

**RESOLUTION #06 - 11**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA OPPOSING PROPOSED LEGISLATION BEFORE THE FLORIDA LEGISLATURE TO EXPAND UTILITIES' CONTROL OVER PUBLIC RIGHTS-OF-WAY AND LOCATION OF ELECTRIC UTILITY SUBSTATIONS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, House bill No. 431 and Senate Bill No. 980 are being proposed in the Florida Legislature to expand public utilities' control over public rights-of way; and

**WHEREAS**, the proposed legislation on substation location siting would allow a utility to buy property and locate uses thereon which could result in incompatible land uses, such as a utility substation in an established neighborhood of single-family homes; and

**WHEREAS**, the proposed legislation on public rights-of-way encompasses the right of municipalities to control existing historic or protected vegetation management on public rights-of-way which involves issues of control and maintenance; and

**WHEREAS**, municipalities with a protected vegetation would be at a heightened threat of loss of environmental resources; and

**WHEREAS**, certain public rights-of-way are held in trust by the City for and on behalf of its citizens, and there should not be any greater control over public rights-of-way than that exercised by the duly elected leaders of the City; and

**WHEREAS**, any efforts by a third party, including utility companies, to exercise greater control of the rights-of-way than the local government, runs counter to the principles of home rule governance.

**NOW, THEREFORE LET IT BE RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:**

**Section 1.** The recitals and findings contained in the Preamble of this Resolution are hereby adopted by reference thereto and incorporated herein as if fully set forth in this section.

**Section 2.** The City Council of the City of Doral opposes House Bill No. 431 and Senate Bill No. 980 as running counter to good governance and considers the proposed Bill to be an attempt to usurp the final decision-making authority of duly elected leaders, and urges the Florida Legislature to deny passage of this legislation.

**Section 3.** This resolution shall become effective immediately upon its adoption.

[This section left intentionally blank]

The foregoing Resolution was offered by Councilwoman Ruiz who moved its adoption. The motion was seconded by Vice Mayor Cabrera and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Peter Cabrera	Yes
Councilman Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes
Councilman Robert Van Name	Yes

PASSED and ADOPTED this 8<sup>th</sup> day of March, 2006.

  
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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
BARBARA HERRERA-HILL, CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE CITY OF DORAL:

  
\_\_\_\_\_  
JOHN J. HEARN, ESQ., CITY ATTORNEY