

Items # 81₍₄₎ & 82₍₆₎

ADDITIONAL MATERIAL

Regular Meeting

JUNE 18, 2020

CONTINUATION OF JUNE 16, 2020 MEETING

SUBMITTED AT THE REQUEST OF

MAYOR DALE V.C.

HOLNESS



OFFICE OF THE TOWN CLERK

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314
PHONE: 954.797.1000 • FAX: 954.797.1087 • WWW.DAVIE-FL.GOV

June 17, 2020

VIA ELECTRONIC MAIL (dholness@broward.org)

Honorable Mayor Dale Holness
Broward Board of County Commissioners
115 South Andrews Avenue
Room 417
Fort Lauderdale, Florida 33301


Re: Town of Davie Resolution R 2020-189

Dear Mayor Holness:

Enclosed please find a certified copy of Resolution No. R 2020-189, which was enacted by the Town of Davie Town Council on June 17, 2020. The Resolution is requesting deferral of items 81 and 82 on the Broward County Commission Agenda scheduled for June 18, 2020. In lieu of a deferral, expressing opposition on items 81 and 82 regarding County Charter Amendments on the November 2020 General Election ballot which would allow the Broward County to supersede Town Zoning and other regulations for County projects within municipalities, in derogation of the Home Rule authority granted to municipalities.

If you have any questions or require additional information, please feel free to contact me.

Sincerely,


Evelyn Roig, MMC
Town Clerk

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OFFICE OF THE TOWN CLERK
6591 ORANGE DRIVE DAVIE, FLORIDA 33314
PHONE: 954.797.1000 FAX: 954.797.1087 WWW.DAVIE-FL.GOV

TOWN OF DAVIE DOCUMENT CERTIFICATION

I certify that this document is a complete and true copy of the original document on file at the Town of Davie. No. 4 of pages

Witness my hand and official seal of the Town of Davie, Broward County, Florida on this 17, day of June, 2020.



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Evelyn Roig, MMC, Town Clerk

RESOLUTION NO. R 2020 -189

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING DEFERRAL OF ITEMS 81 AND 82 ON THE BROWARD COUNTY COMMISSION AGENDA SCHEDULED FOR JUNE 18, 2020; IN LIEU OF A DEFERRAL, OPPOSING ITEMS 81 AND 82; REGARDING COUNTY CHARTER AMENDMENTS ON THE NOVEMBER 2020 BALLOT THAT WOULD ALLOW THE COUNTY TO SUPERSEDE TOWN ZONING AND OTHER REGULATIONS FOR COUNTY PROJECTS WITHIN MUNICIPALITIES, IN DEROGATION OF THE HOME RULE AUTHORITY GRANTED TO MUNICIPALITIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Broward County owns multiple parcels in the Town of Davie including three (3) regional parks (Long Key, Tree Tops and Vista View) and one (1) natural area park (Pond Apple Slough);

WHEREAS, the Board of Commissions of Broward County (the "County") will consider items #81 and #82 at their June 18, 2020 County Commission meeting that propose County charter amendments, which would require Broward County voter approval on the November 2020 ballot, that may change the use of existing or future County properties including the aforementioned regional and natural area parks in Davie;

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

WHEREAS, the County is proposing Charter amendments that would amend Section 11.01 of the County Charter conflicting with municipal ordinances and permit the placement of regional transportation facilities, public safety infrastructure and government offices without Town approval;

WHEREAS, ballot questions for the November 2020 election are not due to the Broward County Supervisor of Elections until July 17, 2020;

WHEREAS, the Town Council of the Town of Davie (the “Town”) requests a deferral of these charter amendments in order for the County and Town to engage in dialogue to examine other considerations including an interlocal agreement that would allow for collaboration and local municipal input;

WHEREAS, said County and Town dialogue could occur over the next month prior to July 17, 2020 deadline for ballot question submittals;

WHEREAS, as the County and Town have a demonstrated history of working collaboratively in the past to protect local government home rule to lessen the impacts from Fort Lauderdale-Hollywood International Airport on Davie residents;

WHEREAS, if the County does not defer the agenda items as requested, the Town has no choice but to oppose both charter amendments;

WHEREAS, the Town would oppose both charter amendments as municipalities should retain zoning and regulatory control over all projects within their municipalities to protect residents;

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

WHEREAS, the Town of Davie development process requires public participation meetings, public hearings before advisory committees and public hearings before the Davie Town Council prior to any project approval;

WHEREAS, the Town has enacted land use and zoning codes to secure its rural characteristics, open space and agriculture roots which are threatened by the placement of regional County facilities without Town of Davie approval;

WHEREAS, the Town is under the jurisdiction of multiple drainage districts and the charter amendment is silent to their jurisdictional oversight;

WHEREAS, Town ordinances may contain additional environmental protection requirements such as wildlife trapping, tree preservation, archeological, equestrian/recreational trails and historic properties;

WHEREAS, there is uncertainty to the Broward County's future needs, siting of transportations facilities and government offices;

WHEREAS, the placement of regional County facilities may have a negative impact on property values for residential, commercial and industrial properties; and

WHEREAS, the Town of Davie Town Council believes that the proposed amendment would be an intrusion of municipal home rule power, and therefore opposes the placement of the proposed Charter amendment questions on the November 3, 2020 General Election ballot.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE THAT:

Section 1. Legislative Findings/Recitals. The above recitals are hereby adopted by the Town of Davie as its legislative findings relative to the subjects and matters set forth in this Resolution.

Section 2. The Town Council of the Town of Davie hereby requests a deferral of items 81 and 82 on the Broward County Commission Meeting, scheduled to be voted on June 18, 2020. In lieu of no deferral occurring, the Town Council opposes both items as these items violate municipal home rule authority.

Section 3. The Town Clerk is directed to distribute this Resolution to the Board of County Commissions for Broward County, the Broward County League of Cities and each Broward County municipality.

Section 4. Conflict. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 5. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, it is the intent of the Town Council that such invalidity shall not affect other provisions or applications of the Resolution which can be given

effect without the invalid provision or application and, to this end, the provisions of this Resolution are declared severable.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 17TH DAY OF JUNE, 2020.



MAYOR/COUNCILMEMBER

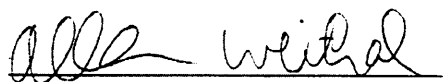
ATTEST:



TOWN CLERK

APPROVED THIS 17TH DAY OF JUNE, 2020.

Approved as to Form and Legality:



TOWN ATTORNEY