

## **MEMORANDUM**

Amended  
Agenda Item No. 11(A)(11)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** October 18, 2022

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution approving the Coral  
Gables Peafowl Mitigation  
Policy, subject to certain  
conditions

Resolution No. R-1022-22

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

  
Geri Bonzon-Keenan  
County Attorney

GBK/uw



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** October 18, 2022

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Gen Bonzon-Keenan  
County Attorney

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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
- 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 Amended  
Veto \_\_\_\_\_ Agenda Item No. 11(A)(11)  
Override \_\_\_\_\_ 10-18-22

RESOLUTION NO.                     **R-1022-22**                    

RESOLUTION APPROVING THE CORAL GABLES PEAFAWL  
MITIGATION POLICY, SUBJECT TO CERTAIN CONDITIONS

**WHEREAS**, section 5-16 of the Code of Miami-Dade County, Florida (the “Code”), provides that “[i]t shall be unlawful for any person to take any peafowl,” subject to certain exceptions; and

**WHEREAS**, the Code defines “take” as “taking, attempting to take, hunting, molesting, capturing, or killing any peafowl, their nests or eggs, by any means, whether or not such actions result in obtaining possession of peafowl or their nests or eggs”; and

**WHEREAS**, on February 1, 2022, this Board adopted Ordinance No. 22-14, which amended section 5-16 to provide that, “[n]otwithstanding the foregoing, a municipality may opt out of this section by adopting a peafowl mitigation plan that provides for humane removal of peafowl, provided that the plan is also approved by action of the Board of County Commissioners,” and that “[s]uch opt-out shall become effective upon the Board of County Commissioners’ approval becoming effective”; and

**WHEREAS**, on June 28, 2022, the Commission of the City of Coral Gables, Florida, adopted Resolution No. 2022-175 (the “Coral Gables Resolution”), a copy of which is attached hereto as Attachment A; and

**WHEREAS**, the Coral Gables Resolution adopted the Coral Gables Peafowl Mitigation Policy (which is attached to the Coral Gables Resolution) “for the purpose of opting-out of the prohibitions contained in” section 5-16 of the Code; and

**WHEREAS**, the Coral Gables Resolution directed the City Manager to transmit the Coral Gables Peafowl Mitigation Policy to this Board for approval; and

**WHEREAS**, this Board finds that the Coral Gables Peafowl Mitigation Policy “provides for humane removal of peafowl,” as required by section 5-16(d) of the Code, subject to certain changes being made; and

**WHEREAS**, this Board therefore approves the Coral Gables Peafowl Mitigation Policy pursuant to section 5-16(d) of the Code, subject to certain conditions,

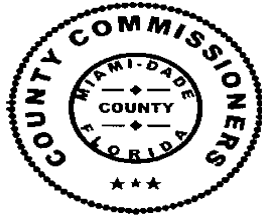
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board approves the Coral Gables Peafowl Mitigation Policy (the “Policy”), a copy of which is attached hereto as part of Attachment A and is incorporated herein by reference, provided that the City of Coral Gables amends the Policy to provide for the following:

1. That the Policy cover not just the removal of peafowl from property but also the relocation of such peafowl, so that peafowl, their nests, and eggs may not be harmed or killed in the process of removal and relocation; and
2. That the City research and investigate options to professionally and humanely sterilize or neuter peafowl to manage population without causing harm or death to peafowl, their nests, or eggs and, if feasible, implement such a program.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado. It was offered by Commissioner **Raquel A. Regalado**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Kionne L. McGhee	aye
Jean Monestime	aye	Raquel A. Regalado	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 18<sup>th</sup> day of October, 2022. 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

**Basia Pruna**

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

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "CJW", is written over a horizontal line.

Christopher J. Wahl

**CITY OF CORAL GABLES, FLORIDA****RESOLUTION NO. 2022-175**

A RESOLUTION OF THE CITY COMMISSION APPROVING A PEAFOWL MITIGATION POLICY AND DIRECTING CITY STAFF TO TRANSMIT SAID POLICY TO THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS FOR APPROVAL PURSUANT TO THE MIAMI-DADE COUNTY CODE, CHAPTER 5 “ANIMALS AND FOWL”, SECTION 5-16 “TAKING OF PEAFOWL PROHIBITED”.

**WHEREAS**, Chapter 5 “Animals and Fowl”, Section 5-16 “Taking of peafowl prohibited; municipal opt-out” makes it unlawful for any person to take, attempt to take, hunt, molest, capture, or kill any peafowl, their nests or eggs, by any means; but allows a municipality to opt out of the prohibition by adopting a peafowl mitigation plan that provides for humane removal of peafowl, if approved by the Board of County Commissioners; and

**WHEREAS**, Chapter 10 “Animals”, Article I “In General”, Section 10-7 “Peafowl” of the City Code of Coral Gables grants the City the authority to take any remedial action deemed appropriate to address the proliferation of peafowl within the City.; and

**WHEREAS**, peafowl are a non-native and invasive species and compete with indigenous bird species throughout South Florida; and

**WHEREAS**, peafowl can cause property damage, transmit parasites, create substantial noise pollution, and block traffic in the City; and

**WHEREAS**, the City Commission finds that the proliferation of peafowl within the City is harmful to the public welfare; and

**WHEREAS**, the City Commission wishes to provide residents with additional options to humanely remove peafowl from their private property and to authorize City staff to engage one or more qualified private companies to humanely remove peafowl from the public rights-of-way or City-owned property; and

**WHEREAS**, the City Commission also desires to encourage neighboring municipalities to take steps to address peafowl, which travel and procreate without regard to municipal boundaries; and

**WHEREAS**, the City Commission approves the attached Peafowl Mitigation Policy, which shall be made a part of this Resolution, in furtherance of the health, safety and welfare of the community, and for the purpose of opting-out of the prohibitions contained in Section 5-16 of the Miami-Dade County Code;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** That the foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

**SECTION 2.** That the City Commission hereby adopts the attached Peafowl Mitigation Policy and directs the City Manager to transmit said policy to the Miami-Dade County Board of County Commissioners for approval.

**SECTION 3.** That the City Commission hereby directs the City Manager to transmit a copy of this Resolution to neighboring municipalities and to send a letter encouraging them to adopt their own peafowl mitigation policies.

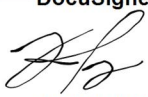
**SECTION 3.** That the City Commission hereby directs the City Manager to budget five thousand dollars (\$5000.00) from the General Fund on an annual basis for the removal of peafowl from the public rights-of-way and from City property.

**SECTION 4.** That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF JUNE, A.D., 2022.


(Moved: Menendez, Anderson)  
(Yeas: Menendez, Anderson, Lago)  
(Absent: Fors, Jr., Mena)  
(Unanimous: 3-0 Vote)  
(Agenda Item: G-13)

APPROVED:

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VINCE LAGO  
MAYOR

ATTEST:

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BILLY Y. URQUIA  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

DocuSigned by:  
  
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MIRIAM SOLER RAMOS  
CITY ATTORNEY

## **Coral Gables Peafowl Mitigation Policy**

This Policy is established pursuant to Resolution 2022-175 and formalizes the City's approach to addressing the proliferation of peafowl in the City of Coral Gables.

### Private Property

Residents and business owners may contract with a private entity that specializes in the humane removal of peafowl to remove peafowl from their property. Peafowl, their nests, and eggs may not be harmed or killed in the process of such removal. The City does not have an animal control department and shall not address any nuisance animal complaints related to privately owned property.

### Public Rights of Way and City-Owned Property

The City shall annually budget five thousand dollars (\$5000.00) for the removal of peafowl from the public rights-of-way and City-owned property. Peafowl, their nests, and eggs may not be harmed or killed in the process of such removal. The Code Enforcement Division shall be responsible for administering the fund and coordinating the removal of peafowl using one or more private companies that specializes in the humane removal of peafowl.