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OFFICE OF THE CITY MANAGER

NO. LTC # 324-2009

LETTER TO COMMISSION

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TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: November 24, 2009

SUBJECT: Status of County Amendment of Animal Code to permit off-leash area at South Pointe Park

As you may recall, at the September 9, 2009 meeting, the Commission approved an amendment to Chapter 10 of City Code allowing for the designation of an area in South Pointe Park to implement a six-month pilot program to permit unrestrained dogs in a specific area of the park during limited hours. The item was approved with the following amendments: 1) the City Ordinance will not come into effect until such time as the County amends its dog leash law and, if their regulations are inconsistent with the City's, that the matter will return to the City for consideration prior to implementation of the pilot program; and, 2) the trial period is for six months commencing if/when Miami-Dade County adopts an amendment to County Code to enable the local ordinance, and sunsets at that time. Staff is to report back to Commission on the program, at which time the Commission may decides whether or not to extend the off leash program at South Pointe Park.

Staff also provided an update on our efforts to pursue an amendment to County Code to enable the implementation of this pilot program. As reported, following the June 3, 2009 Commission directive, city staff immediately initiated the process to amend the County Code. Staff (Hilda M. Fernandez, Jose Smith, Debora Turner and Kevin Smith). A conference call was held in June with County staff (Parks Department and Animal Services Department).to discuss the process and timeline to accomplish the County Code amendment. Proposed amendment language was developed, and the County staff indicated that they would work with the City to move the amendment process forward to their Commission for consideration. The amendment process requires the legislation to be presented to the County Commission for a first reading, followed by referral/discussion at the appropriate Commission sub-committee, and then back to the full County Commission for the second reading and approval. County staff indicated at the time that the earliest this process could be accomplished would be October, and more likely November, assuming there were no objections to the amendment in the process.

The City was provided with a draft County agenda item that reflected that the proposed amendment would be considered on September 15, 2009, followed by a Committee review in October and second reading on November 3rd. However, shortly before the item was placed on the agenda, we received a call from the County expressing concerns with the enabling language, and explaining that they would not be proceeding with the proposed amendment requested. Staff reached out to Commissioner Bruno Barreiro to discuss the possibility of the Commissioner sponsoring the legislation. The Commissioner was subsequently provided copies of the proposed amendment and background on the development of the City's Code amendment. The Commissioner indicated that he would support a proposed amendment to County Code to provide enabling language to allow the pilot program to proceed, as per our request. In subsequent discussions with his staff as late as this week, it has been confirmed that the proposed amendments are under development with the County Attorney's office. The anticipated scheduled for consideration of the proposed County amendment is as follows (and is subject to change): First Reading: December 15, 2009; Health and Public Safety Committee Review/Consideration: January 15, 2010; and Second Reading: February, 2010.

We have requested a copy of the proposed County Code amendment and will review to determine what, if any, inconsistencies there may be with the amendments to City Code previously approved. As always, please contact me if you have any questions or require additional information.

JMG/hmf

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