

MEMORANDUM

Agenda Item No. 8(H)(12)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution calling special election in the Biscayne Point Security Guard Special Taxing District located entirely within the boundaries of the City of Miami Beach, bounded on the north and west by Biscayne Bay, on the east by a canal running parallel to Hawthorne Avenue, and on the south by Biscayne Point Creek, for the purpose of submitting to qualified electors residing in the Special Taxing District, for their approval or disapproval, a resolution designating the City of Miami Beach as the governing body of the special taxing district pursuant to section 18-3.1 of the Code

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

APW/cp



MEMORANDUM
(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(H)(12)

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**
- _____ **Statement of social equity required**
- _____ **Ordinance creating a new board requires detailed County Mayor'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(H)(12)
11-7-17

RESOLUTION NO. _____

RESOLUTION CALLING SPECIAL ELECTION IN THE BISCAYNE POINT SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE CITY OF MIAMI BEACH, BOUNDED ON THE NORTH AND WEST BY BISCAYNE BAY, ON THE EAST BY A CANAL RUNNING PARALLEL TO HAWTHORNE AVENUE, AND ON THE SOUTH BY BISCAYNE POINT CREEK, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS RESIDING IN THE SPECIAL TAXING DISTRICT, FOR THEIR APPROVAL OR DISAPPROVAL, A RESOLUTION DESIGNATING THE CITY OF MIAMI BEACH AS THE GOVERNING BODY OF THE SPECIAL TAXING DISTRICT PURSUANT TO SECTION 18-3.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA

WHEREAS, on _____, this Board passed Resolution No. _____ approving the transfer of the Biscayne Point Security Guard Special Taxing District to the City of Miami Beach; and

WHEREAS, section 1.01 of the Home Rule Charter provides that the governing body of a municipality may be the governing body of a special taxing district located entirely within the municipality if the municipality assumes any and all liabilities of the special taxing district; and

WHEREAS, section 18-3.1 of the Code of Miami-Dade County, Florida, as amended, presently provides that a resolution approving the transfer of such a special taxing district shall take effect when approved by a majority vote of the qualified electors residing in the district voting at an election to be called by the Board and noticed and conducted in such manner as the Board shall by resolution determine,

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 18-3.1 of the Code of Miami Dade County, Florida, a special election is hereby called and shall be held within the boundaries of the Biscayne Point Security Guard Special Taxing District, for the purpose of submitting to the qualified electors residing in the said district, for their approval or disapproval, Resolution No. entitled:

RESOLUTION RELATING TO THE BISCAYNE POINT SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE CITY OF MIAMI BEACH, AND BOUNDED ON THE NORTH AND WEST BY BISCAYNE BAY, ON THE EAST BY A CANAL RUNNING PARALLEL TO HAWTHORNE AVENUE, AND ON THE SOUTH BY BISCAYNE POINT CREEK; TRANSFERRING THE SPECIAL TAXING DISTRICT TO THE CITY OF MIAMI BEACH IN ACCORDANCE WITH SECTION 18-3.1 OF THE CODE OF MIAMI-DADE COUNTY; APPROVING AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT FOR THE TRANSFER; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

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

Section 3. The results of such special election shall be determined by a majority of the qualified electors residing in the Biscayne Point Security Guard Special Taxing District voting at such special election. All qualified electors residing in the Biscayne Point 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 26, 2017 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 23, 2018. 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:

TRANSFER OF THE BISCAVNE POINT
SECURITY GUARD SPECIAL TAXING DISTRICT

Shall the City of Miami Beach become the governing body of the Biscayne Point Security Guard Special Taxing District so that the City, instead of Miami-Dade County, exercises ownership and control of the District as set forth in County Resolution No. and City Resolution 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 or County Mayor's designee, 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 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:

- | | |
|-------------------|-------------------------------------|
| | Esteban L. Bovo, Jr., Chairman |
| | Audrey M. Edmonson, Vice Chairwoman |
| Bruno A. Barreiro | Daniella Levine Cava |
| Jose "Pepe" Diaz | Sally A. Heyman |
| Barbara J. Jordan | Joe A. Martinez |
| 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 7th day of November, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Daija Page Lifshitz