

RESOLUTION NO. 2020-_____

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, OPPOSING THE APPROVAL OF A PROPOSED COUNTY CHARTER AMENDMENT ON THE NOVEMBER 2020 BALLOT THAT WOULD ALLOW COUNTY ORDINANCES TO SUPERSEDE CITY ZONING AND OTHER REGULATIONS FOR COUNTY PROJECTS WITHIN MUNICIPALITIES INVOLVING SURTAX-FUNDED TRANSPORTATION IMPROVEMENTS; DIRECTING THE CITY CLERK TO TRANSMIT AND DISTRIBUTE THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the Florida Constitution and Chapter 166, Florida Statutes, municipalities are granted broad home rule powers; and

WHEREAS, Section 5 of the City of Pompano Beach Charter provides that, "The city shall have the powers, functions and immunities granted to municipal corporations by the constitution and general laws of this state, as now or hereinafter existing, together with the implied powers necessary to carry into execution all the powers granted."; and

WHEREAS, Broward County (the "County"), working with the City and other municipalities in Broward County and throughout the State of Florida, has repeatedly fought to protect local government's home rule power against intrusions by the State; and

WHEREAS, currently Section 11.01 of the County Charter provides that municipal ordinances prevail within municipal boundaries over conflicting County ordinances, except in areas of minimum environmental standards, land use and ethics; and

WHEREAS, On August 20, 2020, the Broward County Commission approved Resolution No. 2020-361 providing for a Referendum Election on the November 3, 2020 General Election ballot, for a proposed County Charter Amendment that would amend Section 11.01 of the County Charter to add language that provides County ordinances related to the use of County-owned or County-leased property used to develop Surtax-funded transportation improvements, shall prevail over municipal ordinances; and

WHEREAS, municipal local government is the closest, most accessible and most responsive to residents; and

WHEREAS, as part of their home rule powers, municipalities should retain permitting and regulatory control over all projects in their municipalities in order to protect their residents; and

WHEREAS, the City Commission believes that the Proposed Amendment would be an intrusion of municipal home rule power, and therefore, opposes adoption of the Proposed Amendment on the ballot in November 2020; and

WHEREAS, the City Commission believes it is in the best interest of the City to approve this Resolution; now, therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clauses are confirmed and ratified as being true and correct and are hereby incorporated herein.

SECTION 2. The City Commission opposes approval of the Proposed Amendment to Broward County's Charter because it would violate municipal home rule powers.

SECTION 3. The City Clerk is directed to distribute this Resolution to the Board of County Commissioners, the Broward League of Cities, and each of the municipalities in Broward County.

SECTION 4. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2020.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
9/14/2020
l:reso/2020-304