

RESOLUTION NO. 2017- 290

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, OPPOSING THE PROPOSED BROWARD COUNTY CHARTER AMENDMENT TO SECTION 8.05(E) OF THE BROWARD COUNTY CHARTER LIMITING A LOCAL GOVERNMENTAL ENTITY'S ABILITY TO DENY COUNTY'S SITE APPLICATION FOR A PUBLIC PURPOSE; DIRECTING THE CITY CLERK TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE BROWARD COUNTY LEAGUE OF CITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Broward County Charter Review Committee has proposed changes to Broward County's Charter related to limiting a Local Government's ability to deny a County site application for a public purpose; and

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate, and property powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," reinforces the authority granted under the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, The Broward County Charter Amendment language as proposed would interfere with the City's Municipal Home Rule Powers if passed; and

WHEREAS, there are ample alternative methods for the County to ensure that site applications that are consistent with a Municipal Comprehensive Plans and Land Development Regulations are approved without requiring a County Charter Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

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.

Section 2: That the City Commission of the City of Coconut Creek opposes the proposed Broward County Charter Amendment to Section 8.05(E) of the Broward County Charter limiting a governmental entity’s ability to deny County’s site application for a public purpose.

Section 3: That the City of Coconut Creek further directs the City Clerk to transmit a certified copy of this resolution to the Broward County League of Cities.

Section 4: That if any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this Resolution.

Section 5: That this Resolution shall be in full force and effect immediately upon its adoption.

Adopted this 26th day of October____, 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

Tooley Aye____
Rydell Aye____
Sarbone Aye____
Belvedere Aye____
Welch Aye____