

RESOLUTION NO. 20-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, EXPRESSING OPPOSITION TO A PROPOSED COUNTY ORDINANCE RELATING TO PERMIT FEES AND OTHER REQUIREMENTS FOR WORK ON COUNTY RIGHT-OF-WAY; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 20, 2018, the Town Council adopted Resolution No. 08-11, approving a Road Transfer Agreement (“Agreement”) between the Town of Cutler Bay (“Town”) and Miami-Dade County (“County”); and

WHEREAS, the Agreement transferred the underlying title and responsibility for the operation, maintenance, planning, design, and construction of road segments (excluding stormwater drainage related functions) from the County to the Town; and

WHEREAS, as a result of the Agreement, various right-of-way medians, swales, and cul-de-sacs, which were previously maintained by the County, are now maintained by the Town’s Public Works Department; and

WHEREAS, on June 2, 2020, the County Board of County Commissioners (“BCC”) heard the first reading of an ordinance amending Sections 2-103.1 and 2-103.4 of the County Code that would prohibit municipalities from charging any fees, imposing requirements, or requiring permits for work on any county-owned or county-maintained rights-of-way or easements within municipalities; and

WHEREAS, the Town Council finds that the proposed amendments to the County Code are invasive on the Town’s Home Rule powers and impinge on the Town’s ability to regulate construction work and carry out its municipal functions; and

WHEREAS, the Town wishes to express opposition to the proposed Ordinance; and

WHEREAS, the Town Council finds that this Resolution is in the best interest of the public health, welfare, and safety of the Town’s residents.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, THAT:

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

Section 2. Opposition. The Town Council hereby opposes the County proposed Ordinance, which prohibits municipalities from charging fees, imposing requirements, or requiring permits for work on county-owned or county-maintained right-of-way or easements within municipalities.

Section 3. **Transmittal.** The Town Clerk is hereby directed to transmit a copy of this Resolution to the County Mayor, the County BCC, and the Director of the County Transportation and Public Works Department.

Section 4. **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this ____ day of July, 2020.

TIM MEERBOTT
Mayor

Attest:

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott	_____
Vice Mayor Sue Ellen Loyzelle	_____
Council Member Robert “BJ” Duncan	_____
Council Member Michael P. Callahan	_____
Council Member Roger Coriat	_____