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MEMORANDUM

Agenda Item No. 3(I)

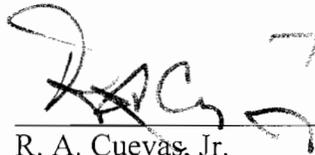
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: September 9, 2008

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

SUBJECT: Resolution directing the
County Mayor or his designee
to explore resolution of
mitigation payment disagreement
with the Town of Miami Lakes,
Village of Palmetto Bay and
City of Doral

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Katy Sorenson.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM
(Revised)

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

DATE: October 7, 2008

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

SUBJECT: Agenda Item No.

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.
10-7-08

RESOLUTION NO. _____

RESOLUTION DIRECTING COUNTY MAYOR OR HIS
DESIGNEE TO EXPLORE RESOLUTION OF MITIGATION
PAYMENT DISAGREEMENT WITH THE TOWN OF MIAMI
LAKES, VILLAGE OF PALMETTO BAY AND CITY OF
DORAL

WHEREAS, the Town of Miami Lakes, Village of Palmetto Bay and City of Doral and have been in a protracted dispute with Miami-Dade County over the issue of mitigation payments; and

WHEREAS, the Circuit Court recently ruled that the State Law that relieved the municipalities' obligation to make mitigation payments is unconstitutional; and

WHEREAS, the Circuit Court's ruling presents an opportunity to resolve the dispute between these municipalities and the County; and

WHEREAS, it is in the public interest that the County's and municipalities' limited resources not be used in unnecessary litigation and that every attempt be made to explore alternative methods for dispute resolution,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Mayor or his designee explore resolution of the dispute that the aforementioned municipalities have with Miami-Dade County over their mitigation payments.

The Prime Sponsor of the foregoing resolution is Commissioner Katy Sorenson. It 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:

- | | |
|----------------------|------------------------------------|
| | 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 | |

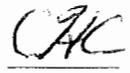
The Chairman thereupon declared the resolution duly passed and adopted this 7th day of October, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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