

**RESOLUTION NO. 2020-148**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, OPPOSING ITEM 82 ON THE BROWARD COUNTY COMMISSION AGENDA FOR JUNE 16, 2020, TO PLACE A PROPOSED COUNTY CHARTER AMENDMENT ON THE NOVEMBER 2020 BALLOT THAT WOULD ALLOW THE COUNTY TO SUPERSEDE CITY ZONING AND OTHER REGULATIONS FOR CERTAIN COUNTY PROJECTS LOCATED WITHIN MUNICIPALITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, as provided for in Section 2(b), Article VIII of the Constitution of the State of Florida it is the expressed will of the voters of Florida to have the right to govern themselves under municipal Home Rule powers; and

**WHEREAS**, Floridians have possessed this constitutional right of local self-government for over 50 years; and

**WHEREAS**, as the only form of voluntary government, Florida's municipalities are the embodiment of the Florida Constitution's right of local self-government; and

**WHEREAS**, under the Florida Constitution and Section 166.021, Florida Statutes, municipalities are given broad home rule powers; and

**WHEREAS**, Broward County (the "County"), working with the City and other cities in Broward County and throughout the State of Florida, have 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 the areas of minimum environmental standards, land use and ethics; and

**WHEREAS**, Floridians exercise their Home Rule powers by voting to incorporate and be governed under a municipal form of government for a variety of reasons,

including increased services, a unique business and residential planning, and greater voice in how their government is run; and

**WHEREAS**, Item 82 on the County agenda for June 16, 2020, as shown on the Draft County Resolution attached as Exhibit "1", would place on the ballot in November 2020 a proposed County Charter Amendment that would amend Section 11.01 of the County Charter to add a requirement that County ordinances would prevail over conflicting municipal ordinances in: "the development of transportation improvements, funded in whole or in part with transportation surtax proceeds, on County-owned or County-leased property," located within the City (the "Proposed Amendment"); and

**WHEREAS**, Floridians' constitutional right to govern themselves locally, under municipal Home Rule powers and pursuant to their adopted municipal charters, will be eroded and limited by Ballot Question 82; 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 have zoning, 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 the placement of the Proposed Amendment on the ballot in November 2020; and

**WHEREAS**, Ballot Question 82 is a direct assault of the home rule powers of our municipalities and is contrary to the view often stated by members of the Florida Legislature that the government that is the closest to the people is the government that is best; and

**WHEREAS**, the Ballot Question proposed in Agenda Item 82 would preempt local municipal control and shift local decision-making from the City Commission closest to the residents, to the County Commission; and

**WHEREAS**, the City Commission finds and determines that approval of this Resolution, in opposition to the placement of Agenda Item 82, is in the best interests of the public health, safety and welfare.

**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 opposes the Proposed Amendment and Agenda Item 82 on the Broward County Commission agenda for June 16, 2020.

**Section 3:** That the City Clerk is directed to distribute this resolution to the Board of County Commissioners for Broward County, the Broward County League of Cities, and each of the municipalities in Broward County.

**Section 4:** That the appropriate City officials are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this resolution.

**Section 5:** 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 6:** That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 23<sup>rd</sup> day of July, 2020.

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Louis Sarbone, Mayor

Attest:

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Leslie Wallace May, City Clerk

Sarbone Aye

Rydell Aye

Tooley Aye

Belvedere Aye

Welch Aye