

MEMORANDUM

TMSC
Substitute to
Agenda Item No. 2A

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

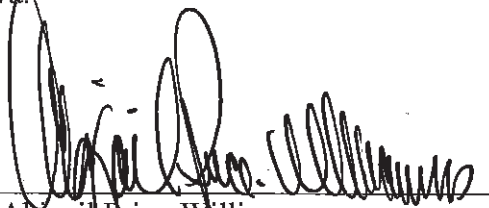
DATE: December 14, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to develop a plan to provide a reasonable public notice prior to removal of traffic control devices from County roads; and directing the County Mayor to provide a report and place the report on an agenda of this Board within 90 days of the effective date of this resolution

This substitute differs from the original in that it deletes the requirement for a public comment period and reduces the minimum public notice period to 14 days rather than 30 days.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney

APW/smm

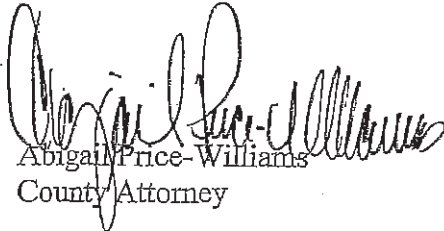


MEMORANDUM

(Revised)

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

DATE: January 24, 2017

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

Agenda Item No.

Veto _____

1-24-17

Override _____

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DEVELOP A PLAN TO PROVIDE A REASONABLE PUBLIC NOTICE PRIOR TO REMOVAL OF TRAFFIC CONTROL DEVICES FROM COUNTY ROADS; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE A REPORT AND PLACE THE REPORT ON AN AGENDA OF THIS BOARD WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS RESOLUTION

WHEREAS, Miami-Dade County has planning-level responsibility for countywide traffic engineering which includes traffic control devices; and

>>WHEREAS, the Department of Transportation and Public Works adopts the Manual on Uniform Traffic Control Devices (MUTCD), and associated federal and state precautions, as the standard for traffic control devices; and<<¹

WHEREAS, on County roads, in addition to the oversight role, the County also has installation, removal and maintenance responsibilities for traffic control devices including pedestrian crossing lanes, signs and signals; and

WHEREAS, there are times when ~~[[in the professional judgment of the Department of Transportation and Public Works]]~~>>as a result of an analysis pursuant to MUTCD and/or associated federal and state regulations<<, a traffic control device should be added or removed from a roadway; and

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, many times, even in those cases where the removal of an existing traffic control device is warranted, drivers and pedestrians in the area have become accustomed to the existence of such a traffic control device; and

WHEREAS, providing reasonable public notice prior to a planned removal of such a traffic control device would allow the public, especially pedestrians impacted by the removal of a traffic control device, to plan alternate routes if necessary; and

~~[[**WHEREAS**, providing a notice and comment period will allow the public to provide comments and information that may supplement the data relating to the traffic calming device relied on by the Department of Transportation and Public Works; and]]~~

WHEREAS, the type and amount of public notice ~~[[and the length of the comment period]]~~ need not be the same for every potential removal, but should be reasonable and sufficient to provide notice ~~[[and an opportunity to comment for]]~~ >>to<< the impacted parties, and should be no less than a minimum of ~~[[30]]~~ >>14<< days prior to the removal of any traffic control device unless a shorter period is necessitated by virtue of immediate public safety concerns; and

WHEREAS, the Department of Transportation and Public Works is positioned to analyze such removals, and to recommend the type and amount of public notice reasonably required in each circumstance,

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

Section 1. The foregoing recitals are adopted and incorporated herein.

Section 2. This Board directs the County Mayor or County Mayor's designee to develop a plan to provide a reasonable public notice ~~[[and comment]]~~ period prior to removal of traffic control devices from County roads, which period should be no less than a minimum of ~~[[thirty]]~~>>14<< days prior to the removal of any traffic control device unless a shorter period is necessitated by virtue of immediate public safety concerns.

Section 3. This Board directs the County Mayor or County Mayor's designee to provide a report regarding this plan to the Board within 90 days of the effective date of this resolution and 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 Daniella Levine Cava. 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
Joe A. Martinez	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of January, 2017. 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
Alex S. Bokor