

MEMORANDUM

Agenda Item No. 11(A)(50)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution urging the
Legislature to defeat
legislation that would
preempt local regulation
of wetlands

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Katy Sorenson, Commissioner Jose "Pepe" Diaz, Commissioner Carlos A. Gimenez and Commissioner Rebeca Sosa.



Murray A. Greenberg
County Attorney

MAG/dcp

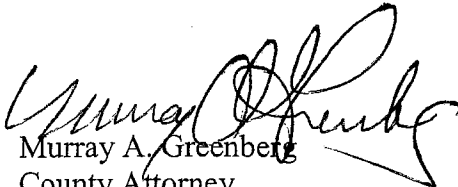


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: 
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County Attorney

SUBJECT: Agenda Item No. 11(A)(50)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

✓

Approved _____ Mayor

Agenda Item No. 11(A)(50)

Veto _____

04-24-07

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
DEFEAT LEGISLATION THAT WOULD PREEMPT LOCAL
REGULATION OF WETLANDS

WHEREAS, over the course of the 2007 State Legislative Session, HB 957 has been amended to preempt local governments from regulating wetlands; and

WHEREAS, 2007 marks the second year in a row in which efforts have been made to preempt local regulation of wetlands in the Florida Legislature; and

WHEREAS, local governments currently have the ability to prevent or require mitigation for damage to local wetlands using procedures defined by Florida Statutes through increased enforcement and compliance presence, more comprehensive regulation, and by application of stricter standards for work in certain sensitive wetlands such as coastal or wellfield protection areas; and

WHEREAS, State regulations exempt small impacts from regulation, and therefore cumulative effects of such losses of wetland value are not addressed by State permitting and enforcement; and

WHEREAS, in 2006 the County's wetland regulatory program was responsible for the restoration of 470 acres of unpermitted wetland impacts and for the removal of nearly 100,000 cubic yards of solid waste from wetlands; and

WHEREAS, under our current local regulations, the County evaluates projects for impacts on wetlands and related environmental values countywide, as well as compliance with the local zoning and building code, and the Comprehensive Development Master Plan; and

WHEREAS, wetlands retain stormwater runoff, allow for recharge of the aquifer, filter pollutants out of our water, and protect coastal areas from storm surge, which means that the fewer wetlands that exist, the greater will be the risk to water supply and for flood damage,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to defeat legislation that would preempt local regulation of wetlands, including language contained in HB 957, or similar legislation.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, and the chair and members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the issues identified in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2007 and 2008 State Legislative Packages.

The foregoing resolution was sponsored by Commissioner Katy Sorenson, Commissioner Jose "Pepe" Diaz, Commissioner Carlos A. Gimenez and Commissioner Rebeca Sosa and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of April, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.

JMM

By: _____
Deputy Clerk

Jess M. McCarty

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