted in first reading a similar Ordinance, prohibiting municipalities from regulating public works construction projects on municipal right of ways; and

WHEREAS, by investing the County with exclusive jurisdiction over the regulation of the Town’s right of ways, the BCC abuses its Home Rule Powers by violating the Town’s charter and legal right to protects its residents; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing Recitals are true and correct and incorporated herein by this reference.

Section 2. Opposition to Miami-Dade County Amendment to Article XIV, Chapter 2 of the Code of Miami-Dade County.The Town Council hereby opposes proposed amendments to Article XIV of Chapter 2 of the Code of Miami-Dade County as overly intrusive, encroach on the Town's home rule powers, and impinge on the Town's ability to carry out its municipal functions.

Section 3. Instructions to the Town Clerk.The Town Council hereby authorizes the Town Clerk to provide a copy of said Resolution to all members of Miami-Dade County's Board of County Commissioners.

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

THIS SPACE INTENTIONALLY LEFT BLANK

Passed and adopted this 31st day of August, 2021.

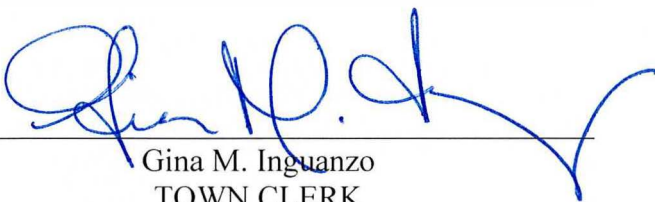
The foregoing resolution was offered Councilmember Jeffrey Rodriguez who moved its adoption. The motion was seconded by Councilmember Josh Dieguez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Yes
Vice Mayor Luis E. Collazo	Absent
Councilmember Carlos O. Alvarez	Absent
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Absent
Councilmember Jeffrey Rodriguez	Yes
Councilmember Marilyn Ruano	Yes




Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi, Lopez and Mestre, PLLC
TOWN ATTORNEY