

## MEMORANDUM

Agenda Item No. 11(A)(51)

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

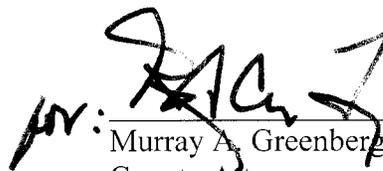
**DATE:** April 24, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution urging Legislature  
to defeat legislation that  
would preempt local  
regulation of limerock mining

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.

  
Murray A. Greenberg  
County Attorney

MAG/bw



# MEMORANDUM

(Revised)

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

**DATE:** April 24, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(51)

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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A) (51)

04-24-07

RESOLUTION NO. \_\_\_\_\_

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

**WHEREAS**, an amendment to Proposed Committee Bill ENRC 07-12 (PCB ENRC 07-12) was adopted that would preempt local governments from regulating limerock mining; and

**WHEREAS**, local ordinances currently regulate hours of operation, noise, traffic, and dust related to limerock mining, and require permits or conditions to protect wellfields, wetlands, and groundwater quality; and

**WHEREAS**, PCB ENRC 07-12 would prohibit any city or county from enacting or enforcing any ordinance, resolution, regulation, rule, policy, or other action which prohibits or prevents the construction or operation of a limerock mine on lands where mining is a permissible use or on lands zoned or classified as mining lands as of March 1, 2007; and

**WHEREAS**, the Florida Department of Transportation (FDOT) has repeatedly indicated that it does not consider local government preemption a component of its plan to keep adequate supplies of road aggregate available; and,

**WHEREAS**, the rights of our citizens need to be addressed by local leaders which are elected for that purpose,

**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 limerock mining, including language contained in PCB ENRC 07-12, or similar legislation.

**Section 2.** Directs the Clerk of the Board to transmit certified copies of the 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 Jose "Pepe" Diaz 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	

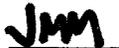
The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of April, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Jess M. McCarty

