

MEMORANDUM

Agenda Item No. 14(A(5))

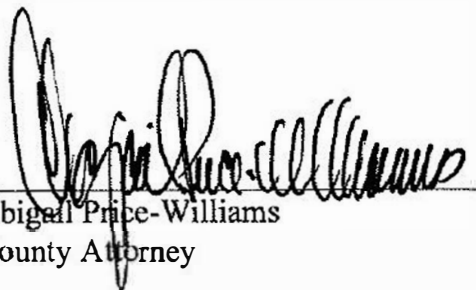
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: April 7, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to suspend police-directed towing operations where the owner does not consent to the removal of the vehicle for the duration of the coronavirus disease 2019 (COVID-19) state of emergency; and urging the Cities of Coral Gables, Miami and Miami Beach to adopt similar legislation

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


Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: April 7, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 14(A)(5)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(5)
4-7-20

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SUSPEND POLICE-DIRECTED TOWING OPERATIONS WHERE THE OWNER DOES NOT CONSENT TO THE REMOVAL OF THE VEHICLE FOR THE DURATION OF THE CORONAVIRUS DISEASE 2019 (COVID-19) STATE OF EMERGENCY; AND URGING THE CITIES OF CORAL GABLES, MIAMI AND MIAMI BEACH TO ADOPT SIMILAR LEGISLATION

WHEREAS, on March 9, 2020, Governor Ron DeSantis declared a state of emergency for the State of Florida in response to the spread of coronavirus disease 2019 (COVID-19); and

WHEREAS, on March 12, 2020, County Mayor Carlos Gimenez declared a state of emergency for Miami-Dade County in response to the spread of COVID-19; and

WHEREAS, the County Mayor has issued "Safer At Home" protocols to encourage residents to remain at home to stop the spread of COVID-19; and

WHEREAS, pursuant to chapter 30 of the Miami-Dade County Code ("Code"), Miami-Dade County has jurisdiction over towing operations in the unincorporated areas and certain incorporated of the County; and

WHEREAS, section 30-478 of the Code exempts the Cities of Coral Gables, Miami and Miami Beach from County towing jurisdiction; and

WHEREAS, suspending police-directed towing operations where the owner does not consent to the removal of the vehicle will support the "Safer at Home" protocols by encouraging residents to leave their vehicles in place during the state of emergency; and

WHEREAS, the Board would like to direct the County Mayor or County Mayor's designee to suspend police-directed towing operations where the owner does not consent to the removal of the vehicle during the current state of emergency; and

WHEREAS, the Board also would like to urge the Cities of Coral Gables, Miami and Miami Beach to adopt similar legislation,

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

Section 1. Directs the County Mayor or County Mayor's designee to suspend police directed towing operations where the owner does not consent to the removal of the vehicle during the state of emergency ordered on March 12, 2020, as extended by subsequent orders.

Section 2. Urges the Cities of Coral Gables, Miami and Miami Beach to adopt similar legislation.

Section 3. Directs the Clerk of the Board to transmit certified copies of this resolution to the Mayor, Chair and Members of the City Commissions, and City Manager of the Cities of Coral Gables, Miami and Miami Beach.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. 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:

Audrey M. Edmonson, Chairwoman
Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of April, 2020. 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.



Lauren E. Morse