

PROPOSED RESOLUTION NO. 2020-R-45

RESOLUTION NO. 3720

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, OPPOSING PROPOSED COUNTY CHARTER AMENDMENT #2 ON THE NOVEMBER 3, 2020 BALLOT, WHICH WOULD ALLOW THE COUNTY TO SUPERSEDE CITY ZONING AND OTHER REGULATIONS FOR CERTAIN COUNTY PROJECTS WITHIN MUNICIPALITIES; DIRECTING THE CITY CLERK TO TRANSMIT AND DISTRIBUTE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, under the Florida Constitution and Chapter 166, Florida Statutes, municipalities are granted broad home rule powers; and

WHEREAS, Broward County (the "County"), working with the City and other municipalities in Broward County and throughout the State of Florida, has repeatedly fought to protect local government's home rule power against intrusions by the State; and

WHEREAS, currently Section 11.01 of the County Charter provides that municipal ordinances prevail within municipal boundaries over conflicting County ordinances, except in areas of minimum environmental standards, land use and ethics; and

WHEREAS, the Board of County Commissioners of Broward County has placed on the ballot for the November 3, 2020, general election a proposed County Charter Amendment #2, which would give Broward County the power to supersede municipal zoning and regulatory authority for projects on County property that are funded in whole or in part by transportation surtax funds, even when the project will be within municipal borders (the "Proposed Charter Amendment #2"); and

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WHEREAS, municipal local government is the closest, most accessible and most responsive to residents; and

WHEREAS, as part of their home rule powers, municipalities should retain permitting and regulatory control over all projects in their municipalities in order to protect their residents; and

WHEREAS, the City Commission believes that the Proposed Charter Amendment #2 would be an intrusion of municipal home rule power, and therefore, opposes the Proposed Charter Amendment #2; and

WHEREAS, the City Commission believes it is in the best interest of the City to approve this Resolution.

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 upon adoption hereof.

Section 2. The City Commission opposes the Proposed Charter Amendment #2 because it would violate municipal home rule powers.

Section 3. The City Clerk is directed to distribute this Resolution to the Board of County Commissioners, the Broward League of Cities, and each of the municipalities in Broward County.

Section 4. This Resolution shall become effective immediately upon adoption.

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**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, THIS 7TH DAY OF OCTOBER, 2020.**

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:

MARLENE GRAHAM, CITY CLERK

By: _____
MAYOR FRANK C. ORTIS

ORTIS AYE

CASTILLO NAY

APPROVED AS TO FORM:

GOOD AYE

SCHWARTZ AYE

OFFICE OF THE CITY ATTORNEY

SIPLE AYE