

Approved _____ Mayor

Amended _____

Veto _____

Special Item No. 3

Override _____

4-30-07

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

RESOLUTION NO. R-508-07

RESOLUTION EXPRESSING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS, UPON THE REQUEST OF THE TOWN OF MIAMI LAKES, THE VILLAGE OF PALMETTO BAY, AND THE CITY OF DORAL, TO PHASE OUT MITIGATION FOR THOSE MUNICIPALITIES UNDER CERTAIN CIRCUMSTANCES AND REQUESTING THE GOVERNOR TO VETO ANY LEGISLATION ENACTED WHICH HAS THE EFFECT OF MAKING MUNICIPAL MITIGATION PAYMENTS RELATED TO INCORPORATION ILLEGAL

WHEREAS, in the Incorporation/Annexation and Mitigation Workshop of the Governmental, Operations and Environment Committee of the Board of County Commissioners, the Town of Miami Lakes, the Village of Palmetto Bay and the City of Doral discussed the phasing out of mitigation payments to the County, which were voted upon by the electors as a pre-agreed condition contained in their respective municipal charters; and

WHEREAS, the Board being duly advised, acting in furtherance of the County's Home Rule powers, desires to phase out mitigation payments made by these municipalities in an orderly manner, as set forth in this resolution; and

WHEREAS, the County Commission expresses its intent and commitment to approve a resolution of the Board approving the phase-out of mitigation in accordance with the terms of this resolution upon the municipalities' compliance with the terms of this resolution,

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

Section 1. The Board of County Commissioners expresses its intent to authorize modification of the charters of the Town of Miami Lakes, the Village of Palmetto Bay and the City of Doral to permit phase out mitigation as contemplated in this resolution, if the following conditions are met:

- 1) The modified charter of each municipality shall provide for payment of mitigation for seven payment years. It is provided, however, that no municipality may count as one of its seven payment years a payment which was made in the initial year of incorporation for a period of time less than seven months. In the eighth and subsequent years, no mitigation payment shall be required.
- 2) Each municipality shall present to the County a resolution of its governing body approving a ballot question and proposed amended provisions of its municipal charter, which must provide for the phase-out of mitigation as contemplated in this resolution and relinquishment of its most favored nations clause protections related to mitigation.
- 3) Such ballot question and proposed amended provisions shall be acceptable in form and substance to the County Commission and shall have identical proposed ballot questions and amended charter language.
- 4) Such ballot question and proposed amended charter provisions shall expressly provide that the amended charter shall not be effective, unless the voters of each of the three municipalities by affirmative vote of resident electors voting in their respective municipalities approve the proposed amendments.

- 5) Such elections shall be called by each of the respective municipalities on the same date and shall be by mail-ballot.
- 6) Each municipality shall submit to the Clerk of the Board of County Commissioners the resolutions, including draft ballot questions and proposed amended municipal charter provisions, prior to a County Commission vote to consider the municipalities' requests.

Section 2. The Governor is hereby requested to veto any legislation which has the effect of making municipal mitigation payments related to incorporation illegal.

Section 3. This Board directs the Clerk of the Board to transmit certified copies of the resolution to the Governor and the chair and members of the Miami-Dade State Legislative Delegation.

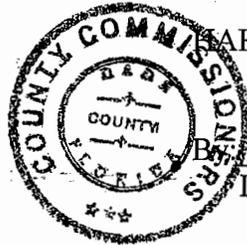
The foregoing resolution was sponsored by Chairman Bruno A. Barreiro and offered by Commissioner Bruno A. Barreiro, who moved its adoption. The motion was seconded by Commissioner Barbara J. Jordan and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 30th day of April , 2007. 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



KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CAC

Craig H. Coller



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 30, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Amended
Special Item No. 3

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

MEMORANDUM

Amended
Special Item No. 3

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 30, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution expressing intent
of the Board, upon request of
Town of Miami Lakes,
Village of Palmetto Bay and
City of Doral, to phase out
mitigation

R#508-07

The accompanying resolution was prepared and placed on the agenda at the request of Chairman Bruno A. Barreiro.



Murray A. Greenberg
County Attorney

MAG/bw