

Memorandum



Date: March 24, 2023

Agenda Item No. 2(B)(12)
April 4, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Virginia Gardens Annexation Survey Results

On January 17, 2023, the Board of County Commissioners (Board) adopted a motion directing the County Mayor or County Mayor's designee to conduct a survey of the property owners in the proposed Virginia Gardens annexation area and to prepare and distribute a written report to the Board with the results of such survey on or before March 28, 2023.

The County's Office of Management and Budget (OMB) coordinated the survey in accordance with the provisions outlined in the adopted motion (See Attachment A).

A total of 520 real estate property folios are within the Virginia Gardens proposed annexation area. The survey was mailed to the property owners of each respective folio with instructions to return the prepaid postage survey postmarked by March 3, 2023, or to hand deliver at OMB. The survey required property owners, or persons authorized to respond on behalf of a property owner, to indicate whether they fare in favor or are opposed to the proposed boundary change by the Village of Virginia Gardens.

Of the 520 surveys mailed, 77 were received by the March 3rd deadline (a 14 percent return), 50 were returned by the US Postal Service as undeliverable and two were not signed. All the 75 completed surveys opposed the annexation.

Should you have any questions or concerns please contact Mr. Jorge Fernandez, Deputy Director Office of Management and Budget at 305-375-1543.

c: Geri Bonzon-Keenan, County Attorney
Gerald Sanchez, First Assistant County Attorney
Jess McCarty, Executive Assistant County Attorney
Office of the Mayor Senior Staff
David Clodfelter, Director, Office of Management and Budget
Basia Pruna, Director, Clerk of the Board
Yinka Majekodunmi, CPA, Commission Auditor
Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
Eugene Love, Agenda Coordinator

MOTION**Miami-Dade County ▪ Board of County Commissioners Meeting****January 17, 2023****Commissioner Cabrera's Motion Regarding****Item 7B (Legistar No. 222465) and Item 11A2 (Legistar No. 222578)****Assistant County Attorney: Abbie Schwaderer Raurell****Prime Sponsor(s): Commissioner Kevin Marino Cabrera**

Commissioner Cabrera moves to defer items 7B and 11A2 to no date certain and directs the County Mayor or County Mayor's designee to conduct a survey of the property owners in the proposed Virginia Gardens annexation area and to prepare and distribute a written report to this Board with the results of such survey on or before March 28, 2023. Thereafter, such report shall be placed on an agenda of the full Board without committee review, pursuant to Rule 5.06(j).

The survey shall be conducted pursuant to the following provisions, which are similar to the new annexation survey provisions contained in Ordinance No. 22-127 that generally apply at an earlier stage in the annexation process.

- (1) The County's Office of Management and Budget, or such other department as designated by the County Mayor, shall, as specified herein, prepare and mail a survey to each property owner within the proposed Virginia Gardens boundary change area to ascertain whether each such property owner is in favor of or against the proposed boundary change.
- (2) For purposes of this survey, "property" shall mean a parcel of real property within the proposed boundary change area that is identified by a folio number issued by the Miami-Dade County Property Appraiser, and the applicable list of property owners within a proposed boundary change area shall be based on information provided by the Miami-Dade County Property Appraiser.
- (3) The cost of the survey shall be paid by the Village of Virginia Gardens, which initiated the proposed boundary change.
- (4) This survey shall include:
 - a. a brief description of the proposed boundary change, including the boundaries of such area;
 - b. the current municipal services millage rate of the proposed boundary change area;
 - c. the current municipal services millage rate of the municipality to which the boundary change is proposed;
 - d. a brief statement, not to exceed 100 words, by the applicant as to why the applicant has requested the proposed boundary change;
 - e. a designated location on the survey where each property owner can indicate whether the owner is in favor of or against the proposed boundary change;
 - f. a designated location on the survey for the party completing the survey to affirm that such party has the authority to respond on behalf of the property owner or owners; and
 - g. instructions on the manner and timeframe in which the survey must be completed and returned to the County for consideration.

- (5) The County's Office of Management and Budget, or such other department as designated by the County Mayor, shall prepare the survey with respect to said proposed boundary change, and this survey shall be mailed to property owners in the proposed boundary change area. Property owners shall be provided a deadline by which to respond, which shall be at least 21 days from the date the County mails the survey. Survey responses which are received or postmarked on or before said deadline shall be counted, provided, however, that if the County receives multiple responses for the same property, then only the first response received and opened shall be counted and the remaining responses shall not be used to compute the percentage of property owners in favor of the proposed boundary change. A prepaid postage return envelope shall be included with each survey sent to property owners.
- (6) If a property has multiple owners, only one response may be counted per property. For any property owner that is not an individual, the responding party shall be required to affirm on the survey that such party has the authority to respond on behalf of said property owner or owners. If the County receives multiple responses for the same property, then only the first response received and opened shall be counted and the remaining responses shall not be used to compute the percentage of property owners in favor of or against the proposed boundary change. Notwithstanding anything stated to the contrary herein, the County Mayor and the County Mayor's designee are not precluded from providing information to the Board of County Commissioners as to discrepancies, or any other issues, with respect to survey responses.