

MEMORANDUM

Agenda Item No. 11(A)(11)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

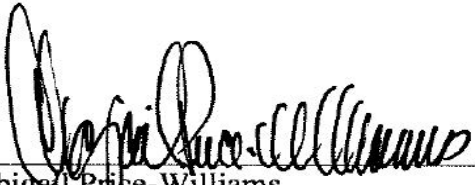
DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution calling special
election in Miami-Dade County,
Florida, to be held on January 26,
2021, for the purpose of
submitting to qualified electors
within the boundaries as set forth
herein the question of whether
the described area should be
annexed to the City of North
Miami, Florida; providing that
the resolution will only become
effective upon the occurrence of
certain events

Resolution No. R-1028-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.


Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 6, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(11)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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. 11(A)(11)
10-6-20

RESOLUTION NO. R-1028-20

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON JANUARY 26, 2021, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES AS SET FORTH HEREIN THE QUESTION OF WHETHER THE DESCRIBED AREA SHOULD BE ANNEXED TO THE CITY OF NORTH MIAMI, FLORIDA; PROVIDING THAT THE RESOLUTION WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS

WHEREAS, on February 19, 2020, the Board adopted Resolution No. R-203-20 directing the County Attorney to prepare the appropriate ordinance, interlocal agreement and ballot language to effectuate the annexation request; and

WHEREAS, on October 6, 2020, this Board adopted Ordinance No. 20-106 (the “Ordinance”), which would change the boundaries of the City of North Miami, Florida (the “City”), and amend the City’s charter to provide for the annexation of certain lands identified by legal description, provided for reservation to the County of utility tax revenues, and provided for the County’s retention of garbage and refuse collection and disposal; and

WHEREAS, such ordinance provides that it will only take effect upon the occurrence of certain preconditions; and

WHEREAS, one precondition is that the County must continue to collect and receive all utility tax revenues accruing within the annexed area in the same manner as though the annexed area remained a part of the unincorporated areas of the County; and

WHEREAS, another precondition is that the County must continue to collect and dispose of all residential waste within the annexed area in the same manner as though such annexed areas remained part of the unincorporated areas of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through interlocal agreement; and

WHEREAS, another precondition is that the City must execute a duly authorized interlocal agreement acceptable to the County wherein the City agrees, among other things, to pay to the County the annexed area's prorated share of the Stormwater Utility Revenue Bonds debt service; and

WHEREAS, the City has represented that it will enter into an interlocal agreement with the County which includes, but is not limited to, the above-mentioned preconditions, and the County has relied upon that representation in exercising its discretion to approve the annexation; and

WHEREAS, the final precondition is that the annexation must be approved by a majority vote of the electors residing within the area to be annexed and voting in an election to be called by this Board; and

WHEREAS, indeed, pursuant to section 6.04 (B) of the Miami-Dade County Home Rule Charter, a majority vote of the qualified electors residing in the area to be annexed is required for the annexation described in Ordinance No. 20-106; and

WHEREAS, this Board desires that a mail ballot election be used for this purpose; and

WHEREAS, the Miami-Dade County Supervisor of Elections has authorized a mail ballot for this purpose; and

WHEREAS, the City has agreed to bear all costs of the mail ballot election in accordance with Florida law; and

WHEREAS, Ordinance No. 96-04 and sections 101.6102 and 101.6103, Florida Statutes, provide the rules and procedures for the conduct of mail ballot elections,

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 the Miami-Dade County Home Rule Charter and the Code of Miami-Dade County, a special mail ballot election is hereby called and shall be held within the boundaries of the area described in this Resolution, as generally shown on the map included as Attachment A, for the purpose of submitting to the qualified electors residing therein the question of whether the area described in this Resolution should be annexed to the City of North Miami, Florida. The boundaries of the incorporated area proposed for annexation to the City of North Miami, Florida are within the following described bounds:

CITY OF NORTH MIAMI, FLORIDA SUNKIST ANNEXATION AREA

Legal Description

The E 1/2 of the NW 1/4 of the NW 1/4 and the W 1/2 of the NE 1/4 of the NW 1/4 of Section 26, Township 52 South, Range 41 East.

The Supervisor of Elections is authorized to take all actions necessary, including modifying the boundaries of any precinct, to assure that only the qualified electors residing in the boundaries of the proposed annexation area to the City of North Miami, Florida vote on the annexation question set forth herein.

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

Section 3. The results of such special mail ballot election shall be determined by a majority of the qualified electors residing within the said area voting at such special mail ballot election. All qualified electors residing with the said area shall be entitled to vote at said special mail ballot election.

Section 4. Mail ballots are hereby authorized for such special mail ballot election pursuant to sections 101.6101 through 101.6107, Florida Statutes, and Ordinance No. 20-106. The Supervisor of Elections shall cause such ballots to be sent by mail to all qualified electors residing in the proposed annexed area at least ten (10) calendar days prior to the date of the special election.

Section 5. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such special mail ballot election, at which time the registration books will close in accordance with the provisions of the general election laws.

Section 6. The special election shall be held on January 26, 2021. 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:

Annexation to the City of North Miami

Shall the area within the general boundaries described below, as more particularly shown on the map enclosed herewith, be annexed to the City of North Miami?

Northernmost boundary: NW 135 Street

Easternmost boundary: NW 13 Avenue

Southernmost boundary: NW 131 Street

Westernmost boundary: NW 16 Avenue

Yes ☐

No ☐

Section 8. Such question shall appear on the ballot as a separate question or proposal. Those qualified electors desiring to adopt or approve such proposal shall be instructed to vote “YES”. Those qualified electors desiring to reject or disapprove the proposal shall be instructed to vote “NO”.

Section 9. This special mail ballot election shall be held and conducted in accordance with the Miami-Dade County Code and other applicable provisions of the general laws relating to special elections and mail ballot elections. The County Mayor or the 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 effectuate and accomplish the provisions of this Resolution.

Section 10. This special election shall be canvassed by the Miami-Dade County Canvassing Board as provided under the election laws of this state, and in accordance with the provisions of section 3.07 of the Miami-Dade County Home Rule Charter.

Section 11. This Resolution shall not be effective unless and until there has been compliance with the provisions of sections 2, 3, 4, and 5 of Ordinance No. 20-106.

The Prime Sponsor of the foregoing resolution is Commissioner Jean Monestime. It was offered by Commissioner **Jean Monestime**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye
Rebeca Sosa, Vice Chairwoman	absent
Esteban L. Bovo, Jr.	absent
Jose “Pepe” Diaz	aye
Eileen Higgins	aye
Joe A. Martinez	nay
Dennis C. Moss	aye
Xavier L. Suarez	absent
Daniella Levine Cava	aye
Sally A. Heyman	aye
Barbara J. Jordan	aye
Jean Monestime	aye
Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of October, 2020. 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.



Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell
Eddie Kirtley

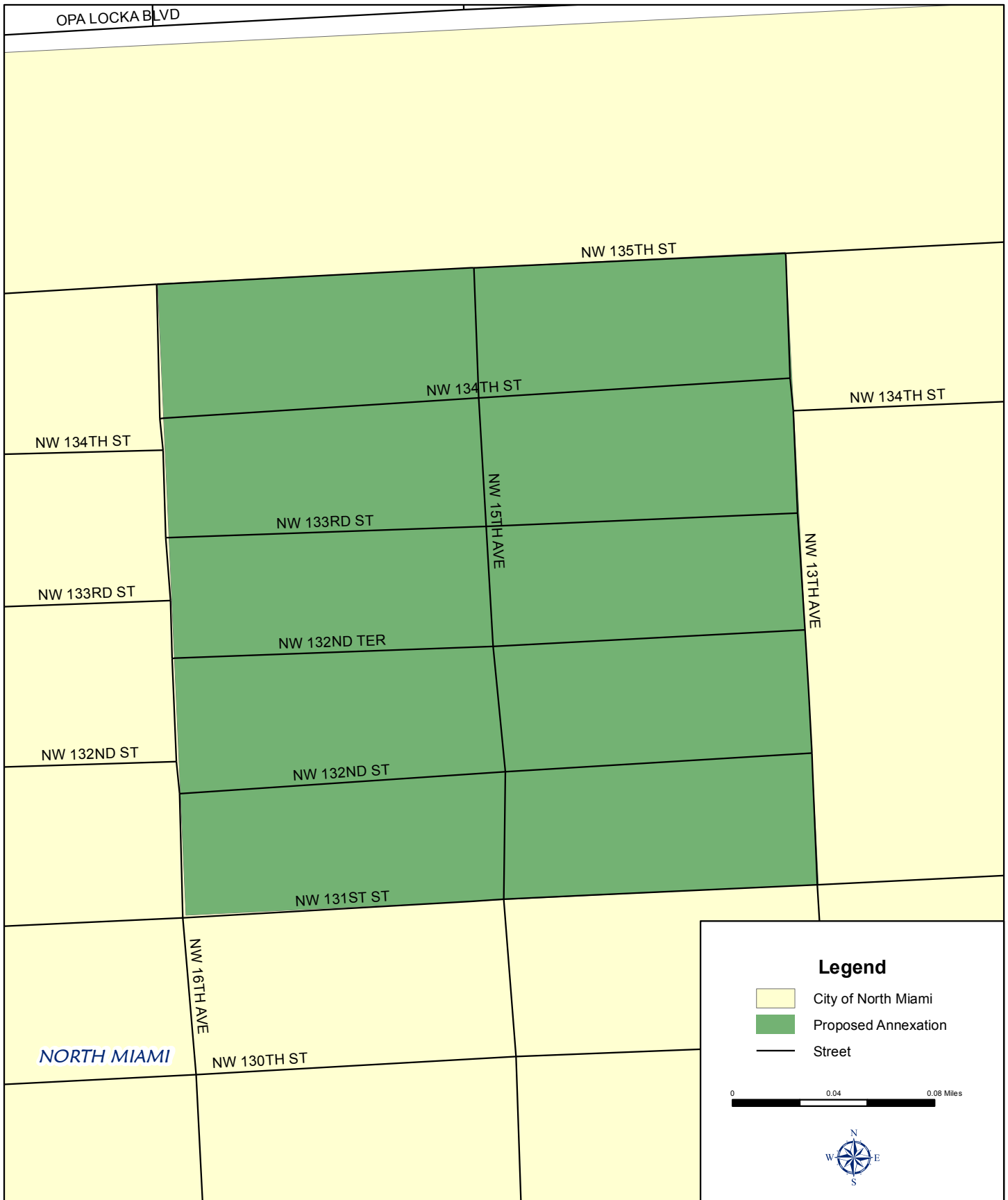
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Melissa Adames**
Deputy Clerk

MIAMI-DADE COUNTY

North Miami Proposed Annexation - Sunkist



This map was prepared by the Miami Dade County Information Technology Department Geographic Information Systems (GIS) Division
March 6, 2018

For the Office of Strategic Business Management Incorporation and Annexations And Municipal Contracting Services

This map and associated information is to be used only for public business as may be authorized by law and no reproduction for commercial use or sale is permitted.

No expressed or implied warranties including but not limited to the implied warranties of merchantability or fitness for a particular purpose is made. User is warned the materials contained herein are provided "as is".