

MEMORANDUM

Agenda Item No. 11(A)(30)

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

DATE: November 20, 2008

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

SUBJECT: Resolution approving an amendment to the City of Doral's Charter providing for reduction in the amount of mitigation for Fiscal Years 06-07 through 2010-2011 and eliminating mitigation payments to the County

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



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(Revised)

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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)(30)
11-20-08

RESOLUTION NO. _____

RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF DORAL'S CHARTER PROVIDING FOR REDUCTION IN THE AMOUNT OF MITIGATION FOR FISCAL YEARS 2006-07 THROUGH 2010-2011 AND ELIMINATING MITIGATION PAYMENTS TO MIAMI-DADE COUNTY THEREAFTER, UPON CERTAIN CONDITIONS

WHEREAS, Section 6.05 of the Miami-Dade County Home Rule Charter requires an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners then in office to approve the amendment of any pre-agreed condition contained in a municipal charter of a municipality prior to a vote of the municipality's electorate; and

WHEREAS, in the Incorporation/Annexation and Mitigation Workshop of the Governmental, Operations and Environment Committee of the Board of County Commissioners, the Town of Miami Lakes, the Village of Palmetto Bay and the City of Doral discussed the phasing out of mitigation payments to the County, which was voted upon by the electors as a pre-agreed condition contained in their respective municipal charters; and

WHEREAS, the Board expressed its intent to phase out mitigation through the adoption of Resolution No. R-508-07; and

WHEREAS, the Board being duly advised, acting in furtherance of the County's Home Rule powers, desires to phase out mitigation payments made by the City of Doral in an orderly manner, as set forth in this resolution upon certain conditions; and

WHEREAS, Section 9.8 (A) of the City of Doral Charter relating to “Favored Nation Status” provides that under certain circumstances the City’s mitigation contribution be modified depending on the terms granted to a subsequently incorporated area; and

WHEREAS, as part of the phase out of the City of Doral’s mitigation payments, the Board desires to modify the calculation of payments previously owed to the County to one mill consistent with payment obligations of the Town of Miami Lakes and the Village of Palmetto Bay; and

WHEREAS, the Board desires to approve the modification of the City of Doral’s charter to provide for payment of mitigation for fiscal year 2006-2007 to such amount which would equal one mill of the value of taxable real property within the boundaries of the City on the date the incorporation was approved, which amount equals \$5,546,632; modify the fiscal year 2007-2008 mitigation payment to such amount which would equal the mitigation payment due for fiscal year 2006-2007, as adjusted by the Consumer Price Index, which amount equals \$5,779,590; modify the fiscal year 2008-09 mitigation payment to such amount which would equal the mitigation payment due for fiscal year 2007-2008, as adjusted by the Consumer Price Index, which amount is estimated to equal \$6,010,774; such payment shall be made on or before September 30, 2009; modify the fiscal year 2009-2010 mitigation payment to such amount which would equal the mitigation payment due for fiscal year 2008-2009, as adjusted by the Consumer Price Index, which amount is estimated to equal \$6,251,205; such payment shall be made on or before September 30, 2010; to eliminate the obligation to make any mitigation payment for fiscal year 2010-2011 and future fiscal years; eliminate the above referenced “Most Favored Nation Status” as it applies to the City of Doral’s contribution to the Municipal Services Trust Fund (Section 9.8 (A) of the City of Doral Charter); and

WHEREAS, the Board's authorization for the modification of the City of Doral's Charter is conditioned upon payment of \$5,546,632 towards the mitigation payment due for fiscal year 2006-2007; and \$5,779,590 towards the mitigation payment due for fiscal year 2007-2008; and voluntary dismissal with prejudice of *City of Doral v. Miami-Dade County*, Case No: 3D08-1725; and approval by the County Attorney of the form of the City of Doral's ballot question consistent with the provisions of this resolution,

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

Section 1. The Board of County Commissioners by an affirmative vote of two-thirds (2/3) of its members approves a ballot question which authorizes an amendment to the City of Doral's charter to:

- A. Modify the fiscal year 2006-2007 mitigation payment to such amount which would equal one mill of the value of taxable real property within the boundaries of the City on the date the incorporation was approved, which amount equals \$5,546,632;
- B. Modify the fiscal year 2007-2008 mitigation payment to such amount which would equal the mitigation payment due for fiscal year 2006-2007, as adjusted by the Consumer Price Index, which amount equals \$5,779,590;
- C. Modify the fiscal year 2008-09 mitigation payment to such amount which would equal the mitigation payment due for fiscal year 2007-2008, as adjusted by the Consumer Price Index, which amount is estimated to equal \$6,010,774; such payment shall be made on or before September 30, 2009;

- D. Modify the fiscal year 2009-2010 mitigation payment to such amount which would equal the mitigation payment due for fiscal year 2008-2009, as adjusted by the Consumer Price Index, which amount is estimated to equal \$6,251,205; such payment shall be made on or before September 30, 2010;
- E. To eliminate the obligation to make any mitigation payment for fiscal year 2010-2011 and future fiscal years; and
- F. Eliminate the above referenced "Most Favored Nation Status" as it applies to the City of Doral's contribution to the Municipal Services Trust Fund (Section 9.8 (A) of the City of Doral Charter).

Section 2. This resolution shall be effective only upon the City of Doral's payment of \$5,546,632 towards the mitigation payment due for fiscal year 2006-2007; and \$5,779,590 towards the mitigation payment due for fiscal year 2007-2008; approval by the County Attorney of the form of the City of Doral's ballot question consistent with the provisions of this resolution and voluntary dismissal with prejudice of *City of Doral v. Miami-Dade County*, Case No: 3D08-1725 which voluntary dismissal shall be held in escrow by the County Attorney and shall not be filed unless and until the time for the special election as set forth in Section 1 of this resolution has been held.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. 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 20th 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.



Craig H. Coller / Cynthia Johnson-Stacks