

MEMORANDUM

Agenda Item No. 11(A)(8)

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

DATE: June 2, 2015

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

SUBJECT: Resolution establishing County policy to require the County to undertake certain measures to minimize negative aesthetic impact to the public prior to conveyance of an easement or license for the installation of utility lines and equipment on County-owned property; and directing the County Mayor to identify such measures in any agenda item authorizing conveyance of same

Resolution No. R-504-15

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Audrey M. Edmonson and Commissioner Juan C. Zapata, and Co-Sponsors Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan and Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
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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)(8)
6-2-15

RESOLUTION NO. R-504-15

RESOLUTION ESTABLISHING COUNTY POLICY TO REQUIRE THE COUNTY TO UNDERTAKE CERTAIN MEASURES TO MINIMIZE NEGATIVE AESTHETIC IMPACT TO THE PUBLIC PRIOR TO CONVEYANCE OF AN EASEMENT OR LICENSE FOR THE INSTALLATION OF UTILITY LINES AND EQUIPMENT ON COUNTY-OWNED PROPERTY; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO IDENTIFY SUCH MEASURES IN ANY AGENDA ITEM AUTHORIZING CONVEYANCE OF SAME

WHEREAS, over the past years, the County has conveyed easements and licenses to utility companies for placement of lines and equipment on, over, and across County-owned property; and

WHEREAS, many times, utility companies have placed above-ground lines and equipment in areas that are easily seen by, and are visually unappealing to, the public; and

WHEREAS, in many cases, it is possible to minimize such negative visual impact by shifting the location of such lines and equipment, by adjusting the means by which such lines and equipment are installed, or by placing foliage and landscaping around such lines and equipment so as to cover and camouflage them; and

WHEREAS, it is in the best interests of the County to minimize any negative aesthetic impact to the public, wherever feasible,

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. It shall be the policy of this Board that prior to conveyance of an easement or license to any utility company for the installation of utility lines or equipment on County-owned property, reasonable attempts and measures should be undertaken by the County to minimize negative aesthetic impact to the public of such installations including but not limited to: 1) requiring the placement of such equipment and lines underground or in less visible locations if same are available, practical, and feasible; 2) review of any existing development, as well as any potential development to be constructed in the immediate area, to consider compatibility with the proposed installation; and 3) consideration of potential means by which such lines and equipment may be concealed or camouflaged, such as an architectural feature and/or vegetation cover.

Section 3. This Board hereby directs the County Mayor or County Mayor's designee to: (a) analyze the foregoing factors, and to engage in negotiation with such utility companies prior to such conveyance, in an effort to minimize negative visual impact to the public wherever possible, and (b) identify the reasonable attempts and measures undertaken by the County administration to comply with the Board's policy set forth in this resolution in any agenda item conveying an easement or license which would allow the placement of utility lines and equipment on County-owned property.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Audrey M. Edmonson and Commissioner Juan C. Zapata, and the Co-Sponsors are Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan and Senator Javier D. Souto. It was offered by Commissioner **José "Pepe" Diaz** , 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	absent
Sen. Javier D. Souto	aye	Xavier L. Suarez	aye
Juan C. Zapata	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of June, 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.

Debra Herman