

Approved _____ Mayor

Agenda Item No. 11(A) (51)

Veto _____

04-24-07

Override _____

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

RESOLUTION NO. R-472-07

**RESOLUTION URGING THE FLORIDA LEGISLATURE TO
DEFEAT LEGISLATION THAT WOULD PREEMPT LOCAL
REGULATION OF LIMEROCK MINING**

WHEREAS, an amendment to Proposed Committee Bill ENRC 07-12 (PCB ENRC 07-12) was adopted that would preempt local governments from regulating limerock mining; and

WHEREAS, local ordinances currently regulate hours of operation, noise, traffic, and dust related to limerock mining, and require permits or conditions to protect wellfields, wetlands, and groundwater quality; and

WHEREAS, PCB ENRC 07-12 would prohibit any city or county from enacting or enforcing any ordinance, resolution, regulation, rule, policy, or other action which prohibits or prevents the construction or operation of a limerock mine on lands where mining is a permissible use or on lands zoned or classified as mining lands as of March 1, 2007; and

WHEREAS, the Florida Department of Transportation (FDOT) has repeatedly indicated that it does not consider local government preemption a component of its plan to keep adequate supplies of road aggregate available; and,

WHEREAS, the rights of our citizens need to be addressed by local leaders which are elected for that purpose,

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

Section 1. Urges the Florida Legislature to defeat legislation that would preempt local regulation of limerock mining, including language contained in PCB ENRC 07-12, or similar legislation.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, the Senate President, the House Speaker, and the chair and members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the issues identified in section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2007 and 2008 state legislative packages.

The foregoing resolution was sponsored by Commissioner Jose "Pepe" Diaz and offered by Commissioner Carlos A. Gimenez , who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

	Bruno A. Barreiro, Chairman	aye	
	Barbara J. Jordan, Vice-Chairwoman	aye	
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of April, 2007. 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



KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty

MEMORANDUM

Agenda Item No. 11(A) (51)

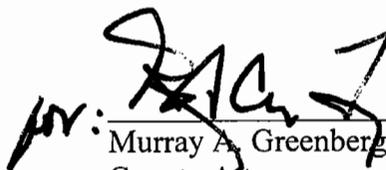
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution urging Legislature
to defeat legislation that
would preempt local
regulation of limerock mining

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


Murray A. Greenberg
County Attorney

MAG/bw



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(51)

Please note any items checked.

- "4-Day Rule" ("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**
- Bid waiver requiring County Manager's written recommendation**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- Housekeeping item (no policy decision required)**
- No committee review**