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**RESOLUTION NO. 2016-69**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGENCY AGREEMENT WITH MIAMI-DADE COUNTY, IN SUBSTANTIALLY THE ATTACHED FORM, TO PERFORM CERTAIN TRAFFIC ENGINEERING FUNCTIONS AND TO ALLOW THE VILLAGE OF PALMETTO BAY TO INSTALL AND MAINTAIN CERTAIN TRAFFIC CONTROL DEVICES AND SIGNS WITHIN LOCAL MUNICIPAL STREETS OPERATED AND MAINTAINED BY THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Administration)**

**WHEREAS**, Village of Palmetto Bay ("Village") residents are concerned about vehicles speeding and cut-through traffic traversing through their neighborhoods; therefore, desire to enter into an Intergovernmental Agreement with Miami-Dade County for the installation and maintenance of traffic calming devices; and

**WHEREAS**, the basis for the installation of traffic calming devices at a particular street will be based on the findings of a traffic study analysis, or by the decision of the Village Manager by a written finding that the installation of a traffic calming device is important for the preservation of the health and safety of affected residents; and

**WHEREAS**, Miami-Dade County, Florida, ("County") has exclusive jurisdiction over all traffic control devices in both, the incorporated and unincorporated areas of the County; and

**WHEREAS**, the Village is prohibited from installing and maintaining traffic calming devices, unless an Intergovernmental Agency Agreement with the County ("Intergovernmental Agreement"), is approved and executed in accordance with Section 2-96.1 County Code of Ordinances; and

**WHEREAS**, Village administration is respectfully requesting the Mayor and the Village Council of the Village of Palmetto Bay to authorize the Village Manager to enter into and execute an Intergovernmental Agency Agreement to perform engineering functions in order to proceed with installation and maintenance of traffic calming devices on local municipal streets operated and maintained by the Village; and,

**WHEREAS**, the Village Council finds that this Resolution authorizing execution of the Intergovernmental Agency Agreement is a crucial step in improving the flow of traffic and protecting the health, safety and welfare of residents affected by vehicles speeding and cut-through traffic traversing through the neighborhoods of the Village.



1 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE  
2 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:  
3

4 **Section 1. Recitals.** The above recitals are true and correct and are incorporated  
5 herein by this reference.  
6

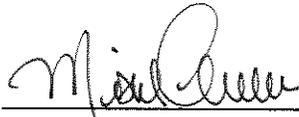
7 **Section 2. Approval of Agreement.** The Mayor and Village Council of the Village  
8 of Palmetto Bay hereby authorize the Village Manager to execute an Intergovernmental Agency  
9 Agreement with Miami Dade County, in substantially the form attached hereto as Exhibit "A",  
10 which will allow the Village to install and maintain traffic calming devices and signs within the  
11 local municipal streets operated and maintained by the Village.  
12

13 **Section 3. Authorization of the Village Manager.** The Village Manager is  
14 authorized to take all action necessary to enter into an Intergovernmental Agency Agreement  
15 with Miami Dade County, in substantially the form attached hereto as Exhibit "A", to allow the  
16 Village to perform engineering functions that will allow the Village to install and maintain traffic  
17 calming devices and signs within the local municipal streets, in accordance with Section 2-96.1,  
18 Miami-Dade County Code of Ordinances.  
19

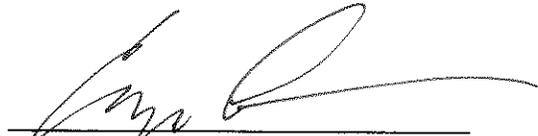
20 **Section 4.** This Resolution shall become effective upon the date of its adoption  
21 herein.  
22

23 **PASSED and ADOPTED** this 12<sup>th</sup> day of September, 2016.  
24

25  
26  
27 Attest:



28 Missy Arocha  
29 Village Clerk  
30



31 Eugene Flinn  
32 Mayor  
33

34 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
35 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:  
36

37  
38 

39 Dexter W. Lehtinen  
40 Village Attorney  
41  
42  
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1	FINAL VOTE AT ADOPTION:	
2		
3	Council Member Karyn Cunningham	<u>YES</u>
4		
5	Council Member Tim Schaffer	<u>YES</u>
6		
7	Council Member Larissa Siegel Lara	<u>YES</u>
8		
9	Vice-Mayor John DuBois	<u>YES</u>
10		
11	Mayor Eugene Flinn	<u>YES</u>



**THIS INTERGOVERNMENTAL AGENCY AGREEMENT  
TO PERFORM TRAFFIC ENGINEERING FUNCTIONS**

THIS INTERGOVERNMENTAL AGENCY AGREEMENT TO PERFORM TRAFFIC ENGINEERING FUNCTIONS (**AGREEMENT**), made and entered into this \_\_\_ day of \_\_\_\_\_, 2016, by and between the **VILLAGE OF PALMETTO BAY, FLORIDA**, a municipal corporation of the STATE OF FLORIDA, hereinafter referred to as the "**VILLAGE**" and **MIAMI-DADE COUNTY (COUNTY)**, a political subdivision of the STATE OF FLORIDA, MIAMI-DADE County.

**WITNESSETH**

WHEREAS, pursuant to Section 2-96.1 of the Miami-Dade County Code, all traffic control and traffic engineering services in Miami-Dade County are under the exclusive jurisdiction of the **COUNTY**; and

WHEREAS, the **VILLAGE** desires to assume the installation and maintenance responsibilities of certain traffic engineering functions pertaining to its local municipal streets only; and has requested the **COUNTY** to allow it to perform the function of conducting engineering studies for the feasibility of traffic calming devices and installing traffic calming devices; and

WHEREAS, the **COUNTY** has determined that the **VILLAGE** is both equipped and able to perform the traffic engineering functions as herein specified on its local streets; and

WHEREAS the **VILLAGE** has, by proper resolution attached hereto and by reference made a part hereof, authorized its office(s) to enter into this **AGREEMENT**.

NOW THEREFORE, the **VILLAGE** and the **COUNTY** agree as follows:

1. The recitals set forth above are incorporated herein by reference.
2. The **VILLAGE** will only install and maintain the following designated



types of traffic control devices and/or signs and only on those local municipal streets operated and maintained by the **VILLAGE** within its boundaries:

- a) **Traffic Circles**
- b) **Speed Humps/Tables**
- c) **Historic Street Name Signs**
- d) **In-Street Pedestrian Crosswalks, Raised Intersections and Crossing Sign**
- e) **Speed Limit Signs**

3. Traffic calming devices may be installed on local municipal streets only after an appropriate traffic engineering study has been performed and sealed and signed plans have been submitted to the Department of Transportation and Public Works ("DTPW") of the **COUNTY** for its review and approval.
4. Any such Traffic Calming Devices may be installed on local municipal streets after sealed and signed design plans have been reviewed and received written approval by the **VILLAGE**, through its City Manager or his/her designee. Provided that such design plans utilize the standard County design attached as Exhibit "A", no additional review or approval by the County shall be required before installation. To the extent that design plans deviate from the standard design attached as Exhibit "A", such plans shall be submitted to the County for its review and written approval. A copy of such design plans must be submitted to DTPW of the County.
5. The **VILLAGE** shall attach a decal to the back of the sign panels indicating the Village's ownership and date of installation.
6. The **VILLAGE** assumes sole and complete responsibility for the maintenance of all such Traffic Calming Devices that are installed by the **VILLAGE** within its boundaries.
7. The **VILLAGE** assumes sole and complete liability for any and all accidents, damages, claims, and/or injuries which may or are alleged to occur or arise out of the installation, operation or maintenance of said

Traffic Control Devices, and hereby indemnifies to the extent allowed by 768.28, Florida Statutes, and saves harmless the **COUNTY** from any and all claims and damages arising from such installation, operation or maintenance of the Traffic Calming Devices. All Traffic Calming Devices installed by the **VILLAGE** in accordance with this **AGREEMENT** shall conform to the applicable requirements established by the following publications including latest revisions:

Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation Federal Highway Administration

Standard Highway Signs, U.S. Department of Transportation, Federal Highway Administration.

A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials (AASHTO)

Roundabouts: An Informational Guide, Federal Highway Administration, U.S. Department of Transportation

Florida Roundabout Guide, Florida Department of Transportation

Florida Department of Transportation's Standard Specifications for Road and Bridge Construction.

Florida Bicycle Facilities Planning and Design Handbook, Florida Department of Transportation

Miami-Dade County Public Works Standard Detail Manual

Miami-Dade County Traffic Flow Modification(s) Street Closure Procedure, Revise January 2008, Exhibit A.

8. Notwithstanding any other term in this Agreement, nothing shall be deemed to be a waiver of either the **VILLAGE** of the **COUNTY'S** Immunity or limitation of liability as provided pursuant to Section 768.28, Florida Statutes, as may be amended from time to time.
9. For installation of traffic control devices, the **VILLAGE** shall hire a **COUNTY** licensed contractor or perform the work in-house by the **VILLAGE** PublicWorks crew.
10. Should the **VILLAGE** install street name signs at the same site where a stop-top street name exists, then the **VILLAGE** shall first install their sign

on a separate post, not to interfere with any other traffic sign, other corners of the intersection may be used for the Village sign. Subsequently, the Village shall remove the County's stop-top street name signs by an approved sign contractor. All signs and hardware removed shall be dismantled and returned to the Traffic Signals and Signs Division of the County's DTPW. Street name signs installed at the intersection of two (2) local roads should be placed at the northeast or northwest corner. Village historic street name signs shall be of a design approved by DTPW. In-street pedestrian crossing signs placed on pavement shall not be metal type.

11. The VILLAGE shall be responsible for keeping records of any and all installation and repairs, and furnishing pertinent documents as and when said records may be requested by the County.
12. Either the Village or the County may, in their respective sole and complete discretion, terminate this Agreement, with or without cause and/or convenience of the terminating party, upon thirty (30) business days written notice; provided, however, the Village shall continue to maintain, repair, and be responsible for any traffic calming devices and signs installed by the Village while this Agreement was in effect. Prior to the termination of this Agreement, however, the Village may elect to remove any one or all Traffic Calming Devices installed by the Village; provided the Village shall restore the roadway and area in which the Traffic Calming Devices was located to the condition that existed before the Village's installation.
13. Upon written notification by the County, the City shall immediately remove

any Traffic Calming Device, at the VILLAGE'S sole cost and expense that is not in compliance with the terms of this Agreement.

14. Any notice or communication required hereunder shall be addressed to the following:

TO COUNTY: Miami-Dade County

Attention: Alice Bravo, P.E.  
Director, Miami-Dade County  
Transportation and Public Works Department  
111 NW First Street, Suite 1640  
Miami, Florida 33128  
(305) 375-2960

TO VILLAGE: Village of Palmetto Bay

Attention: Edward Silva  
Manager, Village of Palmetto Bay  
9705 E. Hibiscus Street  
Palmetto Bay, Florida 33157  
(305) 259-1234

IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written.

ATTEST:

MIAMI-DADE COUNTY,  
FLORIDA, BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN  
CLERK OF THE BOARD

BY: \_\_\_\_\_  
COUNTY DEPUTY CLERK

BY: \_\_\_\_\_  
County Mayor or County Mayor's Designee

Approved as to form and legal sufficiency

BY: \_\_\_\_\_  
Assistant County Attorney

ATTEST:

VILLAGE OF PALMETTO BAY, a  
municipal corporation OF the  
STATE OF FLORIDA

BY: \_\_\_\_\_  
Missy Arocha  
Village Clerk

BY: \_\_\_\_\_  
Edward Silva,  
Village Manager

(AFFIX VILLAGE SEAL)

Approved by Village Attorney  
as to form and legal sufficiency

\_\_\_\_\_  
Dexter W. Lehtinen  
Village Attorney

**INTERGOVERNMENTAL AGENCY AGREEMENT  
TO PERFORM TRAFFIC ENGINEERING FUNCTIONS**

THIS INTERGOVERNMENTAL AGENCY AGREEMENT TO PERFORM TRAFFIC ENGINEERING FUNCTIONS (the "Agreement"), made and entered into this 25<sup>th</sup> day of July, 2015 by and between the CITY OF MIAMI, FLORIDA, a municipal corporation of the STATE OF FLORIDA, (the "City") and MIAMI-DADE COUNTY, a political subdivision of the State of Florida, Miami-Dade County (the "County").

**WITNESSETH**

WHEREAS, pursuant to Section 2-96.1 of the Miami-Dade County Code, all traffic control and traffic engineering services in Miami-Dade County are under the exclusive jurisdiction of the County; and

WHEREAS, the City and the County previously entered into an Intergovernmental Agency Agreement for the City to perform certain traffic engineering functions on January 25<sup>th</sup>, 2012; and,

WHEREAS, the City desires to assume the installation and maintenance responsibilities of certain additional traffic engineering functions pertaining to its local municipal streets only and has requested the County to allow it to perform the function of conducting engineering studies for the feasibility of traffic calming devices and installing traffic calming devices; and

WHEREAS, the City has a Transportation Division within its Capital Improvements Programs Department; and has represented to the County that it is capable, equipped, and qualified to perform the duties and functions requested herein; and

WHEREAS, the parties agree that once this Agreement is executed it shall supersede and replace that certain Interlocal Agreement of January 25<sup>th</sup> 2012 between the parties; and

WHEREAS the City has, by proper resolution attached hereto as Exhibit A and by reference made a part hereof, authorized its officer(s) to enter into this AGREEMENT.

NOW THEREFORE, the City and the County agree as follows:

1. The recitals set forth above are incorporated herein by reference.
2. The City may install and maintain the following designated types of traffic calming devices, and/or signs (collectively the "Traffic Calming Devices") and only on those local municipal streets operated and maintained by the City within its boundaries, and not less 700 feet from existing traffic signals, County roadways, State roadways and the boundary of City limits; or within school zones, or adjacent to bicycle facilities or hospitals:
  - a) Traffic Circles
  - b) Speed Humps
  - c) Historic Street Name Signs
  - d) In-Street Pedestrian Crossing Signs
3. Any such Traffic Calming Devices may be installed on local municipal streets only after an appropriate traffic engineering study has been performed and signed and

sealed by a Florida licensed professional engineer, and has received written approval by the City, through its City Manager or his/her designee. A copy of such traffic study must be submitted to the Public Works and Waste Management Department ("PWWM") of the County.

4. Any such Traffic Calming Devices may be installed on local municipal streets only after sealed and signed design plans have been reviewed and received written approval by the City, through its City Manager or his/her designee. Provided that such design plans utilize the standard County design attached as Exhibit A, no additional review or approval by PWWM shall be required before installation. To the extent that design plans deviate from the standard design attached as Exhibit "A", such plans shall be submitted to PWWM for its review and written approval. A copy of such design plans must be submitted to the Public Works and Waste Management Department ("PWWM") of the County.
5. The City shall attach a decal to the back of the sign panels indicating the City's ownership and date of installation.
6. The City assumes sole and complete responsibility for the maintenance of all such Traffic Calming Devices.
7. The City assumes sole and complete liability for any and all accidents, damages, claims, and/or injuries which may or are alleged to occur or arise out of the installation, operation or maintenance of said Traffic Calming Devices, and hereby indemnifies and saves harmless the County from any and all claims and damages arising from such installation, operation or maintenance of the Traffic Calming Devices. All Traffic Calming Devices installed by the City in accordance with this Agreement shall conform to the applicable requirements established by the following publications including latest revisions:

Manual on Uniform Traffic Control Devices for Streets and Highways, U.S.  
Department of Transportation Federal Highway Administration

Standard Highway Signs, U.S. Department of Transportation, Federal Highway  
Administration.

A Policy on Geometric Design of Highways and Streets, American Association of  
State Highway and Transportation Officials (AASHTO)

Roundabouts: An Informational Guide, Federal Highway Administration, U.S.  
Department of Transportation

Florida Roundabout Guide, Florida Department of Transportation

Florida Department of Transportation's Standard Specifications for Road and  
Bridge Construction.

Florida Bicycle Facilities Planning and Design Handbook, Florida Department of  
Transportation.

Miami-Dade County Public Works Standard Details Manual

Miami-Dade County Traffic Flow Modification(s)/Street Closure Procedure, Revised  
January, 2009, Exhibit A

8. Notwithstanding any other term in this Agreement, nothing shall be deemed to be a waiver of either the City or the County's immunity or limitation of liability as provided pursuant to Section 768.28, Florida Statutes, as may be amended from time to time.
9. For installation of Traffic Calming Devices, the City shall hire a County licensed contractor or perform the work in-house by the City Public Works crew.
10. Should the City install street name signs at the same site where a stop-top street name sign exists, then the City shall first install their sign on a separate post, not to interfere with any other traffic sign, other corners of the intersection may be used for the City sign? Subsequently, the City, shall remove the County's stop-top street name signs by an approved sign contractor. All signs and hardware removed shall be dismantled and returned to the Traffic Signals and Signs Division of the County's Public Works and Waste Management Department. Street name signs installed at the intersection of two local roads should be placed at the northeast or northwest corner. City historic street name signs shall be of a design approved by PWWM. In-street pedestrian crossing signs placed on pavement shall not be metal type.
11. The City shall be responsible for keeping records of any and all installations and repairs, and furnishing pertinent documents as and when said records may be requested by the County.
12. Either the City or the County may, in their respective sole and complete discretion, terminate this Agreement, with or without cause and/or convenience of the terminating party, upon twenty (20) business days written notice; provided, however, the City shall continue to maintain, repair, and be responsible for any traffic calming devices and signs installed by the City while this Agreement was in effect. Prior to the termination of this Agreement, however, the City may elect to remove any one or all Traffic Calming Devices installed by the City; provided the City shall restore the roadway and area in which the Traffic Calming Device was located to the condition that existed before the City's installation.
13. Upon written notification by the County, the City shall immediately remove any Traffic Calming Device, at the City's sole cost and expense that is not in compliance with the terms of this Agreement.
14. Any notice or communication required hereunder shall be addressed to the following:

TO COUNTY: Miami-Dade County

TO CITY: City of Miami

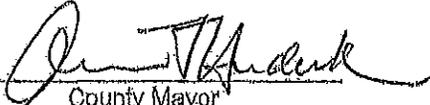
THIS DOCUMENT IS A SUBSTITUTION  
TO ORIGINAL. BACKUP ORIGINAL  
CAN BE SEEN AT THE END OF THIS  
DOCUMENT.

IN WITNESS WHEREOF, the CITY and the COUNTY have set their hands the day and year  
above written.

Attest:

MIAMI-DADE COUNTY

HARVEY RUVIN, CLERK

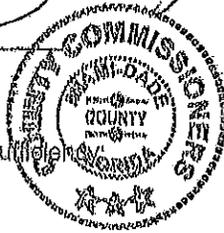
By: 

County Mayor

By: 

County Deputy Clerk

Approved as to form and legal sufficiency:



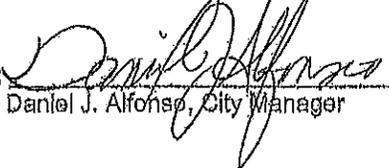
  
Assistant County Attorney

Attest:

CITY OF MIAMI

By: 

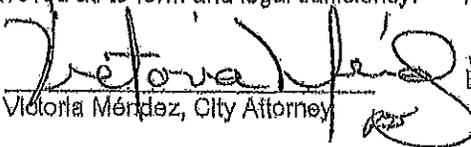
Todd B. Hannon, City Clerk

By: 

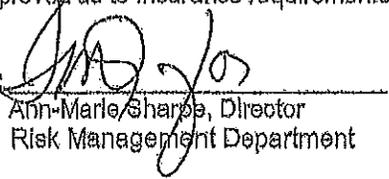
Daniel J. Alfonso, City Manager

Approved as to form and legal sufficiency:

Approved as to insurance requirements:

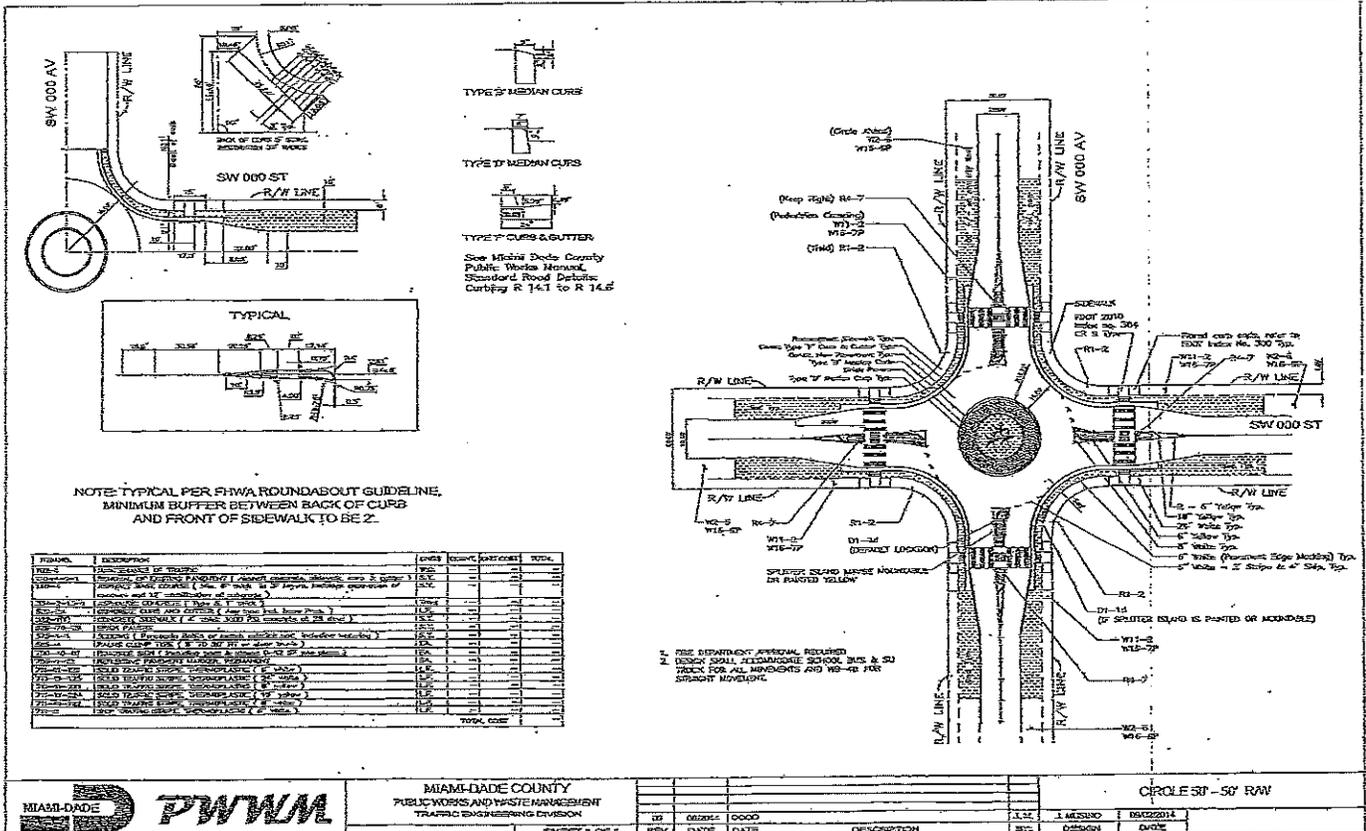
By: 

Victoria Méndez, City Attorney

By: 

Ann-Marie Sharpe, Director  
Risk Management Department

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DOCUMENT.







**Miami-Dade Legislative Item  
File Number: 062329**

**File Number:** 062329      **File Type:** Ordinance      **Status:** Adopted as amended  
**Version:** 0      **Reference:** 06-55      **Control:**  
**File Name:** TRAFFIC AND TRANSP. ENGINEERING FUNCTIONS ON LOCAL MUNICIPAL      **Introduced:** 8/22/2006  
**Requester:** Public Works Department      **Cost:**      **Final Action:** 4/25/2006  
**Agenda Date:** 4/25/2006      **Agenda Item Number:** 7D

**Notes:** THIS IS FINAL TITLE: ORDINANCE AMENDING SECTION 2-96.1, ARTICLE XIII, CHAPTER 2, OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING FOR THE TRAFFIC AND TRANSPORTATION DEPARTMENT TO AUTHORIZE MUNICIPALITIES THROUGH INTERGOVERNMENTAL AGENCY AGREEMENTS TO PERFORM CERTAIN TRAFFIC ENGINEERING FUNCTIONS ON LOCAL MUNICIPAL STREETS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 060116]  
 VERSION AS ADOPTED;  
 (also see 060116)

**Indexes:** TRAFFIC SIGNAL INSTALLATION      **Sponsors:** NONE

**Sunset Provision:** No      **Effective Date:**      **Expiration Date:**  
**Registered Lobbyist:** None Listed

**Legislative History**

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
County Attorney	8/22/2006		Assigned	Thomas Goldstein			

Board of County Commissioners	4/25/2006	7D Amd	Adopted as amended				P
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**REPORT:** First Assistant County Attorney Robert Ouevas read the foregoing proposed ordinance into the record. It was moved by Commissioner Selles that the foregoing proposed ordinance be adopted. This motion was seconded by Commissioner Rolfe. In response to Commissioner

Barreiro's question as to whether the County was delegating street signalization system control to municipalities, County Manager George Burgess by noting the County would not. Ms. Esther Galas, Public Works Department Director, noted this ordinance provided for municipalities to perform functions related to local roads, street name, no parking and warnings signs, pavement markings, etc. County Manager Burgess noted cities would not be spending money to perform these functions. Commissioner Sosa noted she received phone calls from representatives from two municipalities who noted they expected to be able to perform these functions and receive reimbursement from the County. Commissioner Almenaz noted that the statement on handwritten page 2 of the foregoing proposed ordinance, "This ordinance may increase the cost of the installation of these traffic engineering activities to the County," caused confusion. He added that the ordinance should not increase costs to the County, but should save the County money. County Manager Burgess noted the wording of the last sentence on the County Manager's memorandum on handwritten page 2 was an error. Deputy County Manager Pete Hernandez noted intergovernmental agreements between the County and municipalities would allow the needs of each municipality to be met. Commissioner Barreiro noted, for the record, that the current system worked and noted it may not need to be modified. He expressed concern that the County would delegate complete authority to the municipalities. County Manager Burgess reassured Commissioner Barreiro that the County would not delegate complete authority to the municipalities. Commissioner Sosa offered a friendly amendment to this proposed ordinance to include language stating Miami-Dade County retained jurisdiction to open and close streets. Commissioner Jordan offered an amendment to the foregoing proposed ordinance to include language stating that this ordinance would be cost-neutral or save the County money on the installation of traffic engineering activities. The Committee proceeded to vote on the foregoing proposed ordinance as amended.

### Legislative Text

#### TITLE

ORDINANCE AMENDING SECTION 2-96.1, ARTICLE XIII, CHAPTER 2, OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR THE TRAFFIC AND TRANSPORTATION DEPARTMENT TO AUTHORIZE MUNICIPALITIES THROUGH INTERGOVERNMENTAL AGENCY AGREEMENTS TO PERFORM CERTAIN TRAFFIC ENGINEERING FUNCTIONS ON LOCAL MUNICIPAL STREETS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

#### BODY

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-96.1, of Chapter 2, of Article XIII, Traffic and Transportation Department, of the Code of Miami-Dade County, Florida, is hereby amended as follows:

#### ARTICLE XII. TRAFFIC AND TRANSPORTATION DEPARTMENT

\* \* \*

Section 2-96.1. Jurisdiction declared exclusive; tampering with Control devices prohibited.

From and after September 16, 1960, all traffic engineering services shall be performed by the traffic and transportation department, and such department shall have exclusive jurisdiction over all traffic control devices in both the incorporated and unincorporated areas of the county, and shall have exclusive jurisdiction to exercise the powers, duties and functions set forth herein. All municipalities in Dade County are prohibited from exercising any such powers, duties and functions, and shall not interfere with the performance thereof by said county department[[:]] >>; provided, however, that the County Manager or designee, in his/her sole discretion, may authorize municipalities, which desire and are equipped and able to perform certain traffic engineering functions, to assume, together with all

liability and without additional cost to the County, through an individual Intergovernmental Agency Agreement, and for local municipal streets only, the installation and maintenance of regulatory and street name signs, warning signs, construction warning signs, markings and barricades, pavement markings, traffic maintenance and traffic calming devices, all as may be specifically provided in the Agreement and subject to performing appropriate traffic engineering studies if required by such Agreement. The Department shall, however, retain exclusive jurisdiction over the permanent closure of access to any road or street. << It shall be unlawful for any person, firm, corporation, or other legal entity, including municipal corporations, to change, modify, install, remove, damage, deface or destroy any traffic control device, unless authorized to do so by the traffic and transportation department[:]] >>, or by an Intergovernmental Agency Agreement.<<

\* \* \*

Section 2. If any section, subsection, sentence, clause of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," or "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board. 1 Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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# 227915

# Memorandum



Date: (Second Reading 04-25-06)  
January 24, 2006

To: Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

Amended  
Agenda Item No. 7(D)

From:   
George M. Burgess  
County Manager

Subject: Ordinance Amending Section 2-96.1, Article XIII, Chapter 2, of the Code of Miami-Dade County, Florida; Providing for the Traffic and Transportation Department to Authorize Municipalities Through Intergovernmental Agreements to Perform Certain Traffic Engineering Functions on Local Municipal Streets; Providing Severability, Inclusion in the Code and an Effective Date

0406-55

### RECOMMENDATION

It is recommended that the Board of County Commissioners (BOC) approve the attached Ordinance amending Section 2-96.1, Article XIII, Chapter 2, of the Code of Miami-Dade County, Florida; providing for the Traffic and Transportation Department, subsequently incorporated into the Public Works Department in 1981, to authorize municipalities through Intergovernmental Agreements to perform certain traffic engineering functions on local municipal streets.

### BACKGROUND

Several municipalities have expressed a desire to design, install and maintain certain traffic control devices within their municipal boundaries along local municipal streets. The Public Works Department has had a long series of meetings with municipal representatives to reach a consensus with towns and cities that wish to utilize the administration of traffic control devices as a part of enhancing and expediting local transportation projects; while balancing the needs of other localities that wish to continue to rely on the County for such services; and also retaining the overall responsibility of Countywide traffic engineering services.

The County can enter into individual interagency agreements, on a case-by-case basis, to authorize municipalities that have the capacity to perform such functions. Such interagency agreements, as executed by me or my designee on behalf of the County and by the legally designated municipal authority, may allow the design, installation and maintenance of traffic control and calming devices on local municipal streets.

### FISCAL IMPACT

The attached ordinance allows municipalities to perform certain traffic engineering functions on local municipal roads through an intergovernmental agency agreement between the County and the respective municipality. If an agreement between the County and a certain municipality is authorized by the County Manager or his/her designee, the municipality must be equipped and able to perform the installation and maintenance of regulatory and street name signs, warning signs, construction warning signs, markings and barricades, pavement markings, traffic maintenance and traffic calming devices, all as may be specifically provided in the Agreement and subject to performing appropriate traffic engineering studies if required by such Agreement. The municipalities will also assume liability.

Honorable Chairman Jos A. Martinez  
and Members, Board of County Commissioners  
Page 2

The fiscal impact will actually be determined during negotiations between the County and the municipality. This ordinance may increase the cost of the installation of these traffic engineering activities to the County.

 3/7/06

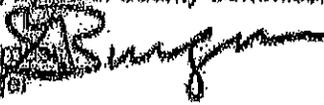
Assistant County Manager

# Memorandum



Date:

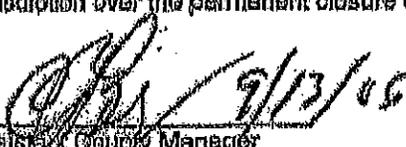
To: Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

From: George M. Bupp   
County Manager

Subject: Ordinance Amending Section 2-88.1, Article XIII, Chapter 2, of the Code

This ordinance amending Section 2-88.1, Article XIII, Chapter 2, of the Code of Miami-Dade County, Florida, providing for the Public Works Department to authorize municipalities through intergovernmental agreements to perform certain traffic engineering functions on local municipal streets, may have a positive fiscal impact to Miami-Dade County.

The amendment to the ordinance would allow the County Manager or designee to authorize municipalities, which desire and are equipped and able, to perform certain traffic engineering, installation and maintenance functions for designated traffic control devices, and to assume such responsibilities as well as all liability, through an Intergovernmental Agency Agreement without any additional cost to the County. This may allow the County in some cases to reallocate funds for other projects. The amendment also allows the County's Public Works Department to retain exclusive jurisdiction over the permanent closure of access to any road or street.

  
Assistant County Manager

Fiscal00600



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** April 25, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Amended  
Agenda Item No. 7(D)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised.
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinances creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Amended  
Agenda Item No. 7(D)  
4-25-06

ORDINANCE NO. 06-55

ORDINANCE AMENDING SECTION 2-96.1, ARTICLE XIII, CHAPTER 2, OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR THE TRAFFIC AND TRANSPORTATION DEPARTMENT TO AUTHORIZE MUNICIPALITIES THROUGH INTERGOVERNMENTAL AGENCY AGREEMENTS TO PERFORM CERTAIN TRAFFIC ENGINEERING FUNCTIONS ON LOCAL MUNICIPAL STREETS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-96.1, of Chapter 2, of Article XIII, Traffic and Transportation Department, of the Code of Miami-Dade County, Florida, is hereby amended as follows:<sup>1</sup>

**ARTICLE XIII. TRAFFIC AND TRANSPORTATION DEPARTMENT**

\* \* \*

**Section 2-96.1. Jurisdiction declared exclusive; tampering with Control devices prohibited.**

From and after September 16, 1960, all traffic engineering services shall be performed by the traffic and transportation department, and such department shall have exclusive jurisdiction over all traffic control devices in both the incorporated and unincorporated areas of the county, and shall have exclusive jurisdiction to exercise the powers, duties and functions set forth herein. All municipalities in Dade County are prohibited from exercising any such powers, duties and functions, and shall not interfere with the performance thereof by said county department~~[[\*]]~~ >> provided, however, that the County Manager or designee, in his/her sole discretion, may authorize municipalities, which desire and are equipped and able to perform certain traffic engineering functions, to assume, together with all liability and without additional cost to the County, through an individual Intergovernmental Agency

<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

~~Agreement, and for local municipal streets only, the installation and maintenance of regulatory and street name signs, warning signs, construction warning signs, markings and barricades, pavement markings, traffic maintenance and traffic calming devices, all as may be specifically provided in the Agreement and subject to performing appropriate traffic engineering studies if required by such Agreement. The Department shall, however, retain exclusive jurisdiction over the permanent closure of access to any road or street. It shall be unlawful for any person, firm, corporation, or other legal entity, including municipal corporations, to change, modify, install, remove, damage, deface or destroy any traffic control device, unless authorized to do so by the traffic and transportation department[[]] >>, or by an Intergovernmental Agency Agreement.<<~~

\* \* \*

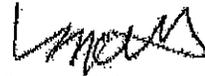
Section 2. If any section, subsection, sentence, clause of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," or "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:


Prepared by:

Thomas Goldstein

# Memorandum



Date: (Second Reading 04-25-06)  
January 24, 2006

To: Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

Agenda Item No. 7(D)

From:   
George H. Burgess  
County Manager

Subject: Ordinance Amending Section 2-96.1, Article XIII, Chapter 2, of the Code of Miami-Dade County, Florida; Providing for the Traffic and Transportation Department to Authorize Municipalities Through Intergovernmental Agreements to Perform Certain Traffic Engineering Functions on Local Municipal Streets; Providing Severability, Inclusion in the Code and an Effective Date

## RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve the attached Ordinance amending Section 2-96.1, Article XIII, Chapter 2, of the Code of Miami-Dade County, Florida; providing for the Traffic and Transportation Department, subsequently incorporated into the Public Works Department in 1981, to authorize municipalities through Intergovernmental Agreements to perform certain traffic engineering functions on local municipal streets.

## BACKGROUND

Several municipalities have expressed a desire to design, install and maintain certain traffic control devices within their municipal boundaries along local municipal streets. The Public Works Department has had a long series of meetings with municipal representatives to reach a consensus with towns and cities that wish to utilize the administration of traffic control devices as a part of enhancing and expediting local transportation projects; while balancing the needs of other localities that wish to continue to rely on the County for such services; and also retaining the overall responsibility of Countywide traffic engineering services.

The County can enter into individual interagency agreements, on a case-by-case basis, to authorize municipalities that have the capacity to perform such functions. Such interagency agreements, as executed by me or my designee on behalf of the County and by the legally designated municipal authority, may allow the design, installation and maintenance of traffic control and calming devices on local municipal streets.

## FISCAL IMPACT

The attached ordinance allows municipalities to perform certain traffic engineering functions on local municipal roads through an intergovernmental agency agreement between the County and the respective municipality. If an agreement between the County and a certain municipality is authorized by the County Manager or his/her designee, the municipality must be equipped and able to perform the installation and maintenance of regulatory and street name signs, warning signs, construction warning signs, manholes and barricades, pavement markings, traffic maintenance and traffic calming devices, all as may be specifically provided in the Agreement and subject to performing appropriate traffic engineering studies if required by such Agreement. The municipalities will also assume liability.

Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners  
Page 2

The fiscal impact will actually be determined during negotiations between the County and the municipality. This ordinance may increase the cost of the installation of these traffic engineering activities to the County.

  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** April 25, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 7(D)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 7(D)

Veto \_\_\_\_\_

04-25-06

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTION 2-96.1, ARTICLE XIII, CHAPTER 2, OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR THE TRAFFIC AND TRANSPORTATION DEPARTMENT TO AUTHORIZE MUNICIPALITIES THROUGH INTERGOVERNMENTAL AGENCY AGREEMENTS TO PERFORM CERTAIN TRAFFIC ENGINEERING FUNCTIONS ON LOCAL MUNICIPAL STREETS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. Section 2-96.1, of Chapter 2, of Article XIII, Traffic and Transportation Department, of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**ARTICLE XIII. TRAFFIC AND TRANSPORTATION DEPARTMENT**

\* \* \*

**Section 2-96.1. Jurisdiction declared exclusive; tampering with Control devices prohibited.**

From and after September 16, 1960, all traffic engineering services shall be performed by the traffic and transportation department, and such department shall have exclusive jurisdiction over all traffic control devices in both the incorporated and unincorporated areas of the county, and shall have exclusive jurisdiction to exercise the powers, duties and functions set forth herein. All municipalities in Dade County are prohibited from exercising any such powers, duties and functions, and shall not interfere with the performance thereof by said county department. ~~provided, however, that the County Manager or designee, in its sole discretion, may authorize municipalities, which desire and are equipped and able to perform certain traffic engineering functions, to assume, together with all liability, through an individual Intergovernmental Agency Agreement, and for local~~

[ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or double arrowed constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

~~municipal streets only, the installation and maintenance of regulatory and street name signs, warning signs, construction warning signs, markings and barricades, pavement markings, traffic maintenances and traffic calming devices, all as may be specifically provided in the Agreement and subject to performing appropriate traffic engineering studies if required by such Agreement. << It shall be unlawful for any person, firm, corporation, or other legal entity, including municipal corporations, to change, modify, install, remove, damage, deface or destroy any traffic control device, unless authorized to do so by the traffic and transportation department [(-)]>>, or by an Intergovernmental Agency Agreement.<<~~

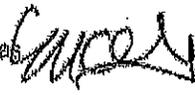
\* \* \*

Section 2. If any section, subsection, sentence, clause of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," or "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney   
to form and legal sufficiency:

Prepared by: 

Thomas Goldstein

5



# City of Miami

## Master Report

City Hall  
3600 Pan American Drive  
Miami, FL 33133  
www.miamigov.com

Enactment Number: R-14-0473

<b>File Number:</b> 14-01100	<b>File Type:</b> Resolution	<b>Status:</b> Passed
<b>Version:</b> 2	<b>Reference:</b>	<b>Controlling Body:</b> Office of the City Clerk
<b>File Name:</b> Auth. Intergovernmental Agmt. -Traffic Devices		<b>Introduced:</b> 10/27/2014
<b>Requester:</b> Department of Capital Improvement Programs/Transportation	<b>Cost:</b>	<b>Final Action:</b> 12/11/2014

**Title:** A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGENCY AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, REPLACING THE EXISTING INTERGOVERNMENTAL AGENCY AGREEMENT WITH MIAMI-DADE COUNTY, APPROVED PURSUANT TO RESOLUTION NO. 11-0451, ADOPTED OCTOBER 27, 2011; TO PERFORM CERTAIN ADDITIONAL TRAFFIC ENGINEERING FUNCTIONS AND TO ALLOW THE CITY OF MIAMI ("CITY") TO INSTALL AND MAINTAIN CERTAIN TRAFFIC CALMING DEVICES OR SIGNS WITHIN LOCAL MUNICIPAL STREETS OPERATED AND MAINTAINED BY THE CITY.

**Sponsors:**

**Notes:** Version 2 has the Scrivener's amendment made by law department and per legal opinion, it may be certified instead of version 1.

**Indexes:**

**Attachments:** 14-01100 Summary Form.pdf,14-01100 Pre-Legislation.pdf,14-01100 Legislation.pdf,14-01100 - Memo - Scrivener's Error.pdf,14-0100 - Exhibit - Agreement SUB.pdf,

**History of Legislative File**

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Office of the City Attorney	12/3/2014	Reviewed and Approved				
1	City Commission	12/11/2014	ADOPTED				Pass
1	Office of the Mayor	12/19/2014	Signed by the Mayor	Office of the City Clerk			
1	Office of the City Clerk	12/23/2014	Signed and Attested by City Clerk				
2	Office of the City Attorney	7/9/2015	Reviewed and Approved				

**Action Note:** MODIFICATIONS MADE BY LAW REFLECTING SCRIVENER'S AMENDMENT-SEE SCRIVENER'S ERROR MEMO FOR MORE INFORMATION



**City of Miami  
Certified Copy**

City Hall  
3500 Pan American Drive  
Miami, FL 33133  
www.miamigov.com

File Number: 14-01100

Enactment Number: R-14-0473

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGENCY AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, REPLACING THE EXISTING INTERGOVERNMENTAL AGENCY AGREEMENT WITH MIAMI-DADE COUNTY, APPROVED PURSUANT TO RESOLUTION NO. 11-0451, ADOPTED OCTOBER 27, 2011; TO PERFORM CERTAIN ADDITIONAL TRAFFIC ENGINEERING FUNCTIONS AND TO ALLOW THE CITY OF MIAMI ("CITY") TO INSTALL AND MAINTAIN CERTAIN TRAFFIC CALMING DEVICES OR SIGNS WITHIN LOCAL MUNICIPAL STREETS OPERATED AND MAINTAINED BY THE CITY.

WHEREAS, pursuant to Resolution No. 11-0451, adopted October 27, 2011, the City Commission authorized, through an Intergovernmental Agency Agreement ("Agreement"), the installation and maintenance of traffic calming devices or signs, which included traffic circles, speed humps, and historic street name signs; and

WHEREAS, currently, traffic calming devices may be installed on local municipal streets only after an appropriate traffic engineering study has been performed and sealed, and signed plans have been submitted to the Miami-Dade County Public Works and Waste Management Department ("Department") for its review and approval; and

WHEREAS, the City of Miami ("City") wishes to assume the installation and maintenance responsibilities of certain traffic engineering functions pertaining to local municipal streets only, by the adoption of the attached revised Intergovernmental Agency Agreement, replacing the existing Agreement adopted October 27, 2011;

WHEREAS, the adoption of the attached revised Intergovernmental Agency Agreement will give the City the necessary jurisdiction over the installation, maintenance, and use of certain traffic calming devices, precluding the review and approval process by the Department under the existing Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as fully set forth in this Section.

Section 2. The City Manager is authorized{1} to execute an Intergovernmental Agency Agreement, in substantially the attached form, replacing the existing Agreement with Miami-Dade County, approved pursuant to Resolution No. 11-0451, adopted October 27, 2011, to perform certain traffic engineering functions, and to allow the City to install and maintain certain traffic calming devices or signs within local municipal streets operated and maintained by the City.

Section 3. This Resolution shall become effective immediately upon its adoption and signature

of the Mayor.{2}

**Date:** DECEMBER 11, 2014  
**Mover:** COMMISSIONER SUAREZ  
**Seconder:** COMMISSIONER SARNOFF  
**Vote:** AYES: 3 - COMMISSIONER(S) GORT, SARNOFF AND SUAREZ  
ABSENT: 2 - COMMISSIONER(S) CAROLLO AND HARDEMON  
**Action:** ADOPTED

**Date:** DECEMBER 19, 2014  
**Action:** SIGNED BY THE MAYOR

I, Todd B. Hannon, City Clerk of the City of Miami, Florida, and keeper of the records thereof, do hereby certify that this constitutes a true and correct copy of Resolution No. R-14-0473, with attachments, passed by the City Commission on 12/11/2014.

 7/13/2015  
Deputy Clerk (for Todd B. Hannon, City Clerk)

July 13, 2015  
Date Certified

{1} The herein authorization is further subject to compliance with all requirements that may be imposed by the City Attorney, including but not limited to those prescribed by applicable City Charter and Code provisions.

{2} If the Mayor does not sign this Resolution, it shall become effective at the end of ten (10) calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

shall remove the COUNTY'S stop-top street name signs by an approved sign contractor. All signs and hardware removed shall be dismantled and returned to the Traffic Signals and Signs Division of the COUNTY'S Public Works Department.

9. The CITY shall be responsible for keeping records of any and all installations and repairs, and furnishing pertinent documents as and when said records may be requested.

10. Failure to carry out any of the duties and responsibilities assumed herein by the CITY may result in termination of this AGREEMENT, at the sole discretion of the COUNTY.

IN WITNESS WHEREOF, the CITY and the COUNTY have set their hands the day and year above written.

Attest:

MIAMI-DADE COUNTY

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
County Manager

By: \_\_\_\_\_  
County Deputy Clerk

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Assistant County Attorney

Attest:

CITY OF MIAMI

By: \_\_\_\_\_  
Priscilla A. Thompson, City Clerk

By: \_\_\_\_\_  
Johnny Martinez, P.E., City Manager

Approved as to form and legal sufficiency:

Approved as to insurance requirements:

By: \_\_\_\_\_  
Julie O. Bru, City Attorney

By: \_\_\_\_\_  
Calvin Ellis, Director  
Risk Management Department

**INTERGOVERNMENTAL AGENCY AGREEMENT  
TO PERFORM TRAFFIC ENGINEERING FUNCTIONS**

THIS INTERGOVERNMENTAL AGENCY AGREEMENT TO PERFORM TRAFFIC ENGINEERING FUNCTIONS (AGREEMENT), made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the CITY OF MIAMI, FLORIDA, a municipal corporation of the STATE OF FLORIDA, hereinafter referred to as the "CITY" and MIAMI-DADE COUNTY (COUNTY), a political subdivision of the STATE OF FLORIDA, MIAMI-DADE County.

**WITNESSETH**

WHEREAS, pursuant to Section 2-96.1 of the Miami-Dade County Code, all traffic control and traffic engineering services in Miami-Dade County are under the exclusive jurisdiction of the COUNTY; and

WHEREAS, the CITY desires to assume the installation and maintenance responsibilities of certain traffic engineering functions pertaining to its local municipal streets only; and

WHEREAS, the COUNTY has determined that the CITY is both equipped and able to perform the traffic engineering functions as herein specified on its local streets; and

WHEREAS the CITY has, by proper resolution attached hereto and by reference made a part hereof, authorized its officer(s) to enter into this AGREEMENT.

NOW THEREFORE, the CITY and the COUNTY agree as follows:

1. The recitals set forth above are incorporated herein by reference.
2. The CITY will only install and maintain the following designated types of traffic control devices and/or signs and only on those local municipal streets operated and maintained by the CITY within its boundaries:
  - a) Traffic Circles
  - b) Speed Humps
  - c) Historic Street Name Signs

*RSR #11-1901*

Traffic calming devices may be installed on local municipal streets only after an appropriate traffic engineering study has been performed and sealed and signed plans have been submitted to the Public Works Department of the COUNTY for its review and approval.

3. The CITY shall attach a decal to the back of the sign panels indicating ownership and date of installation.

4. The CITY assumes sole and complete responsibility for the maintenance of all such signs that are installed by the CITY within its boundaries.

5. The CITY assumes sole and complete liability for any accidents and/or injuries which may or are alleged to occur or arise out of the installation, operation or maintenance of said traffic control devices, and hereby indemnifies to the extent allowed by 768.28, Florida Statutes, and saves harmless the COUNTY from any and all claims as a result of the installation, operation or maintenance of said signs attributable to the negligence of the City.

6. All traffic control signs installed by the CITY in accordance with this AGREEMENT shall conform to the applicable requirements established by the following publications:

Florida Department of Transportation's Standard Specifications for Road and Bridge Construction.

Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation Federal Highway Administration (ANSI D6.1e-1989), including latest revisions.

Standard Highway Signs, U.S. Department of Transportation, Federal Highway Administration.

Miami-Dade County Public Works Manual (available from the Public Works Department, Reproduction Services, 111 NW 1 Street, Suite 1604, Miami, FL 33128)

7. For installation of traffic control devices, the CITY shall hire a COUNTY licensed contractor or perform the work in-house by the CITY Public Works crew.

8. Should the CITY install street name signs at the same site where a stop-top street name exists, then the CITY shall utilize the other corners of the intersection. Subsequently, the CITY shall remove the COUNTY'S stop-top street name signs by an approved sign contractor. All signs

and hardware removed shall be dismantled and returned to the Traffic Signals and Signs Division of the COUNTY'S Public Works Department.

9. The CITY shall be responsible for keeping records of any and all installations and repairs, and furnishing pertinent documents as and when said records may be requested.

10. Failure to carry out any of the duties and responsibilities assumed herein by the CITY may result in termination of this AGREEMENT, at the sole discretion of the COUNTY.

IN WITNESS WHEREOF, the CITY and the COUNTY have set their hands the day and year above written.

Attest:

MIAMI-DADE COUNTY

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
County Manager

By: \_\_\_\_\_  
County Deputy Clerk

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Assistant County Attorney

Attest:

CITY OF MIAMI

By: \_\_\_\_\_  
Priscilla A. Thompson, City Clerk

By: \_\_\_\_\_  
Johnny Martinez, P.E., City Manager

Approved as to form and legal sufficiency:

Approved as to insurance requirements:

By: \_\_\_\_\_  
Julie O. Bru, City Attorney

By: \_\_\_\_\_  
Calvin Ellis, Director  
Risk Management Department



**City of Miami**  
**Legislation**  
**Resolution: R-11-0451**

City Hall  
3500 Pan American  
Drive  
Miami, FL 33133  
www.miamigov.com

**File Number: 11-00933**

**Final Action Date: 10/27/2011**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGENCY AGREEMENT WITH MIAMI-DADE COUNTY, IN SUBSTANTIALLY THE ATTACHED FORM, TO PERFORM CERTAIN TRAFFIC ENGINEERING FUNCTIONS AND TO ALLOW THE CITY OF MIAMI ("CITY") TO INSTALL AND MAINTAIN CERTAIN TRAFFIC CONTROL DEVICES OR SIGNS WITHIN LOCAL MUNICIPAL STREETS OPERATED AND MAINTAINED BY THE CITY.

WHEREAS, the City of Miami ("City") wishes to assume installation and maintenance responsibilities of certain traffic engineering functions pertaining to local municipal streets only; and

WHEREAS, the attached Intergovernmental Agency Agreement ("Agreement") authorizes the City to install and maintain traffic control devices or signs, which include traffic circles, speed humps and historic street name signs; and

WHEREAS, traffic calming devices may be installed on local municipal streets only after an appropriate traffic engineering study has been performed and sealed, and signed plans have been submitted to the Miami-Dade County Public Works Department for its review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The City Manager is authorized {1} to execute an Agreement with Miami-Dade County, in substantially the attached form, to perform certain traffic engineering functions and to allow the City to install and maintain certain traffic control devices or signs within local municipal streets operated and maintained by the City.

Section 3. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.{2}

---

Footnotes:

{1} The herein authorization is further subject to compliance with all requirements that may be imposed by the City Attorney, including but not limited to those prescribed by applicable City Charter and Code provisions.

{2} If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

**INTERGOVERNMENTAL AGENCY AGREEMENT  
TO PERFORM TRAFFIC ENGINEERING FUNCTIONS**

*Substitute item  
original can be  
seen at end  
of document*

THIS INTERGOVERNMENTAL AGENCY AGREEMENT TO PERFORM TRAFFIC ENGINEERING FUNCTIONS (AGREEMENT), made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the CITY OF MIAMI, FLORIDA, a municipal corporation of the STATE OF FLORIDA, hereinafter referred to as the "CITY" and MIAMI-DADE COUNTY (COUNTY), a political subdivision of the STATE OF FLORIDA, MIAMI-DADE County.

**WITNESSETH**

WHEREAS, pursuant to Section 2-96.1 of the Miami-Dade County Code, all traffic control and traffic engineering services in Miami-Dade County are under the exclusive jurisdiction of the COUNTY; and

WHEREAS, the CITY desires to assume the installation and maintenance responsibilities of certain traffic engineering functions pertaining to its local municipal streets only; and

WHEREAS, the COUNTY has determined that the CITY is both equipped and able to perform the traffic engineering functions as herein specified on its local streets; and

WHEREAS the CITY has, by proper resolution attached hereto and by reference made a part hereof, authorized its officer(s) to enter into this AGREEMENT.

NOW THEREFORE, the CITY and the COUNTY agree as follows:

1. The recitals set forth above are incorporated herein by reference.
2. The CITY will only install and maintain the following designated types of traffic control devices and/or signs and only on those local municipal streets operated and maintained by the CITY within its boundaries:

- a) Traffic Circles
- b) Speed Humps
- c) Historic Street Name Signs
- d) In-Street Pedestrian Crossing Signs

*RSA #11-1901*

Traffic calming devices may be installed on local municipal streets only after an appropriate traffic engineering study has been performed and sealed and signed plans have been submitted to the Public Works Department of the **COUNTY** for its review and approval.

3. The **CITY** shall attach a decal to the back of the sign panels indicating ownership and date of installation.

4. The **CITY** assumes sole and complete responsibility for the maintenance of all such signs that are installed by the **CITY** within its boundaries.

5. The **CITY** assumes sole and complete liability for any accidents and/or injuries which may or are alleged to occur or arise out of the installation, operation or maintenance of said traffic control devices, and hereby indemnifies to the extent allowed by 768.28, Florida Statutes, and saves harmless the **COUNTY** from any and all claims as a result of the installation, operation or maintenance of said signs attributable to the negligence of the City.

6. All traffic control signs installed by the **CITY** in accordance with this **AGREEMENT** shall conform to the applicable requirements established by the following publications:

Florida Department of Transportation's Standard Specifications for Road and Bridge Construction.

Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation Federal Highway Administration (ANSI D6.1e-1989), including latest revisions.

Standard Highway Signs, U.S. Department of Transportation, Federal Highway Administration.

Miami-Dade County Public Works Manual (available from the Public Works Department, Reproduction Services, 111 NW 1 Street, Suite 1604, Miami, FL 33128)

7. For installation of traffic control devices, the **CITY** shall hire a **COUNTY** licensed contractor or perform the work in-house by the **CITY** Public Works crew.

8. Should the **CITY** install street name signs at the same site where a stop-top street name exists, then the **CITY** shall utilize the other corners of the intersection. Subsequently, the **CITY**,

**INTERGOVERNMENTAL AGENCY AGREEMENT  
TO PERFORM TRAFFIC ENGINEERING FUNCTIONS**

THIS INTERGOVERNMENTAL AGENCY AGREEMENT TO PERFORM TRAFFIC ENGINEERING FUNCTIONS (the "Agreement"), made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the CITY OF MIAMI, FLORIDA, a municipal corporation of the STATE OF FLORIDA, (the "City") and MIAMI-DADE COUNTY, a political subdivision of the State of Florida, Miami-Dade County (the "County"),

**WITNESSETH**

WHEREAS, pursuant to Section 2-96.1 of the Miami-Dade County Code, all traffic control and traffic engineering services in Miami-Dade County are under the exclusive jurisdiction of the County; and

WHEREAS, the City and the County previously entered into an Intergovernmental Agency Agreement for the City to perform certain traffic engineering functions on January 25<sup>th</sup>, 2012; and,

WHEREAS, the City desires to assume the installation and maintenance responsibilities of certain additional traffic engineering functions pertaining to its local municipal streets only and has requested the County to allow it to perform the function of conducting engineering studies for the feasibility of traffic calming devices and installing traffic calming devices; and

WHEREAS, the City has a Transportation Division within its Capital Improvements Programs Department, and has represented to the County that it is capable, equipped, and qualified to perform the duties and functions requested herein; and

WHEREAS, the parties agree that once this Agreement is executed it shall supersede and replace that certain Interlocal Agreement of January 25<sup>th</sup> 2012 between the parties; and

WHEREAS the City has, by proper resolution attached hereto as Exhibit A and by reference made a part hereof, authorized its officer(s) to enter into this **AGREEMENT**.

**NOW THEREFORE**, the City and the County agree as follows:

1. The recitals set forth above are incorporated herein by reference.
2. The City may install and maintain the following designated types of traffic calming devices, and/or signs (collectively the "Traffic Calming Devices") and only on those local municipal streets operated and maintained by the City within its boundaries, and not less 700 feet from existing traffic signals, County roadways, State roadways and the boundary of City limits; or within school zones, or adjacent to bicycle facilities or hospitals:
  - a) Traffic Circles
  - b) Speed Humps
  - c) Historic Street-Name Signs
  - d) In-Street Pedestrian Crossing Signs
3. Any such Traffic Calming Devices may be installed on local municipal streets only after an appropriate traffic engineering study has been performed and signed and

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sealed by a Florida licensed professional engineer, and has received written approval by the City, through its City Manager or his/her designee. A copy of such traffic study must be submitted to the Public Works and Waste Management Department ("PWWM") of the County.

4. Any such Traffic Calming Devices may be installed on local municipal streets only after sealed and signed design plans have been reviewed and received written approval by the City, through its City Manager or his/her designee. Provided that such design plans utilize the standard County design attached as Exhibit A, no additional review or approval by PWWM shall be required before installation. To the extent that design plans deviate from the standard design attached as Exhibit "A", such plans shall be submitted to PWWM for its review and written approval. A copy of such design plans must be submitted to the Public Works and Waste Management Department ("PWWM") of the County.
5. The City shall attach a decal to the back of the sign panels indicating the City's ownership and date of installation.
6. The City assumes sole and complete responsibility for the maintenance of all such Traffic Calming Devices.
7. The City assumes sole and complete liability for any and all accidents, damages, claims, and/or injuries which may or are alleged to occur or arise out of the installation, operation or maintenance of said Traffic Calming Devices, and hereby indemnifies and saves harmless the County from any and all claims and damages arising from such installation, operation or maintenance of the Traffic Calming Devices. All Traffic Calming Devices installed by the City in accordance with this Agreement shall conform to the applicable requirements established by the following publications including latest revisions:

Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation Federal Highway Administration

Standard Highway Signs, U.S. Department of Transportation, Federal Highway Administration.

A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials (AASHTO)

Roundabouts: An Informational Guide, Federal Highway Administration, U.S. Department of Transportation

Florida Roundabout Guide, Florida Department of Transportation

Florida Department of Transportation's Standard Specifications for Road and Bridge Construction.

Florida Bicycle Facilities Planning and Design Handbook, Florida Department of Transportation

Miami-Dade County Public Works Standard Details Manual

Miami-Dade County Traffic Flow Modification(s)/Street Closure Procedure, Revised January, 2009, Exhibit A

8. Notwithstanding any other term in this Agreement, nothing shall be deemed to be a waiver of either the City or the County's immunity or limitation of liability as provided pursuant to Section 768.28, Florida Statutes, as may be amended from time to time.
9. For installation of Traffic Calming Devices, the City shall hire a County licensed contractor or perform the work in-house by the City Public Works crew.
10. Should the City install street name signs at the same site where a stop-top street name sign exists, then the City shall first install their sign on a separate post, not to interfere with any other traffic sign, other corners of the intersection may be used for the City sign? Subsequently, the City, shall remove the County's stop-top street name signs by an approved sign contractor. All signs and hardware removed shall be dismantled and returned to the Traffic Signals and Signs Division of the County's Public Works and Waste Management Department. Street name signs installed at the intersection of two local roads should be placed at the northeast or northwest corner. City historic street name signs shall be of a design approved by PWWM. In-street pedestrian crossing signs placed on pavement shall not be metal type.
11. The City shall be responsible for keeping records of any and all installations and repairs, and furnishing pertinent documents as and when said records may be requested by the County.
12. Either the City or the County may, in their respective sole and complete discretion, terminate this Agreement, with or without cause and/or convenience of the terminating party, upon twenty (20) business days written notice; provided, however, the City shall continue to maintain, repair, and be responsible for any traffic calming devices and signs installed by the City while this Agreement was in effect. Prior to the termination of this Agreement, however, the City may elect to remove any one or all Traffic Calming Devices installed by the City; provided the City shall restore the roadway and area in which the Traffic Calming Device was located to the condition that existed before the City's installation.
13. Upon written notification by the County, the City shall immediately remove any Traffic Calming Device, at the City's sole cost and expense that is not in compliance with the terms of this Agreement.
14. Any notice or communication required hereunder shall be addressed to the following:

TO COUNTY: Miami-Dade County

TO CITY: City of Miami

IN WITNESS WHEREOF, the CITY and the COUNTY have set their hands the day and year above written.

Attest:

MIAMI-DADE COUNTY

HARVEY RIJVIN, CLERK

By: \_\_\_\_\_  
County Mayor

By: \_\_\_\_\_  
County Deputy Clerk

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Assistant County Attorney

Attest:

CITY OF MIAMI

By: \_\_\_\_\_  
Todd B. Hannon, City Clerk

By: \_\_\_\_\_  
Daniel J. Alfonso, City Manager

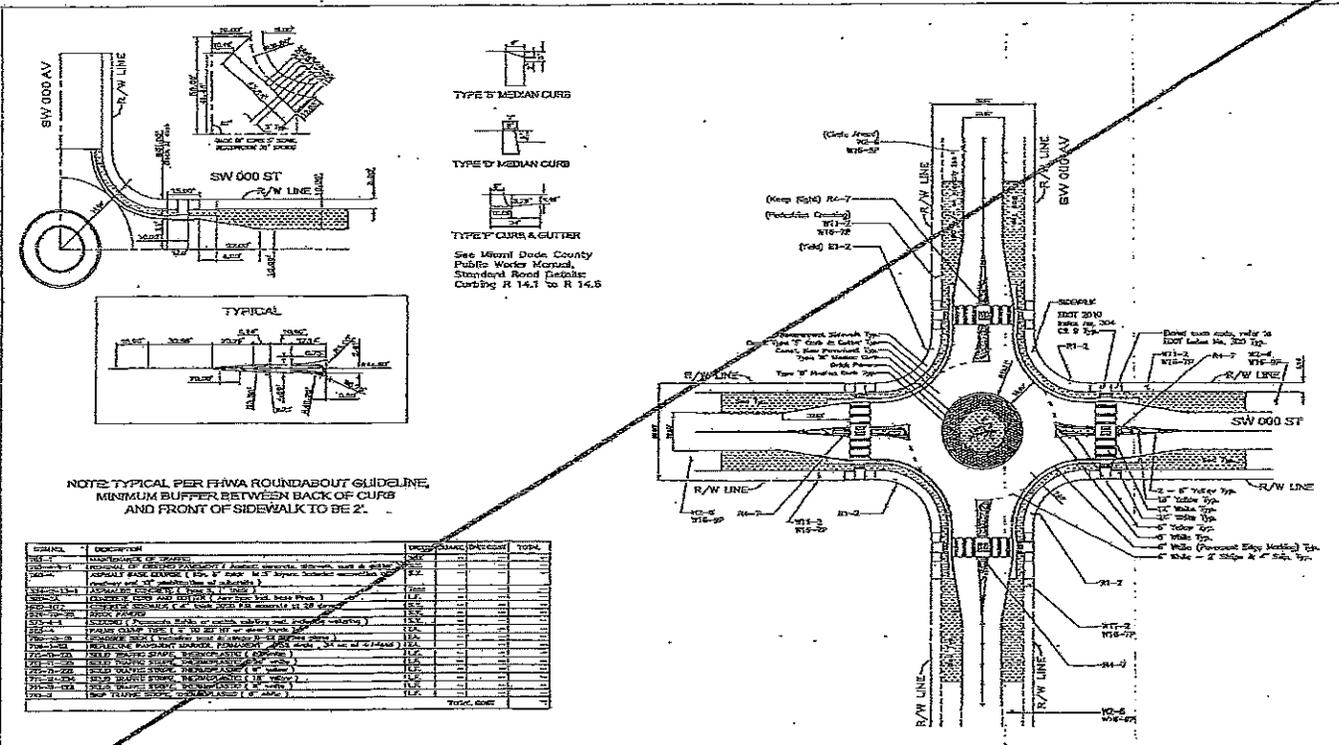
Approved as to form and legal sufficiency:

Approved as to insurance requirements:

By: \_\_\_\_\_  
Victoria Méndez, City Attorney

By: \_\_\_\_\_  
Ann-Marie Sharpe, Director  
Risk Management Department

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PWWM

MIAMI-DADE COUNTY  
PUBLIC WORKS AND WASTE MANAGEMENT  
TRAFFIC ENGINEERING DIVISION

REV	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DATE

CIRCLE 50' - 50' R/W

