



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: July 27, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

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. 11(A)(1)

Veto _____

7-27-04

Override _____

RESOLUTION NO. _____

RESOLUTION CALLING FOR A SPECIAL ELECTION IN CONJUNCTION WITH THE GENERAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON NOVEMBER 2, 2004, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS RESIDING WITHIN THE BOUNDARIES OF A PROPOSED NEW MUNICIPALITY IN THE AREA OF THE CUTLER RIDGE THE QUESTION OF WHETHER THE BOARD OF COUNTY COMMISSIONERS SHOULD BE AUTHORIZED TO CREATE A NEW MUNICIPALITY IN THE AREA OF THE CUTLER RIDGE PURSUANT TO SECTION 5.05 OF THE MIAMI-DADE COUNTY HOME RULE CHARTER

WHEREAS, Section 5.05 of the Home Rule Charter establishes the framework by which new municipalities may be created in Miami-Dade County; and

WHEREAS, the Cutler Ridge Municipal Advisory Committee (the "Committee"), a group of Cutler Ridge area residents appointed by the Board of County Commissioners (the "Board") has submitted its Cutler Ridge Area Committee report and resolution as amended (attached hereto and incorporated herein by reference as Composite Exhibit A) which offer acceptable solutions to certain of the issues relating to incorporation which concern the Board; and

WHEREAS, the Committee report provides in a conceptual agreement that the new municipality will, among other things, contract with the Miami-Dade Police Department for patrol police services for an initial period of three years; and

WHEREAS, the Committee understands and acknowledges that the special conditions for incorporation include, but are not limited to, remaining a part of the Miami-Dade Fire Rescue District, the Miami-Dade Public Library System, the Miami-Dade Solid Waste collection system,

as well as contracting and paying for specialized polices services from the Miami-Dade County Police Department; and

WHEREAS, the Committee understands and acknowledges that payment for contracted specialized police services will continue from year-to-year and the costs upon which such payments are based will be recalculated every three years and will be determined based upon the municipality's utilization over the previous three years; and

WHEREAS, the Committee understands and acknowledges that payment for the specialized police services will come from the municipality's millage revenue or other available municipal revenues; and that payment of specialized police services shall remain so long as any of the special conditions for incorporation exist; and

WHEREAS, the Board is desirous of calling an election resolution in reliance upon the representations contained in the County Manager's Report and Resolution of the Committee and the statements contained in this resolution,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The matters set for above are hereby incorporated by reference in this Resolution.

Section 2. An special election is hereby called in conjunction with the general election to be held in Miami-Dade County, Florida, on Tuesday, NOVEMBER 2, 2004, for the purpose of submitting to the qualified electors residing within the boundaries of a proposed new municipality in the area of the Cutler Ridge the question of whether or not the Board of County Commissioners should be authorized to create a new municipality in the area of the Cutler Ridge

pursuant to Section 5.05 of the Miami-Dade Home Rule Charter. The boundaries of the proposed new municipality are as follows:

Northernmost: SW 184th Street

Southernmost: SW 232nd Street

Easternmost: Biscayne National Park

Westernmost: SW 112th Avenue

A sketch of the boundaries of the proposed new municipality is attached to this Resolution as Exhibit B.

Section 3. The election is called in reliance upon the representations of the Cutler Ridge Municipal Advisory Committee conceptual agreement and report dated October 22, 2003, (Composite Exhibit A).

Section 4. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes (2000).

Section 5. The results of such election shall be determined by a majority of the qualified electors residing within the boundaries of a proposed new municipality in the area of the Cutler Ridge voting upon the question. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors residing within the boundaries of a proposed new municipality in the area of the Cutler Ridge, Miami-Dade County, Florida, shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until thirty (30) days prior to the date of such election, at which time the registration books will be closed in accordance with the provisions of the general election laws. Touch screen voting machines shall be used in such election, and the question shall appear on the ballot in substantially the following form:

PROPOSED NEW MUNICIPALITY: CUTLER RIDGE

SHALL THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS BE AUTHORIZED TO CREATE A NEW MUNICIPALITY IN THE AREA OF CUTLER RIDGE WITH THE FOLLOWING GENERAL BOUNDARIES?

NORTHERNMOST BOUNDARY: SW 184th STREET

EASTERNMOST BOUNDARY: BISCAYNE NATIONAL PARK

SOUTHERNMOST BOUNDARY: SW 232nd STREET

WESTERNMOST BOUNDARY: SW 112TH AVENUE

YES

NO

Section 6. Such question shall appear on the ballot as a separate question or proposal. Those qualified electors desiring to adopt or approve such proposal shall be instructed to vote "YES". Those qualified electors desiring to reject or disapprove the question shall be instructed to vote "NO".

Section 7. Optical scan or touch screen systems may be used for absentee voting by qualified electors residing within the boundaries of a proposed new municipality in the area of the Cutler Ridge for voting on this question at said election. The form of such absentee ballot shall be in accordance with the requirements prescribed by the general election laws, and shall have printed thereon the question or proposal hereinabove set forth, with a proper place for voting either "YES" or "NO" following the statement of the question or proposal aforesaid.

Section 8. The election on the questions or proposal aforesaid shall be held in accordance with applicable provisions of general law relating to elections and the provisions of

the Miami-Dade County Home Rule Charter. The County Manager, the Finance Director, the Supervisor of Elections and the Clerk of The County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. The election shall be a nonpartisan election. Election Inspections Boards, inspectors and clerks to serve as elections officials in connection with this election shall be appointed in accordance with the provisions of the general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 2.07 of the Home Rule Charter.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson

Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro

Betty T. Ferguson

Joe A. Martinez

Dennis C. Moss

Natacha Seijas

Sen. Javier D. Souto

Jose "Pepe" Diaz

Sally A. Heyman

Jimmy L. Morales

Dorin D. Rolle

Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 27th day of July, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Craig H. Coller/Cynthia Johnson-Stacks

