

## MEMORANDUM

Agenda Item No.11(A)(4)

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

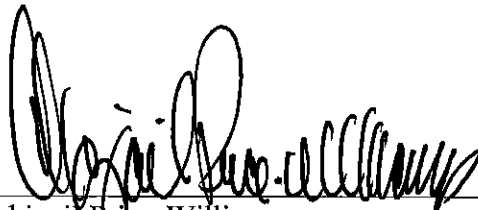
**DATE:** January 22, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution directing the County  
Mayor to prepare a written report  
to the Board outlining efforts to  
enforce permitting requirements  
for utilities and public works  
construction in County road  
and street rights-of-way

Resolution No. R-59-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor  
Commissioner Joe A. Martinez.

  
Abigail Price-Williams  
County Attorney

APW/smm

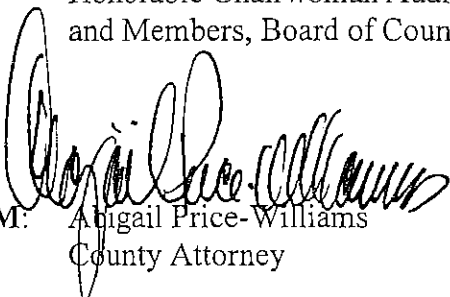


# MEMORANDUM

(Revised)

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

DATE: January 22, 2020

FROM:   
Abigail Price-Williams  
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

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. 11(A)(4)

1-22-20

RESOLUTION NO. \_\_\_\_\_ R-59-20

RESOLUTION DIRECTING THE COUNTY MAYOR TO  
PREPARE A WRITTEN REPORT TO THE BOARD  
OUTLINING EFFORTS TO ENFORCE PERMITTING  
REQUIREMENTS FOR UTILITIES AND PUBLIC WORKS  
CONSTRUCTION IN COUNTY ROAD AND STREET RIGHTS-  
OF-WAY

**WHEREAS**, section 2-103.1 of the Code of Miami-Dade County, Florida mandates that anyone constructing utilities or other public works in County road and street rights-of-way must first obtain a permit from the Department of Transportation and Public Works; and

**WHEREAS**, Miami-Dade County Implementing Order 4-41 imposes a penalty fee in the amount of double the original required permit fee on contractors who commence construction work on County right-of-way without first obtaining a legally required permit; and

**WHEREAS**, construction on County rights-of-way disrupts the busy lives of our residents and visitors by increasing traffic gridlock, reducing access to roadside businesses, and removing the availability of pedestrian sidewalks; and

**WHEREAS**, because of the disruption caused by public works construction in the rights-of-way, it is imperative to assure that any such construction is safe, permitted and inspected; and

**WHEREAS**, unpermitted construction work in the rights-of-way is a County-wide problem that does occur and must be deterred to protect the public's safety; and

**WHEREAS**, this Board wants to ensure that the County is sufficiently using its code enforcement efforts to deter illegal and unpermitted construction work in County rights-of-way,

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

**Section 1.** The foregoing recitals are hereby incorporated as true and correct.

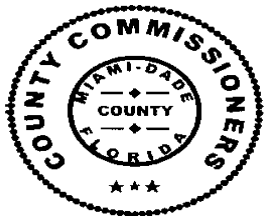
**Section 2.** This Board directs the County Mayor to prepare a written report outlining the County's efforts to enforce the Code requirement that entities constructing utilities or other public works in County road and streets rights-of-way must first obtain a permit. The report shall disclose the number of personnel dedicated to enforcing permitting requirements in utilities and public works construction in County rights-of-way. The report shall disclose the number of citations and amount of penalty fees collected by the County for unpermitted work in County rights-of-way during the current fiscal year and two previous fiscal years. The report shall identify the issues and challenges the County faces in enforcing permitting requirements for utilities and other public works construction in County rights-of-way. The report shall conclude with recommendations to improve code enforcement efforts to minimize illegal, unpermitted work on County rights-of-way.

**Section 3.** This Board directs the County Mayor to provide this report to this Board within 60 days of the effective date of this resolution, and to 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 Joe A. Martinez. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Esteban L. Bovo, Jr.** and upon being put to a vote, the vote was as follows:

|                                |            |                      |               |
|--------------------------------|------------|----------------------|---------------|
| Audrey M. Edmonson, Chairwoman | <b>aye</b> |                      |               |
| Rebeca Sosa, Vice Chairwoman   | <b>aye</b> |                      |               |
| Esteban L. Bovo, Jr.           | <b>aye</b> | Daniella Levine Cava | <b>aye</b>    |
| Jose "Pepe" Diaz               | <b>aye</b> | Sally A. Heyman      | <b>absent</b> |
| Eileen Higgins                 | <b>aye</b> | Barbara J. Jordan    | <b>aye</b>    |
| Joe A. Martinez                | <b>aye</b> | Jean Monestime       | <b>aye</b>    |
| Dennis C. Moss                 | <b>aye</b> | Sen. Javier D. Souto | <b>aye</b>    |
| Xavier L. Suarez               | <b>aye</b> |                      |               |

The Chairperson thereupon declared this resolution duly passed and adopted this 22<sup>nd</sup> day of January, 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

**Linda L. Cave**

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

EWP

Eduardo W. Gonzalez