

MEMORANDUM

Agenda Item No. 11(A)(4)

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

DATE: June 21, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County
Mayor to conduct a survey of
property owners in the proposed
Doral Section 15 annexation area
and provide a report to this Board

Resolution No. R-542-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM

(Revised)

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

DATE: June 21, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

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 David L. Levine Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(4)
6-21-23

RESOLUTION NO. R-542-23

RESOLUTION DIRECTING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO CONDUCT A SURVEY
OF PROPERTY OWNERS IN THE PROPOSED DORAL
SECTION 15 ANNEXATION AREA AND PROVIDE A REPORT
TO THIS BOARD

WHEREAS, in Miami-Dade County, annexations, also referred to as municipal boundary changes, are governed exclusively by the Miami-Dade County Home Rule Charter and chapter 20 of the Code of Miami-Dade County (the "Code"); and

WHEREAS, a number of years ago, the City of Doral ("Doral") applied to the County to annex certain unincorporated lands that have been referred to as "Section 15;" and

WHEREAS, in the summer of 2022, this Board held a public hearing on Doral's annexation application for Section 15, and pursuant to Resolution No. R-621-22, directed the preparation of the appropriate annexation ordinance and interlocal agreement, for future consideration by this Board; and

WHEREAS, pursuant to directions by this Board in January of 2023, the County's Office of Management and Budget recently conducted non-binding surveys of property owners in both the proposed Miami Springs and Virginia Gardens annexation areas, respectively, to ascertain whether the owners of property in those respective areas were in favor of or against the proposed boundary changes; and

WHEREAS, this Board wishes to also ascertain such information from the property owners within the proposed Doral Section 15 annexation area; and

WHEREAS, accordingly, this Board hereby directs the County Mayor or County Mayor's designee to conduct such a survey for the Doral Section 15 annexation area, pursuant to the same procedures and instructions as the previous annexation surveys,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Mayor or County Mayor's designee to conduct a survey of the property owners in the proposed Doral Section 15 annexation area and to prepare and distribute a written report to this Board with the results of such survey within 90 days of the effective date of this resolution. 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 (legistar #230576).

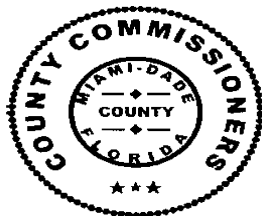
- (1) The County's Office of Management and Budget, or such other department as designated by the County Mayor, shall, as specified herein, prepare and mail a survey to each property owner within the proposed Doral Section 15 boundary change area to ascertain whether each such property owner is in favor 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 City of Doral, 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.

The Prime Sponsor of the foregoing resolution is Commissioner Juan Carlos Bermudez. It was offered by Commissioner **Danielle Cohen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	absent
Anthony Rodríguez, Vice Chairman	aye
Marleine Bastien	aye
Kevin Marino Cabrera	absent
Roberto J. Gonzalez	aye
Danielle Cohen Higgins	aye
Kionne L. McGhee	aye
Micky Steinberg	aye
Juan Carlos Bermudez	aye
Sen. René García	aye
Keon Hardemon	absent
Eileen Higgins	absent
Raquel A. Regalado	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 21st day of June, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell
James Eddie Kirtley