MEMORANDUM

Agenda Item No. 11(A)(14)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	October 7, 2008
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution directing County Mayor to explore resolution of mitigation payment disagreement with the Town of Miami Lakes, Village of Palmetto Bay and City of Doral

This resolution was amended by the Governmental Operations & Environment Committee to delete the words stricken through and to add the words underlined, as indicated in the item.

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/jls

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. 11(A)(14)

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)(14)
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 have been in a protracted dispute with Miami-Dade County over the issue of mitigation payments; and

WHEREAS, there is a proposed resolution currently under consideration by the Board to resolve the dispute regarding the Town of Miami Lakes' mitigation payments and;[1]

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~~ Village of

[1] Committee amendments are indicated as follows: words double-stricken through are deleted, words double-underlined are added.

Palmetto Bay and City of Doral have with Miami-Dade County over their mitigation payments, along the lines of the proposed resolution for the Town of Miami Lakes in order to be equitable and fair.

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. CHC

Craig H. Coller