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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(5)

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

DATE: April 21, 2015

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Resolution directing the Mayor and the Office of Intergovernmental Affairs to monitor federal agency actions related to the Endangered Species Act such as proposed and final rulemaking

Resolution No. R-332-15

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

R. A. Cuevas, Jr.
County Attorney

RAC/smm

MEMORANDUM
(Revised)

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

DATE: April 21, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(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**

_____ **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. 11(A)(5)
4-21-15

RESOLUTION NO. R-332-15

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE AND THE OFFICE OF INTERGOVERNMENTAL AFFAIRS TO MONITOR FEDERAL AGENCY ACTIONS RELATED TO THE ENDANGERED SPECIES ACT SUCH AS PROPOSED AND FINAL RULEMAKING; DIRECTING THE MAYOR OR MAYOR'S DESIGNEE AND THE OFFICE OF INTERGOVERNMENTAL AFFAIRS TO INFORM THE BOARD OF FEDERAL AGENCY ACTIONS RELATED TO THE ENDANGERED SPECIES ACT WHICH MAY IMPACT MIAMI-DADE COUNTY

WHEREAS, Miami-Dade County is home to a number of animal and plant species that may be threatened or endangered; and

WHEREAS, federal law, specifically the Endangered Species Act, 16 U.S.C. 35, has various procedures and requirements that are designed to protect these species; and

WHEREAS, the federal government, through the United States Fish and Wildlife Service, may from time to time add or delete species from the lists of threatened and endangered species, and the agency may also designate areas of critical habitat for threatened or endangered species; and

WHEREAS, before adding or deleting species from the lists of threatened and endangered species or designating new areas of critical habitat, the agency publishes a notice of proposed rulemaking, and the agency also maintains a list of candidate species which are being considered for future listing as endangered or threatened; and

WHEREAS, listings of new endangered or threatened species and designations of new areas of critical habitat may affect what property owners may do on their property, pursuant to the Endangered Species Act, 16 U.S.C. 35; and

WHEREAS, federal agencies like the United States Fish and Wildlife Service may from time to time take other actions related to the Endangered Species Act which could affect Miami-Dade County; and

WHEREAS, it is important to ensure that the appropriate County officials are made aware at any early stage of any federal agency actions related to the Endangered Species Act which could affect Miami-Dade County; and

WHEREAS, such advance knowledge may help prepare the County for issues related to the Endangered Species Act, and such preparation and awareness would aid in the protection of endangered and threatened species,

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

Section 1. Directs the Mayor or Mayor's designee and the Office of Intergovernmental Affairs to (1) monitor federal agency actions related to the Endangered Species Act, including but not limited to notices of proposed and final rulemaking related to the Endangered Species Act, schedules for future listings of species or designations of critical habitat, and lists of candidate species and candidate notices of review; and (2) determine which such agency actions could substantially impact Miami-Dade County or properties contained within Miami-Dade County.

Section 2. Directs the Mayor or Mayor's designee and the Office of Intergovernmental Affairs to inform the Board of County Commissioners of any federal agency actions related to the Endangered Species Act which could substantially impact Miami-Dade County or properties contained within Miami-Dade County, including but not limited to all notices of proposed and final rulemaking to designate critical habitat in Miami-Dade County or

list new species in Miami-Dade County as endangered or threatened, as well as any notices of candidate species in Miami-Dade County. Within 60 days of learning of any such federal agency action, the Mayor or Mayor's designee and/or the Office of Intergovernmental Affairs shall provide a report to this Board and shall place the completed report on the agenda of the Board of County Commissioners pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of April, 2015. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell