



MEMORANDUM

GOE

Agenda Item No. 3(K)

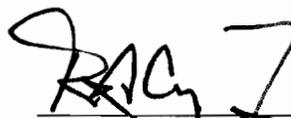
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: December 9, 2008

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

SUBJECT: Resolution urging the Florida
Department of Community
Affairs to negotiate with
Miami-Dade County in an
effort to resolve the pending
dispute over the April 2007-08
cycle applications to amend the
CDMP

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

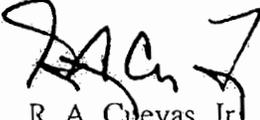


MEMORANDUM

(Revised)

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

DATE: November 18, 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.
11-18-08

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS TO NEGOTIATE WITH MIAMI-DADE COUNTY IN AN EFFORT TO RESOLVE THE PENDING DISPUTE OVER THE APRIL 2007-08 CYCLE APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) INCLUDING THE OPTION OF RETURNING THESE TWO PARCELS TO THEIR ORIGINAL DESIGNATIONS

WHEREAS, Applications No. 5 and No. 8 of the April 2007-08 Cycle applications to amend the Miami-Dade County Comprehensive Development Master Plan (CDMP) proposed expanding the Urban Development Boundary (UDB) to add the properties that were the subjects of those applications to the urbanized area and to redesignate the subject properties as follows: for Application No. 5, from “Open Land” to “Business and Office” and “Institutions, Utilities, and Communications”; and, for Application No. 8, from “Agriculture” to “Business and “Office”; and

WHEREAS, on April 24, 2008, this Board adopted Ordinances No. 08-44 and No. 08-45, taking final action to adopt Applications No. 5 and No. 8, respectively, to approve the expansion of the UDB and the redesignation of the subject properties, and to accept restrictive covenants in connection therewith; and

WHEREAS, the Florida Department of Community Affairs (DCA) has issued a Statement of Intent (SOI) and Notice of Intent (NOI) to find the adopted Applications No. 5 and No. 8 “not in compliance” with the applicable laws; and

WHEREAS, pursuant to Section 163.3184(10), Fla. Stat., DCA has commenced an administrative proceeding styled *Department of Community Affairs v. Miami-Dade County*, Case

No. 08-3614GM, before an Administrative Law Judge (ALJ) of the Florida Division of Administrative Hearings, at the conclusion of which the ALJ will issue a recommended order to the Administration Commission addressing whether the adopted Applications No. 5 and No. 8 are “in compliance” with the applicable laws; and

WHEREAS, various third parties have intervened in the administrative proceeding, both for and against the adopted Applications No. 5 and No. 8, and some of the intervenors have not only adopted DCA’s objections but have also lodged additional objections; and

WHEREAS, in a difficult budget year, this Board must make difficult decisions about how to best allocate limited resources; and

WHEREAS, extended litigation in this matter is not in the current best interests of the County, and the Board wishes to avoid the expense, delay, and uncertainty of litigation by pursuing settlement negotiations with DCA; and

WHEREAS, section 163.3184(16) of the Florida Statutes sets forth a process for DCA and a local government to enter into a settlement agreement to resolve a dispute concerning whether a CDMP amendment is “in compliance”,

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

Section 1. Urges the Florida Department of Community Affairs to negotiate with Miami-Dade County through the Mayor or designee in an effort to resolve the pending dispute over the April 2007-08 cycle applications to amend the Comprehensive Development Master Plan (CDMP) including the option of returning these two parcels to their original designations.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Secretary of the Florida Department of Community Affairs.

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
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

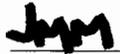
The Chairman thereupon declared the resolution duly passed and adopted this 18th day of November, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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.



Jess M. McCarty