MEMORANDUM

Agenda Item No. 14(A)(7)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 19, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging municipalities to adopt amnesty provisions for homeowners complying with the Building Code similar to those adopted by Miami-Dade County

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: July 19, 2011

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 14(A)(7)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(7)
7-19-11

RESOLUTION NO. _____

RESOLUTION URGING MUNICIPALITIES TO ADOPT AMNESTY PROVISIONS FOR HOMEOWNERS COMPLYING WITH THE BUILDING CODE SIMILAR TO THOSE ADOPTED BY MIAMI-DADE COUNTY

WHEREAS, Miami-Dade County, and the municipalities contained within its geographic boundaries, are in the midst of a severe economic crisis; and

WHEREAS, to encourage compliance with the Building Code, the County is considering the adoption of an ordinance which will create an amnesty period creating a limited exemption from civil penalties and liens relating to Building Code violations upon a homeowner's compliance with the Building Code, subject to certain conditions more particularly set forth in the ordinance; and

WHEREAS, pursuant to the Charter, the County has adopted a uniform Building Code for application throughout the incorporated and unincorporated areas of Miami-Dade County; and

WHEREAS, geographic Miami-Dade County is comprised of 34 municipalities, which have created their own systems of fines and fees to enforce the provisions of the Building Code; and

WHEREAS, to provide the relief to homeowners advanced by the County, and to promote uniformity of Building Code compliance and enforcement, the adoption by municipalities of measures similar to that proposed by the County is desirable and appropriate,

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

Section 1. Municipalities within the geographical boundaries of Miami-Dade County, listed in the attached Exhibit A, be and the same are hereby urged to adopt legislative measures creating exemption from civil penalties and fees upon a homeowner's compliance with the Building Code, similar to those adopted by Miami-Dade County, and to report the same to the County upon adoption.

Section 2. The Clerk of the Board is directed to transmit certified copies of this resolution to the mayor, city manager and/or commissioner chairperson for each municipality within Miami–Dade County.

The Prime Sponsor of the foregoing resolution is Chairman Joe A. Martinez. It was 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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of July, 2011. 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.

Hugo Benitez

EXHIBIT A

City of Aventura
Village of Bal Harbour
Town of Bay Harbor Islands
Village of Biscayne Park
City of Coral Gables
Town of Cutler Bay
City of Doral
Village of El Portal
City of Florida City
Town of Golden Beach
City of Hialeah
City of Hialeah Gardens
City of Homestead
Village of Indian Creek
Village of Key Biscayne
Town of Medley
City of Miami
City of Miami Beach
City of Miami Gardens
Town of Miami Lakes
Village of Miami Shores
City of Miami Springs
City of North Bay Village
City of North Miami
City of North Miami Beach
City of Opa-locka
Village of Palmetto Bay
Village of Pinecrest
City of South Miami
City of Sunny Isles Beach
Town of Surfside
City of Sweetwater
Village of Virginia Gardens
City of West Miami