



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 23, 2012

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

SUBJECT: Agenda Item No. 5(C)(1)

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. 5(C)(1)
10-23-12

RESOLUTION NO. _____

RESOLUTION CALLING SPECIAL ELECTION IN SPECIAL TAXING DISTRICT FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS RESIDING IN HIGHLAND GARDENS SECURITY GUARD SPECIAL TAXING DISTRICT, FOR THEIR APPROVAL OR DISAPPROVAL, ORDINANCE ABOLISHING SAID DISTRICT PURSUANT TO SECTION 1.01(A)(11) OF THE MIAMI-DADE COUNTY CHARTER

WHEREAS, on _____, this Board passed Ordinance No. _____ abolishing the HIGHLAND GARDENS SECURITY GUARD SPECIAL TAXING DISTRICT; and

WHEREAS, pursuant to Section 1.01(A)(11) of Miami-Dade County Charter the Board of County Commissioners has the authority to discontinue service within and abolish special taxing districts established pursuant to Chapter 18 of the Miami-Dade County Code; and

WHEREAS, the Board of County Commissioners desires to comply with the wishes of the majority of the resident property owners within the District,

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

Section 1. In accordance with the provisions of Section 18-3(f) of the Code of Miami-Dade County, Florida, a special election is hereby called and shall be held within the boundaries of the HIGHLAND GARDENS SECURITY GUARD SPECIAL TAXING DISTRICT, Miami-Dade County, Florida, for the purpose of submitting to the qualified electors residing in the said District, for their approval or disapproval, Ordinance No. _____ entitled:

ORDINANCE ABOLISHING THE HIGHLAND GARDENS SECURITY GUARD SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

Section 2. Notice of such special election shall be published in accordance with Section 100.342, Florida Statutes, 1993.

Section 3. The results of such special election shall be determined by a majority of the qualified electors in the HIGHLAND GARDENS SECURITY GUARD SPECIAL TAXING DISTRICT voting at such special election. All qualified electors residing in the HIGHLAND GARDENS SECURITY GUARD SPECIAL TAXING DISTRICT shall be entitled to vote at said special election.

Section 4. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until December 12, 2012, at which date the registration books shall close in accordance with the provisions of the general election laws.

Section 5. Mailed ballots, as prescribed by the Code of Miami-Dade County, shall be used in this special election. The Supervisor of Elections shall cause such ballots to be sent by mail to all qualified electors residing in said district, at least ten (10) calendar days prior to the date of said special election.

Section 6. The special election shall be held on January 10, 2013. All marked ballots must be received by 7:00 p.m. on the day of said election.

Section 7. The question which shall appear on the ballot shall be in substantially the following form:

Shall the special taxing district known and designated as the Highland Gardens Security Guard Special Taxing District be abolished, as provided for in County Ordinance No. _____?

YES
NO

Section 8. This special election shall be held and conducted in accordance with the County Code and other applicable provisions of the general laws relating to special elections. The County Mayor, the Finance Director, the Supervisor of Elections, 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.

Section 9. This special election shall be canvassed by the County Canvassing Board as provided under the election laws of this State, in accordance with the provisions of Section 2.07 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of October, 2012. 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.

Jorge Martinez-Esteve 