

RESOLUTION NO. 2021-

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, EXPRESSING OPPOSITION TO MIAMI-DADE COUNTY'S PROPOSED ORDINANCE RELATING TO PUBLIC WORKS PERMITTING IN THE INCORPORATED AND UNINCORPORATED AREAS; PROVIDING FOR TRANSMITTAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 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"); and

WHEREAS, the ordinance was scheduled for second reading on September 1, 2021 but has been deferred to October 5, 2021; and

WHEREAS, the Village Council believes the proposed changes to the Miami-Dade County Code are counter-productive to municipal operations and services and will force County and Village departments to work in isolation, hindering communication and cooperation rather than fostering collaboration for the public benefit; and

WHEREAS, the Village requires a public works permit for all right of way work within its geographic boundaries; and

WHEREAS, this universal permit requirement ensures that Village staff is aware of work taking place within Pinecrest and can effectively coordinate concurrent right of way projects and to avoid traffic conflicts during construction or maintenance; and

WHEREAS, the Village is best able to communicate information about roadway work and public works projects to residential and business communities to ensure the public is well informed and can make appropriate decisions; and

WHEREAS, the ordinance 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; and

WHEREAS, the ordinance 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; and

WHEREAS, the ordinance represents a radical departure from today's practice and municipalities should be aware of, and in agreement with, any improvements that are proposed by the County within municipal rights-of-way; and

WHEREAS, the Village Council urges the Board of County Commissioners to oppose or postpone the passage of this ordinance until the County has had a chance to work with municipalities to incorporate common sense revisions to improve this legislation;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA, AS FOLLOWS:

Section 1. That the Village Council hereby opposes Miami-Dade County's proposed ordinance relating to public works permitting and fees and does hereby urge the Board of County Commissioners to work with the municipalities to incorporate common sense revisions to improve collaboration between Miami-Dade County and the municipalities.

Section 2. That the Village Clerk shall transmit a copy of this resolution to the Clerk of the Board of County Commissioners.

Section 3. This resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 21st day of September, 2021.

Joseph M. Corradino, Mayor

Attest:

Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved as to Form and Legal Sufficiency:

Mitchell Bierman
Village Attorney