

RESOLUTION NO. 2007 – 077

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, OPPOSING THE BROWARD COUNTY PLANNING COUNCIL'S ATTEMPT TO USURP CONTROL OVER LOCAL MUNICIPAL ROADWAYS; RESPECTFULLY REQUESTING ALL BROWARD MUNICIPALITIES TO JOIN THE TOWN IN OPPOSITION TO THE PROPOSED BROWARD COUNTY CHARTER AMENDMENT THAT WOULD GRANT THE PLANNING COUNCIL AUTHORITY OVER LOCAL ROADWAYS; RESPECTFULLY REQUESTING THE BROWARD COUNTY CHARTER COMMISSION TO RECOMMEND DENIAL OF THIS CHARTER AMENDMENT; DIRECTING THE TOWN CLERK TO PROVIDE A COPY OF THIS RESOLUTION TO ALL BROWARD MUNICIPALITIES, TO THE BROWARD COUNTY CHARTER COMMISSION, AND TO THE BROWARD COUNTY COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in reaction to a former dispute that the Town of Southwest Ranches had with the City of Pembroke Pines, the Broward County Planning Council proposed a Broward County Charter Amendment to usurp control over local roadways; and

WHEREAS, although the Planning Council proposed the amendment solely in reaction to the former dispute between Pembroke Pines and Southwest Ranches, the proposed amendment would have a devastating effect on all municipalities; and

WHEREAS, the proposed Charter amendment specifically states that "The Planning Council shall have authority, upon the request of any affected municipality, to approve or deny any action by a municipality to vacate and abandon, discontinue or close, any existing public alleyway, road, highway, other place used for vehicular travel, or any portion thereof, other than a state or federal highway which traverses through more than one (1) municipality, based upon the effect such action has upon the provision of, or access to, essential services"; and

WHEREAS, the proposed Charter amendment also states that "Closure, discontinuance or vacation and abandonment of public roads, highways or other places used for vehicular travel, or any portion thereof, other than a state or federal highway, which traverse through more than one (1) municipality"; and

WHEREAS, this amendment seeks to tender municipal control over local roadways to the Broward County Planning Council; and

WHEREAS, if approved the Broward County Planning Council would serve as judge and jury over local issues that are not within its purview; and

WHEREAS, the Broward County Planning Council's legal counsel has already opined that the Broward County Charter and implementing legislation does not specifically reserve to the County powers over local roadways; and

WHEREAS, the Broward County Planning Council's attempt to take control over local municipal roadways is a direct violation of Chapter 316, Florida Statutes, and Article VIII of the Florida Constitution; and

WHEREAS, the Town of Southwest Ranches respectfully urges its fellow municipalities, the Broward County Charter Commission, and the Broward County Commission to reject this proposed Charter Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. The above reference recitals are true and correct and are incorporated herein by reference.

Section 2. The Town Council of the Town of Southwest Ranches hereby unanimously opposes the unlawful attempt by the Broward County Planning Council to usurp control over local municipal roadways.

Section 3. The Town Council of the Town of Southwest Ranches respectfully requests all Broward municipalities to join in opposition to the Broward County Charter Amendment that would grant the Broward County Planning Council control over local roadways.


Section 4. The Town Council of the Town of Southwest Ranches respectfully requests the Broward County Charter Commission to recommend denial of the Charter Amendment that would enable the Broward County Planning Council to take control over local roadways.

Section 5. The Town Clerk is hereby directed to provide a copy of this Resolution to all Broward municipalities, to the Broward County Charter Commission, and to the Broward County Commission.

Section 6. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 12th day of July 2007, on a motion by Council Member Jeff Nelson and seconded by Council Member Steve Breitkreuz.

Fink	<u>Y</u>	Ayes	<u>4</u>
Maines	<u>Y</u>	Nays	<u>0</u>
Breitkreuz	<u>Y</u>	Absent	<u>1</u>
Knight	<u>ABSENT</u>	Abstaining	<u>0</u>
Nelson	<u>Y</u>		



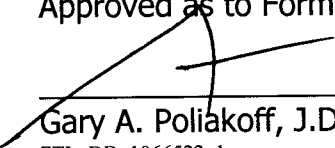
Mecca Fink, Mayor

ATTEST:



Susan A. Owens, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney
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