

I HEREBY CERTIFY that the above  
foregoing is a true and correct copy of

RESOLUTION NO. 2023-R-35

RESOLUTION NO. 3838

*Resolution No. 3838*

as recorded in the Office of the City Clerk.

Witness my hand and official seal this

*11<sup>th</sup>* day of *September*, *2023*

CITY OF PEMBROKE PINES

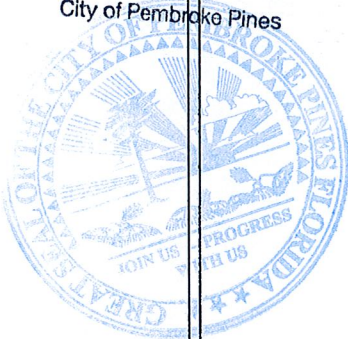
By: *[Signature]*

Marlene D. Graham

City Clerk

City Clerk

City of Pembroke Pines



A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, REQUESTING THE BROWARD DELEGATION OF THE FLORIDA LEGISLATURE TO PRIORITIZE AND DRAFT A BILL TO BE CONSIDERED DURING THE 2024 LEGISLATIVE SESSION ADDRESSING THE REMOVAL OR RELOCATION BY UTILITY OPERATORS OF OBSOLETE OR OUT-OF-SERVICE UTILITY HARDWARE AND OTHER INFRASTRUCTURE; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, in recent years, Florida Power & Light Company as well as other electric utility services providers have endeavored to harden aging utility infrastructure throughout the State of Florida by installing new power poles; and

**WHEREAS**, in many cases, the new hardened utility poles (the "New Poles") are replacing older utility poles (the "Redundant Poles") without relocating the wires and other appurtenances owned by other companies connected to the Redundant Poles (the "Pole Attachments"); and

**WHEREAS**, the utility services providers administering the hardening projects have no legal obligation to remove or relocate the remaining Pole Attachments; and

**WHEREAS**, State Law provides that the owners of the remaining Pole Attachments generally have 180 calendar days after receipt of an electronic or written notice from the pole owner to remove the Pole Attachments from the Redundant Poles; and

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**WHEREAS**, the utility services providers have no legal obligation to remove or relocate Pole Attachments connected to Redundant Poles if that remaining Utility Infrastructure was installed by a different permit holder and if the Pole Attachment does not presently belong to the existing service provider; and

**WHEREAS**, installation of New Poles and other utility hardware without the ability or legal requirement to remove or relocate Pole Attachments has resulted in the proliferation of Redundant Poles and Pole Attachments, including wiring, throughout the City of Pembroke Pines; and

**WHEREAS**, the proliferation of Redundant Poles and remaining Pole Attachments throughout the City poses a public safety risk to the City's residents because many of the remaining Redundant Poles and Pole Attachments located along City streets abut commercial and residential neighborhoods and no longer receive maintenance. The Redundant Poles and Pole Attachments may endanger the City's residents by creating hazardous conditions and may be compromised during a storm event such as a hurricane; and

**WHEREAS**, the proliferation of Redundant Poles and the remaining Pole Attachments negatively affects the aesthetically pleasing character of the City that residents expect and enjoy; and

**WHEREAS**, the Broward Legislative Delegation's local bill submission deadline is September 29, 2023; and

**WHEREAS**, the City Commission finds that it is in the best interest of

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the residents of Pembroke Pines that the City request the Broward Delegation of the Florida Legislature to prioritize and present a bill addressing the removal or relocation by Utility Services Providers of Pole Attachments from Redundant Poles.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

**Section 2.** The City Commission hereby requests the Broward Delegation of the Florida Legislature to prioritize and present a bill during the Florida Legislature's 2024 legislative session addressing the removal or relocation of Pole Attachments from Redundant Poles.

**Section 3.** The City Clerk is directed to submit a certified copy of this Resolution to the elected State Senators and Representatives of the Broward Delegation, Andrea Knowles Hill as Executive Director of the Broward Delegation, Sydni B. Wilson as Administrative Coordinator of the Broward Delegation, Louis Reinstein, Esq. as Delegation Counsel of the Broward Delegation, the Governing Body of each municipality within Broward County, and such other authorities as may be appropriate.

**Section 4.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** If any clause, section, other part or application of this

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Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**Section 6.** This Resolution shall become effective immediately upon its passage and adoption.

**[INTENTIONALLY LEFT BLANK]**

RESOLUTION NO. 2023-R-35

RESOLUTION NO. 3838

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
PEMBROKE PINES, FLORIDA, THIS 6TH DAY OF SEPTEMBER, 2023.

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:

  
9/7/23  
MARLENE GRAHAM, CITY CLERK

By:   
MAYOR FRANK C. ORTIS

ORTIS AYE

CASTILLO AYE

SCHWARTZ AYE

SHECHTER AYE

SIPLE AYE

APPROVED AS TO FORM:

  
OFFICE OF THE CITY ATTORNEY

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a copy of the original, and is signed by the President.

2. The second part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a copy of the original, and is signed by the President.

3. The third part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a copy of the original, and is signed by the President.

4. The fourth part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a copy of the original, and is signed by the President.

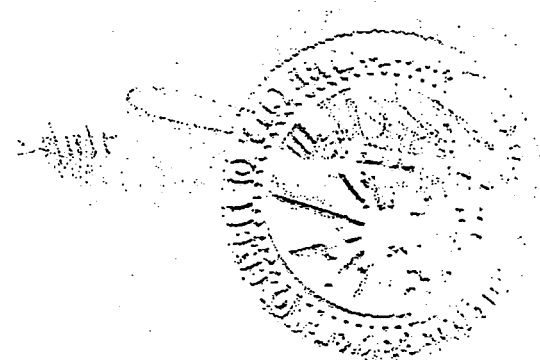
5. The fifth part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a copy of the original, and is signed by the President.

6. The sixth part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a copy of the original, and is signed by the President.

7. The seventh part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a copy of the original, and is signed by the President.

8. The eighth part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a copy of the original, and is signed by the President.

9. The ninth part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a copy of the original, and is signed by the President.



10. The tenth part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a copy of the original, and is signed by the President.



# City of Pembroke Pines, FL

601 City Center Way  
Pembroke Pines, FL  
33025  
www.ppines.com

## Agenda Request Form

**Agenda Number: 14.**

**File ID:** 2023-R-35

**Type:** Resolution

**Status:** Passed

**Version:** 1

**Agenda  
Section:**

**In Control:** City Commission

**File Created:** 08/29/2023

**Short Title:** Proposed Resolution 2023-R-35: Utility and  
Communication Poles

**Final Action:** 09/06/2023

**Title:** MOTION TO ADOPT PROPOSED RESOLUTION 2023-R-35.

PROPOSED RESOLUTION 2023-R-35 IS A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, REQUESTING THE BROWARD DELEGATION OF THE FLORIDA LEGISLATURE TO PRIORITIZE AND DRAFT A BILL TO BE CONSIDERED DURING THE 2024 LEGISLATIVE SESSION ADDRESSING THE REMOVAL BY UTILITY OPERATORS OF OBSOLETE OR OUT-OF-SERVICE UTILITY HARDWARE AND OTHER INFRASTRUCTURE; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**\*Agenda Date:** 09/06/2023

**Enactment Date:** 09/06/2023

**Agenda Number:** 14.

**Enactment Number:** 3838

**Internal Notes:**

**Attachments:** 1. Reso - Utility and Communication Poles (00575421-4xC4B6A), 2. Utility and Communication Poles General Bill (00577576-2xC4B6A), 3. Utility and Communication Poles Local Bill (00577500xC4B6A)

**Indexes:**

**Related Files:**

1	City Commission	09/06/2023	adopt	Pass
<b>Action Text:</b> A motion was made by Commissioner Castillo, seconded by Vice Mayor Siple, to adopt Proposed Resolution No. 2023-R-35. The motion carried by the following vote:				
Aye: - 5 Mayor Ortis, Vice Mayor Siple, Commissioner Schwartz, Commissioner Good Jr., and Commissioner Castillo				
Nay: - 0				

### SUMMARY EXPLANATION AND BACKGROUND:

1. In recent years, Florida Power & Light Company as well as other electric utility

services providers have endeavored to harden aging utility infrastructure throughout the State of Florida by installing concrete power poles.

2. In many cases, the new concrete poles (the "New Poles") are replacing older utility poles (the "Redundant Poles") without relocating the wires and other appurtenances owned by other companies connected to the Redundant Poles (the "Pole Attachments").

3. The utility services providers administering the hardening projects have no legal obligation to remove or otherwise relocate the remaining Pole Attachments

4. State Law provides that the owners of the remaining Pole Attachments have 180 calendar days after receipt of an electronic or written notice from the pole owner to remove the Pole Attachments from the Redundant Poles.

5. The utility services providers have no legal obligation to remove or otherwise relocate Pole Attachments connected to Redundant Poles if that remaining Utility Infrastructure was installed by a different permit holder and if the Pole Attachment does not presently belong to the existing service provider.

6. The City Commission finds that it is in the best interest of the residents of Pembroke Pines that the City request the Broward Delegation of the Florida Legislature to prioritize and present a bill addressing the removal by Utility Services Providers of Pole Attachments from Redundant Poles.

**FINANCIAL IMPACT DETAIL:**

- a) Initial Cost: None
- b) Amount budgeted for this item in Account No: Not Applicable
- c) Source of funding for difference, if not fully budgeted: Not Applicable
- d) 5 year projection of the operational cost of the project Not Applicable

	Current FY	Year 2	Year 3	Year 4	Year 5
Revenues					
Expenditures					
Net Cost					

- e) Detail of additional staff requirements: Not Applicable

**FEASIBILITY REVIEW:**

*A feasibility review is required for the award, renewal and/or expiration of all function sourcing contracts. This analysis is to determine the financial effectiveness of function sourcing services.*

- a) Was a Feasibility Review/Cost Analysis of Out-Sourcing vs. In-House Labor



**Conducted for this service? Not Applicable**

**b) If Yes, what is the total cost or total savings of utilizing Out-Sourcing vs. In-House Labor for this service? Not Applicable**