

MEMORANDUM

MSC
Agenda Item No. 2(E)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 13, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing County Mayor to develop and implement a plan to remove double utility poles in the same general location in Miami-Dade County, to prepare and file with the Clerk of the Board revisions to the public works manual in order to prevent future occurrences of double poles, and to present to this Board within 90 days a status report with recommendations

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No.

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor'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.
10-5-16

RESOLUTION NO. _____

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO DEVELOP AND IMPLEMENT A PLAN TO REMOVE DOUBLE UTILITY POLES IN THE SAME GENERAL LOCATION IN MIAMI-DADE COUNTY, TO PREPARE AND FILE WITH THE CLERK OF THE BOARD REVISIONS TO THE PUBLIC WORKS MANUAL IN ORDER TO PREVENT FUTURE OCCURRENCES OF DOUBLE POLES, AND TO PRESENT TO THIS BOARD WITHIN 90 DAYS A STATUS REPORT WITH RECOMMENDATIONS

WHEREAS, throughout Miami-Dade County, new utility poles have been installed without removal of the older, and often deteriorated, original pole in the same general location ("double poles"); and

WHEREAS, double poles are not only unsightly and redundant, but additionally, can pose a safety hazard to the public if they fall into disrepair; and

WHEREAS, it would be in the best interests of the public to develop a plan for the removal of double poles throughout the County, as well as to prevent the creation of new double pole situations in the future; and

WHEREAS, Section 2-100(d) of the Miami-Dade County Code provides that the public works manual shall be the official guide and standard for public works construction in Miami-Dade County, which provisions take effect upon filing by the Public Works Director with the Clerk of the Board; and

WHEREAS, the Miami-Dade County public works manual does not currently require a utility company seeking a permit for the replacement of a pole or installation of a new pole to provide a transitional plan for removal of the original pole in the same general location; and

WHEREAS, County administration has begun to meet with utility companies to discuss ways in which such double poles can be removed or prevented,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board directs the County Mayor or Mayor's designee to develop and implement a plan to: i) create a Countywide inventory of double poles on rights-of-way in unincorporated Miami-Dade County and on County-maintained roads within municipalities; ii) coordinate with utility companies, including Florida Power & Light, Comcast, and AT&T, to ensure removal, at the sole cost and expense of the utility companies, of a minimum number of double poles on a monthly basis until all existing double poles are eliminated; and iii) estimate a completion date for all such removals.

Section 3. This Board directs the County Mayor or Mayor's designee to revise the public works manual to create standards and criteria to prevent double pole situations, including but not limited to: i) requiring a utility company seeking a permit for the replacement of an existing pole or installation of a new pole in the same general location to provide a transitional plan with timelines for the removal of existing poles which are in non-use and are located within 500 feet of the proposed installation; and ii) providing for revocation of the permit if the permittee fails to comply with the timeline absent good cause shown. This Board further directs the County Mayor or Mayor's designee to establish such revisions to the public works manual in accordance with the requirements of Section 2-100(d) of the Code of Miami-Dade County, Florida.

Section 4. This Board directs the County Mayor or Mayor's designee to provide a report on the status of the program and the revisions to the public works manual within 90 days of the effective date of this resolution, and to place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. 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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Debra Herman