

# Memorandum



**Date:** June 3, 2010

**To:** Honorable Dennis C. Moss, Chairman  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

**Subject:** Resolution Calling for a Special Election to Modify the Miami-Dade County Home Rule Charter to allow the Miami-Dade County Board of County Commissioners to Abolish a Municipality with Twenty or Fewer Electors

Agenda Item No. 8(L)(1)(A)

## **Recommendation**

It is recommended that the Miami-Dade County Board of County Commissioners (BCC) approve the attached resolution calling for a special election to be held in conjunction with a State of Florida primary election on August 24, 2010. This election will determine if the Miami-Dade County Home Rule Charter (Charter) is amended to allow the BCC to abolish a municipality with twenty or fewer electors.

## **Scope**

This item will have a County-wide impact. Currently the only municipality with twenty or fewer electors is the City of Islandia located in Commission District 9.

## **Fiscal Impact**

This item may have a fiscal impact on the County. Should any municipality's electorate fall below twenty-one persons, the BCC may consider abolishing that municipality. Depending on the services provided and revenues generated in the area, the impact to the County may be positive or negative.

## **Track Record/Monitor**

The Office of Strategic Business Management currently oversees all incorporation and annexation issues for the County and will continue to do so.

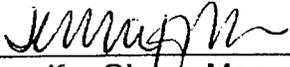
## **Background**

Currently the Miami-Dade County Charter does not contain any provision for the abolition of a municipality where there is no representation. Article 6 of the Charter does make provisions for cities to remain in existence and can only be abolished with approval from a majority of its electors voting in an election for that purpose.

The City of Islandia was created by the BCC in 1960 by Ordinance 60-45 and later approved by 12 voters. Islandia is located in Biscayne Bay, just north of Key Largo consisting of 33 specs of land with Elliot Key being the largest piece of land. The city was formed with the idea of developing the area with luxury hotels, golf courses, waterfront homes and connecting it to the mainland with a bridge. Because the plans for development were so audacious, conservationists fought the idea and the Department of the Interior began to purchase property and now owns most of the island and it is part of Biscayne National Park.

Honoarable Chairman Dennis C. Moss  
and Members Board of County Commissioners  
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On January 11, 2010, the members of the Florida Legislature Joint Legislative Auditing Committee adopted a motion to encourage Miami-Dade County to proceed with the dissolution of the City of Islandia. According to the Florida Department of Revenue, the Islandia has failed to file reports required by the State including TRIM compliance and Annual Financial Reports since 1998. According to the Miami-Dade Tax Collector's Office, the City of Islandia has not filed the proper paperwork to collect the tax revenue associated with the City. Additionally, the Office of the Property Appraiser has not had any contact with the City Clerk or any other official contact for the city in years.

  
\_\_\_\_\_  
Jennifer Glazer-Moon  
Director, Office of Strategic Business Management

cmo12710



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss      **DATE:** June 3, 2010  
and Members, Board of County Commissioners

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

**SUBJECT:** Agenda Item No. 8(L)(1)(A)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(L)(1)(A)  
6-3-10

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE THE AUTHORITY TO ABOLISH A MUNICIPALITY BY ORDINANCE WHERE SUCH MUNICIPALITY HAS TWENTY OR FEWER ELECTORS AT THE TIME OF ADOPTION OF THE ORDINANCE ABOLISHING THE MUNICIPALITY

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

Section 1. A county-wide special election is hereby called and shall be held in Miami-Dade County, Florida, on August 24, 2010, for the purpose of submitting to the qualified electors of Miami- Dade County, a proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such special election shall be published in accordance with Section 100.342, Florida Statutes 2009.

Section 3. The result of such special election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such special election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida, shall be entitled to vote at said special election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such special election, at which time the registration books will close in accordance with the provisions of the general election laws. The question shall appear on the ballot in substantially the following form:

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HOME RULE CHARTER AMENDMENT AUTHORIZING COUNTY  
COMMISSION TO  
ABOLISH MUNICIPALITIES OF TWENTY OR FEWER ELECTORS

SHALL THE MIAMI-DADE COUNTY HOME RULE CHARTER BE AMENDED TO ADD TO THE PROVISION THAT NO MUNICIPALITY SHALL BE ABOLISHED WITHOUT THE MUNICIPAL GOVERNING BODY CALLING AN ELECTION AND WITHOUT THE APPROVAL OF A MAJORITY OF ELECTORS AT SUCH ELECTION TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS MAY BY ORDINANCE ABOLISH MUNICIPALITIES WITH TWENTY OR FEWER ELECTORS?

YES

NO

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in

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connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

The foregoing resolution 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:

- |                                 |                    |
|---------------------------------|--------------------|
| Dennis C. Moss, Chairman        |                    |
| Jose "Pepe" Diaz, Vice-Chairman |                    |
| Bruno A. Barreiro               | Audrey M. Edmonson |
| Carlos A. Gimenez               | Sally A. Heyman    |
| Barbara J. Jordan               | Joe A. Martinez    |
| Dorin D. Rolle                  | Natacha Seijas     |
| Katy Sorenson                   | Rebeca Sosa        |
| Sen. Javier D. Souto            |                    |

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 2010. 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

ARTICLE-6<sup>1</sup>

MUNICIPALITIES

Section 6.01 Continuance of Municipalities

The municipalities in the county shall remain in existence so long as their electors desire. No municipality in the county shall be abolished without approval of a majority of its electors voting in election called for that purpose. >>Notwithstanding any provision of the Charter, the Board of County Commissioners shall have the authority to abolish a municipality by ordinance where such municipality has twenty or fewer electors at the time of adoption of the ordinance abolishing the municipality.<< The right of self determination in local affairs is reserved and preserved to the municipalities except as otherwise provided in this Charter.

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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