

**PROPOSED RESOLUTION NO. 2020-R-45**

**RESOLUTION NO. 3720**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, OPPOSING PROPOSED COUNTY CHARTER AMENDMENT #2 ON THE NOVEMBER 3, 2020 BALLOT, WHICH WOULD ALLOW THE COUNTY TO SUPERSEDE CITY ZONING AND OTHER REGULATIONS FOR CERTAIN COUNTY PROJECTS WITHIN MUNICIPALITIES; DIRECTING THE CITY CLERK TO TRANSMIT AND DISTRIBUTE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, under the Florida Constitution and Chapter 166, Florida Statutes, municipalities are granted broad home rule powers; 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**, the Board of County Commissioners of Broward County has placed on the ballot for the November 3, 2020, general election a proposed County Charter Amendment #2, which would give Broward County the power to supersede municipal zoning and regulatory authority for projects on County property that are funded in whole or in part by transportation surtax funds, even when the project will be within municipal borders (the "Proposed Charter Amendment #2"); and

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**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 Charter Amendment #2 would be an intrusion of municipal home rule power, and therefore, opposes the Proposed Charter Amendment #2; 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 PEMBROKE PINES, FLORIDA AS FOLLOWS:**

**Section 1.** 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.** The City Commission opposes the Proposed Charter Amendment #2 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 immediately upon adoption.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
PEMBROKE PINES, FLORIDA, THIS 7TH DAY OF OCTOBER, 2020.

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:

*Marlene Graham* 10/8/2020  
MARLENE GRAHAM, CITY CLERK

By:

*Frank C. Ortis*  
MAYOR FRANK C. ORTIS

ORTIS                              AYE          

CASTILLO                        NAY          

GOOD                             AYE          

SCHWARTZ                       AYE          

SIPLE                             AYE          

APPROVED AS TO FORM:

*Quentin Morgan* 10.8.2020  
OFFICE OF THE CITY ATTORNEY





# City of Pembroke Pines, FL

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## Agenda Request Form

**File ID:** 2020-R-45

**Type:** Resolution

**Status:** Passed

**Version:** 1

**Agenda  
Section:**

**In Control:** City Commission

**File Created:** 10/08/2020

**Short Title:**

**Final Action:** 10/07/2020

**Title:** MOTION TO ADOPT PROPOSED RESOLUTION 2020-R-45.

PROPOSED RESOLUTION 2020-R-45 IS A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, OPPOSING PROPOSED COUNTY CHARTER AMENDMENT #2 ON THE NOVEMBER 3, 2020 BALLOT, WHICH WOULD ALLOW THE COUNTY TO SUPERSEDE CITY ZONING AND OTHER REGULATIONS FOR CERTAIN COUNTY PROJECTS WITHIN MUNICIPALITIES; DIRECTING THE CITY CLERK TO TRANSMIT AND DISTRIBUTE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

**\*Agenda Date:** 10/07/2020

**Enactment Date:** 10/07/2020

**Agenda Number:**

**Enactment Number:** 3720

**Internal Notes:**

**Attachments:** 1. 2020-R-45 (Opposing County Charter Amendment) (00404852xC4B6A)

**Indexes:**

1 City Commission 10/07/2020 adopt Pass

**Action Text:** A motion was made by Commissioner Siple, seconded by Vice Mayor Schwartz, to draft and adopt Proposed Resolution 2020-R-4 relating to the Broward County Amendment #2 item on surtax-funded transportation improvement projects on the November 3, 2020 ballot; to educate the public on Amendment #2. The motion carried by the following vote:

Aye: - 4 Mayor Ortis, Vice Mayor Schwartz, Commissioner Good Jr., and  
Commissioner Siple

Nay: - 1 Commissioner Castillo

### SUMMARY EXPLANATION AND BACKGROUND:

This item was introduced under the Reports of the League Representatives at the October 7, 2020 Commission Meeting.

The City Attorney clarified actions by governmental entities pursuant to Section 106.113 of the

Florida Statutes pertaining to what local governments can and cannot do regarding spending public funds in communication efforts. Governmental entities may spend public money or resources to develop and disseminate purely factual information that do not "expressly advocate."

The Board of County Commissioners of Broward County has placed on the ballot for the November 3, 2020, general election a proposed County Charter Amendment #2, which would give Broward County the power to supersede municipal zoning and regulatory authority for projects on County property that are funded in whole or in part by transportation surtax funds, even when the project will be within municipal borders (the "Proposed Charter Amendment #2").

The City Commission believes that Broward County's Proposed Charter Amendment #2 would be an intrusion of municipal home rule power, and therefore, opposes the Proposed Charter Amendment #2.

The City Commission approved a motion to draft and adopt Proposed Ordinance 2020-R-45.

**Enactment No. 3720.**

**FINANCIAL IMPACT DETAIL: None.**