

Memorandum



Date: November 20, 2008

Supplement to
Agenda Item No. 12(A)1

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

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of the County Manager.

Subject: Phase-out of Mitigation

The Board of County Commissioners (BCC) expressed its intent to phase out mitigation through the adoption of Resolution No. R-508-07 on April 30, 2007. At the September 16, 2008 meeting, the BCC adopted Resolution No. R-973-08 approving an amendment to the Town of Miami Lakes Charter eliminating all future mitigation payments after the payment of mitigation for FY 2006-07 and removing the "Most Favored Nations" clause as it applies to mitigation. This resolution requires the Town of Miami Lakes to pay mitigation for seven years from the date of their incorporation.

At the Board's direction, County staff met with the City of Doral and Village of Palmetto Bay representatives to negotiate the phase-out of mitigation payments made by the respective cities. As a result of those meetings, the resolutions on today's agenda provide for the phase-out of mitigation for the City of Doral and Village of Palmetto Bay.

The resolution phasing-out the Village of Palmetto Bay's mitigation payments requires the Village to pay mitigation until FY 2008-09. This resolution is consistent with the terms of Resolution No. R-973-08: the Village will pay mitigation for the same time period as the Town of Miami Lakes. The Village is also required to eliminate the "Most Favored Nations" clause in the Village Charter as it pertains to mitigation. The Village will also agree to dismiss the *Village of Palmetto Bay v. Miami-Dade County* Case No: 08-14156 CA 27. The Village will submit to the County Attorney the ballot question consistent with the provisions of the resolution for approval.

The resolution phasing-out the City of Doral's mitigation payments requires the City to pay mitigation until FY 2009-10. This resolution is consistent with the terms of Resolution No. R-973-08: the City will pay mitigation for seven years following its incorporation, as will the Town of Miami Lakes and Village of Palmetto Bay. Additionally, the City of Doral's mitigation payment will be adjusted to mirror the mitigation calculation methodology applied to the Town of Miami Lakes and the Village of Palmetto Bay, representing one mill of property tax based on the year of incorporation. Doral's mitigation payment based on the methodology applied to the other cities will be \$5.547 million for FY 2006-07. All future mitigation payments will be adjusted by the Consumer Price Index until the last payment due for FY 2009-10. The City is also required to eliminate the "Most Favored Nations" clause in the Village Charter as it pertains to mitigation. The City will also agree to dismiss the *City of Doral v. Miami-Dade County* Case No: 3D08-1725. The City will submit to the County Attorney the ballot question consistent with the provisions of the resolution for approval.

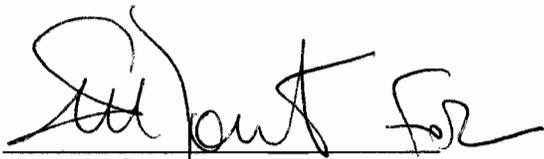
Additionally on today's agenda is a resolution approving a charter amendment to the charters of Miami Lakes, Palmetto Bay, Doral, Miami Gardens, and Cutler Bay removing the requirement to contract for specialized police services with the County. With the adoption of the FY 2006-07 budget, the County began a three year phase-out of specialized police service payments from the cities. The cost for these services was transferred to the countywide budget as it is for cities created prior to Miami Lakes. Because the cities are no longer paying for these services, their respective charters need to be amended to remove the requirement that the cities contract and pay for specialized police services. The resolution

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also requires that the cities remove from their respective charters the provision of "Favored Nation Status" as it applies to specialized police services.

Once the ballot language is approved by the County Attorney for both the mitigation phase-out and specialized police services phase-out, the elections should be held prior to April of 2009. Because the County is requiring that the cities amend their charters with respect to the specialized police services, the additional question for Miami Lakes, Palmetto Bay and Doral may be included along with the specialized police amendment. The County will pay for a mail ballot election with the specialized police amendment question for all of the cities.

Following the successful resolution of the mitigation phase-out for newly incorporated municipalities, staff will develop a policy requiring mitigation for annexation areas. This policy will be presented to the Governmental Operations and Environment Committee for consideration.

A handwritten signature in black ink, appearing to read "Jennifer Glazer-Moon", written over a horizontal line.

Jennifer Glazer-Moon
Director, Office of Strategic Business Management