

# MEMORANDUM

Agenda Item No. 11(A)(3)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

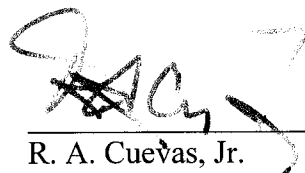
**DATE:** November 6, 2007

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution authorizing loan  
to Bird Lakes Homeowners  
Association

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The accompanying resolution was prepared and placed on the agenda at the request of  
Commissioner Joe A. Martinez.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/bw



# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: November 6, 2007

FROM: R. A. Cuevas, Jr.  
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(3)  
11-6-07

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING A LOAN TO THE BIRD LAKES HOMEOWNERS ASSOCIATION TO PAY FOR COSTS ASSOCIATED WITH THE APPOINTMENT OF A RECEIVER FOR THE BIRD LAKES ESTATES AND ALLOWING FOR THE WAIVER OF THE REPAYMENT OF THAT LOAN UNDER CERTAIN CIRCUMSTANCES

**WHEREAS**, the County, through Team Metro, has sued the Bird Lakes Estates Homeowners Association (HOA) to correct certain County Code violations which exist on both common properties and individual properties; and

**WHEREAS**, the HOA had become defunct and was no longer operating at the time of the filing of the lawsuit; and

**WHEREAS**, the lawsuit has resulted in the appointment of a Receiver to reconstitute and organize the HOA so that the code violations may be corrected; and

**WHEREAS**, the Receiver has taken the steps necessary to reinstate the corporate HOA as a legal entity with the State of Florida; and

**WHEREAS**, the work of the Receiver has resulted in costs that may be born by the home owners through assessment from the HOA; and

**WHEREAS**, mistakes have occurred in the Receivership with respect to notice to the residents resulting in extra fees and costs; and

**WHEREAS**, the residents of various areas of the Bird Lakes development have differing interests in the results of the lawsuit depending on their location and have needed to retain attorneys to represent their interests and have been obligated to pay those attorneys; and

**WHEREAS**, the residents of the area are living on limited incomes and are not able to absorb the costs of the Receiver or the costs of private attorneys; and

**WHEREAS**, the residents have now expressed a desire to organize and operate the HOA without the Receiver and intend on operating the HOA which will resolve and potentially settle this lawsuit; and

**WHEREAS**, the residents may have available to them methods to recover the costs of the Receiver, but those methods may take some time to effect,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that the County Mayor is authorized and directed to extend and fund a loan to the Bird Lakes Homeowners Association for the payment of the costs incurred as a result of the lawsuit including the costs of the Receiver and/or private attorneys hired by the Homeowners in an amount not to exceed \$250,000. The Mayor is authorized to waive the repayment of the loan in his discretion, provided the HOA has taken all reasonable steps to recover the costs through other available methods and has taken all reasonable steps to organize and operate and fund itself for the benefit of the residents and has addressed, to the satisfaction of the Mayor, the County code violations within the HOA.

The foregoing resolution was sponsored by Commissioner Joe A. Martinez and 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:

Bruno A. Barreiro, Chairman  
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of November, 2007. 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.



Thomas H. Robertson

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