

MEMORANDUM

Supplement  
Agenda Item No. 12(A)(1)

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

**FROM:** R. A. Cuevas, Jr. County Attorney      **SUBJECT:** Supplemental information to Sweetwater Annexation

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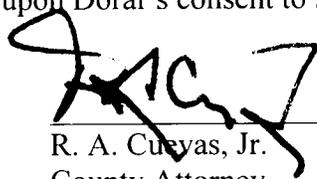
The Home Rule Charter provides that the County Commission may approve a change to a municipality's boundaries only with "the approval of the municipal governing bodies concerned..." Sec. 6.04B.

The City of Sweetwater petitioned the County Commission to annex certain unincorporated areas, including Dolphin Mall. The petition was referred to the Planning Advisory Board ("PAB"). During the hearing on the City of Sweetwater's petition, Doral appeared before the PAB and indicated that it had filed a competing petition with the County to annex Dolphin Mall. The PAB issued a recommendation supporting Sweetwater's request.

The Board of County Commissioner at its October 8, 2009 meeting, deferred referring Doral's annexation request to the PAB.

Sweetwater's petition is before this Committee for public hearing. At the conclusion of the hearing, this Committee may recommend that the Board of County Commissioners take any one of three options with regard to Sweetwater's annexation request: 1) the County Attorney be directed to prepare an ordinance approving the annexation; 2) the Commission deny the annexation request; or 3) the Commission defer the annexation request.

Since Sweetwater and Doral have petitioned to annex Dolphin Mall from the unincorporated area into the boundaries of their city, they are therefore both "concerned" with the annexation of Dolphin Mall, as that term is used in Sec. 6.04B of the Charter. Thus, their governing bodies must both consent to annexation of Dolphin Mall in order to effectuate an annexation to either city. Accordingly, this is to advise that if the Board of County Commissioners directs preparation of an ordinance approving Sweetwater's annexation of Dolphin Mall, the effectiveness of such ordinance must, under the Charter, be conditioned upon Doral's consent to such annexation.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/cp