

A JOINT STATEMENT OF ISSUES

BACKGROUND

This joint public meeting relates to a lawsuit (City of Miami Gardens vs. Miami-Dade County, Case No. 2014-017408 CA 01) and is part of the conflict assessment process that is required by Florida law in this case.

As required by Florida law after a lawsuit is filed by one governmental entity against another, the City Council of the City of Miami Gardens and the Board of County Commissioners are required to have a joint public meeting. In this meeting, the governing bodies of these entities are required to:

- (a) Consider the statement of issues;
- (b) Seek an Agreement; and
- (c) Schedule additional meetings of the entities in conflict or of their designees to continue to seek resolution of the conflict.

JOINT STATEMENT OF ISSUES (TO BE SUBMITTED TO THE CLERK AS A PART OF THE RECORD)

In its lawsuit, the City of Miami Gardens (City) is asking the court to interpret Section 9.6 of their municipal charter, which was required by the Board of County Commissioners as a condition of the City's incorporation in 2003¹.

Section 9.6 of the City's Charter reads:

In recognition of the fact that Stadium Properties, referenced in Appendix "C", has significant importance to the economy and well-being of all Miami-Dade County, jurisdiction over the Properties for purposes of zoning and building approvals, water and sewer installations (if applicable), compliance with environmental regulations, street maintenance (including sidewalks, if applicable) and utility regulations shall remain with Miami-Dade County.

The City will preserve the rights and approvals of Stadium Properties, as referenced in Appendix "C", and its surrounding development which are laid out in the DRI Development Order Resolution Z-210-85, dated September 26, 1985, and zoning regulations and ordinances affecting Stadium Properties, as amended through December 31, 2012. Notwithstanding the foregoing, jurisdiction for the Dolphin Center DRI Development Order and any amendments thereto shall

¹ In order to amend this provision of the City's Charter, the proposed amendment must be approved by affirmative vote of two-thirds (2/3) of the total membership of the Board of County Commissioners then in office, prior to approval by a vote of the municipality's electorate. See Section 9.10 of the City's Charter and Section 6.05 of the Miami-Dade County Home Rule Charter.

remain within Miami-Dade County. Commencing with the date of incorporation, the City shall have all other jurisdiction over the property described in Appendix “D”.

Within one hundred eighty (180) days after the election of a municipal council, the City and Miami Dade County will enter into an Interlocal Agreement that includes provisions of this Section.

The City’s lawsuit alleges, in relevant part, that Section 9.6 gave the City the right to make certain land use, zoning and permitting decisions over Sun Life Stadium as of December 2012 and the County maintains that Section 9.6 gave the County the right to exercise this jurisdiction.

Following the filing of the lawsuit, in September 2014, the Miami-Dade County Board of County Commissioners (Board) adopted Resolution No. R-783-14 which directed the Miami-Dade County Mayor or Mayor’s designee to negotiate an interlocal agreement with the City with respect to certain land use, zoning and permitting jurisdiction over properties surrounding Sun Life Stadium. It was specifically noted in Resolution R-783-14 that any negotiation’s regarding SunLife Stadium would be by subsequent agreement. The City’s Charter would not have to be amended for the County and the City to enter into this interlocal agreement, based on the terms contemplated in Resolution No. R-783-14.

Since September 2014, the City and Miami-Dade County have engaged in negotiations related to this lawsuit. The negotiations thus far regarding the properties surrounding SunLife Stadium have included having the City issue building permits in accordance with the County’s regulations and County’s fees; and having the City make a recommendation on zoning matters which could be overruled by the Miami-Dade County Commission only by a 2/3 vote. The City and the County have also negotiated with respect to the City’s requests to be conveyed certain County-owned surplus property that is located within the City’s boundaries. These terms of an interlocal relating to properties surrounding SunLife Stadium are substantially negotiated, subject to approval by the Board of County Commissioners and the City Council.

The City has also requested that an agreement be negotiated regarding land use, zoning and building permit jurisdiction regarding the SunLife Stadium site. These negotiations have not been successful, to date.

POTENTIAL AGREEMENT (VOTE BY EACH GOVERNING BODY)

If a conceptual agreement to resolve the litigation is reached today, resolutions will be prepared for approval by the Commission and the City Council at the next available regular meeting of the Commission and the City Council.

SCHEDULING OF ADDITIONAL MEETINGS (VOTE BY EACH GOVERNING BODY)

If a conceptual agreement is not reached at the joint public meeting, a vote will be taken to schedule mediation between the designees of the County and the City.