



**MEMORANDUM**

Amended  
Agenda Item No. 11(A)(30)

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

**DATE:** November 20, 2008

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

**SUBJECT:** Resolution approving an  
amendment to the City of Doral's  
Charter providing for reduction in  
in the amount of mitigation for Fiscal  
Years 06-07 through 2010-2011 and  
eliminating mitigation payments to  
the County

**Resolution No. R-1268-08**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

A handwritten signature in black ink, appearing to read "RAC", written over a horizontal line.

R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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R. A. Cuevas, Jr.  
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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

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Amended  
Agenda Item No. 11(A) (30)  
11-20-08

RESOLUTION NO. R-1268-08

RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF DORAL'S CHARTER PROVIDING FOR REDUCTION IN THE AMOUNT OF MITIGATION FOR FISCAL YEARS 2006-07 THROUGH 2010-2011 AND ELIMINATING MITIGATION PAYMENTS TO MIAMI-DADE COUNTY THEREAFTER, UPON CERTAIN CONDITIONS

**WHEREAS**, Section 6.05 of the Miami-Dade County Home Rule Charter requires an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners then in office to approve the amendment of any pre-agreed condition contained in a municipal charter of a municipality prior to a vote of the municipality's electorate; and

**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 was voted upon by the electors as a pre-agreed condition contained in their respective municipal charters; and

**WHEREAS**, the Board expressed its intent to phase out mitigation through the adoption of Resolution No. R-508-07; 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 the City of Doral in an orderly manner, as set forth in this resolution upon certain conditions; and

**WHEREAS**, Section 9.8 (A) of the City of Doral Charter relating to "Favored Nation Status" provides that under certain circumstances the City's mitigation contribution be modified depending on the terms granted to a subsequently incorporated area; and

**WHEREAS**, as part of the phase out of the City of Doral's mitigation payments, the Board desires to modify the calculation of payments previously owed to the County to one mill consistent with payment obligations of the Town of Miami Lakes and the Village of Palmetto Bay; and

**WHEREAS**, the Board desires to approve the modification of the City of Doral's charter to provide for payment of mitigation for fiscal year 2006-2007 to such amount which would equal one mill of the value of taxable real property within the boundaries of the City on the date the incorporation was approved, which amount equals \$5,546,632; modify the fiscal year 2007-2008 mitigation payment to such amount which would equal the mitigation payment due for fiscal year 2006-2007, as adjusted by the Consumer Price Index, which amount equals \$5,779,590; modify the fiscal year 2008-09 mitigation payment to such amount which would equal the mitigation payment due for fiscal year 2007-2008, as adjusted by the Consumer Price Index, which amount is estimated to equal \$6,010,774; such payment shall be made on or before September 30, 2009; modify the fiscal year 2009-2010 mitigation payment to such amount which would equal the mitigation payment due for fiscal year 2008-2009, as adjusted by the Consumer Price Index, which amount is estimated to equal \$6,251,205; such payment shall be made on or before September 30, 2010; to eliminate the obligation to make any mitigation payment for fiscal year 2010-2011 and future fiscal years; eliminate the above referenced "Most Favored Nation Status" as it applies to the City of Doral's contribution to the Municipal Services Trust Fund (Section 9.8 (A) of the City of Doral Charter); and

**WHEREAS**, the Board's authorization for the modification of the City of Doral's Charter is conditioned upon payment of \$5,546,632 towards the mitigation payment due for fiscal year 2006-2007; and \$5,779,590 towards the mitigation payment due for fiscal year

2007-2008; and voluntary dismissal with prejudice of *City of Doral v. Miami-Dade County*, Case No: 3D08-1725; and approval by the County Attorney of the form of the City of Doral's ballot question consistent with the provisions 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 by an affirmative vote of two-thirds (2/3) of its members approves a ballot question which authorizes an amendment to the City of Doral's charter to:

- A. Modify the fiscal year 2006-2007 mitigation payment to such amount which would equal one mill of the value of taxable real property within the boundaries of the City on the date the incorporation was approved, which amount equals \$5,546,632;
- B. Modify the fiscal year 2007-2008 mitigation payment to such amount which would equal the mitigation payment due for fiscal year 2006-2007, as adjusted by the Consumer Price Index, which amount equals \$5,779,590;
- C. Modify the fiscal year 2008-09 mitigation payment to such amount which would equal the mitigation payment due for fiscal year 2007-2008, as adjusted by the Consumer Price Index, which amount is estimated to equal \$6,010,774; such payment shall be made on or before September 30, 2009;
- D. Modify the fiscal year 2009-2010 mitigation payment to such amount which would equal the mitigation payment due for fiscal year 2008-2009, as adjusted by the Consumer Price Index, which amount is estimated to

equal \$6,251,205; such payment shall be made on or before September 30, 2010;

- E. To eliminate the obligation to make any mitigation payment for fiscal year 2010-2011 and future fiscal years; and
- F. Eliminate the above referenced "Most Favored Nation Status" as it applies to the City of Doral's contribution to the Municipal Services Trust Fund (Section 9.8 (A) of the City of Doral Charter).

**Section 2.** This resolution shall be effective only upon the City of Doral's payment of \$5,546,632 towards the mitigation payment due for fiscal year 2006-2007 and \$5,779,590 towards the mitigation payment due for fiscal year 2007-2008; approval by the County Attorney of the form of the City of Doral's ballot question consistent with the provisions of this resolution; voluntary dismissal with prejudice of *City of Doral v. Miami-Dade County*, Case No: 3D08-1725, which voluntary dismissal shall be held in escrow by the County Attorney and shall not be filed unless and until the time for the special election as set forth in Section 1 of this resolution has been held; and general release of any claim which the City of Doral has against Miami-Dade County relating to mitigation pursuant to the City of Doral's Charter, which release shall be given under the condition that it shall not be effective unless and until a special election is held as set forth in Section 1 of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. It was offered by Commissioner Jose "Pepe" Diaz, who moved its adoption. The motion was seconded by Commissioner Katy Sorenson 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	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	absent
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairman thereupon declared the resolution duly passed and adopted this 20<sup>th</sup> day of November, 2008. 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: Kay Sullivan  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

CAC/GJS

Craig H. Coller / Cynthia Johnson-Stacks