

MEMORANDUM

Agenda Item No. 5(N)(2)

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

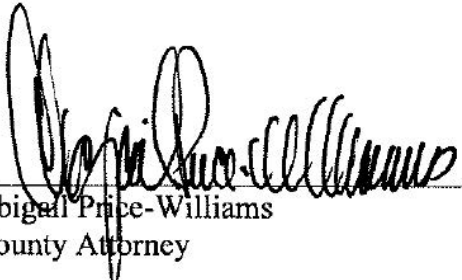
DATE: October 20, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution calling a special election in the Cocoplum Phase One Street Lighting Special Taxing District located entirely within the boundaries of the City of Coral Gables, and bounded on the north by Cocoplum Road, on the east by Los Pinos Circle / Boulevard, on the south by La Rampa Street, and on the west by Vistalmar Street, for the purpose of submitting to qualified electors residing in the Special Taxing District the question of whether the Special Taxing District shall be created and transferred to the City of Coral Gables such that the city would be the governing body of the Special Taxing District

Resolution No. R-1074-20

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.



Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM
(Revised)

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

DATE: October 20, 2020

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County Attorney

SUBJECT: Agenda Item No. 5(N)(2)

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. 5(N)(2)
10-20-20

RESOLUTION NO. R-1074-20

RESOLUTION CALLING A SPECIAL ELECTION IN THE COCOPLUM PHASE ONE STREET LIGHTING SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE CITY OF CORAL GABLES, AND BOUNDED ON THE NORTH BY COCOPLUM ROAD, ON THE EAST BY LOS PINOS CIRCLE / BOULEVARD, ON THE SOUTH BY LA RAMPA STREET, AND ON THE WEST BY VISTALMAR STREET, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS RESIDING IN THE SPECIAL TAXING DISTRICT THE QUESTION OF WHETHER THE SPECIAL TAXING DISTRICT SHALL BE CREATED AND TRANSFERRED TO THE CITY OF CORAL GABLES SUCH THAT THE CITY WOULD BE THE GOVERNING BODY OF THE SPECIAL TAXING DISTRICT

WHEREAS, on October 20, 2020 , this Board passed Ordinance No. 20-114 creating and establishing the Cocoplum Phase One Street Lighting Special Taxing District (“Special Taxing District”), and Resolution No. R-1073-20 approving its transfer to the City of Coral Gables; and

WHEREAS, Section 18-3(f) of the Code of Miami-Dade County, Florida (“Code”) presently provides that an ordinance creating and establishing such a special taxing district shall take effect when approved by a majority vote of the qualified electors residing in the Special Taxing District voting at an election called by the Board and noticed and conducted in such manner as this Board shall determine by Resolution; and

WHEREAS, Section 1.01 of the Home Rule Charter provides that the governing body of a municipality may be the governing body of a special taxing district located entirely within the municipality if the municipality assumes any and all liabilities of the special taxing district; and

WHEREAS, Section 18-3.1 of the Code as amended, presently provides that a resolution approving the transfer of such a special taxing district shall take effect when approved by a majority vote of the qualified electors residing in the special taxing district voting at an election to be called by the Board and noticed and conducted in such manner as the Board shall by resolution determine,

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 Section 18-3(f) and Section 18-3.1 of the Code, a special election is hereby called and shall be held within the boundaries of the Cocoplum Phase One Street Lighting Special Taxing District, for the purpose of submitting to the qualified electors residing in the Special Taxing District, for their approval or disapproval the creation and transfer of the Special Taxing District as provided in, Ordinance No. 20-114 and Resolution No. R-1073-20 respectively:

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN THE CITY OF CORAL GABLES, FLORIDA, GENERALLY BOUNDED ON THE NORTH BY COCOPLUM ROAD, ON THE EAST BY LOS PINOS CIRCLE / BOULEVARD, ON THE SOUTH BY LA RAMPA STREET, AND ON THE WEST BY VISTALMAR STREET, KNOWN AND DESCRIBED AS COCOPLUM PHASE ONE STREET LIGHTING SPECIAL TAXING DISTRICT; IDENTIFYING SERVICES TO BE PROVIDED; PROVIDING FOR AN ELECTION; AND PROVIDING FOR EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

RESOLUTION RELATING TO THE COCOPLUM PHASE ONE STREET LIGHTING SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE CITY OF CORAL GABLES, AND BOUNDED ON THE NORTH BY COCOPLUM ROAD, ON THE EAST BY LOS PINOS CIRCLE / BOULEVARD, ON THE SOUTH BY LA RAMPA STREET, AND ON THE WEST BY VISTALMAR STREET; TRANSFERRING THE SPECIAL TAXING DISTRICT TO THE CITY OF CORAL GABLES IN

ACCORDANCE WITH SECTION 18-3.1 OF THE CODE OF MIAMI-DADE COUNTY; APPROVING AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT FOR THE TRANSFER; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

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

Section 3. The results of such special election shall be determined by a majority of the qualified electors residing in the Special Taxing District voting at such special election. All qualified electors residing in the Special Taxing District shall be entitled to vote at said special election.

Section 4. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until January 18, 2021, at which date the registration books shall close in accordance with the provisions of the general election laws.

Section 5. Mailed ballots, as prescribed by the Code, shall be used in this special election. The Supervisor of Elections shall cause such ballots to be sent by mail to all qualified electors residing in said Special Taxing District, at least ten calendar days prior to the date of said special election.

Section 6. The special election shall be held on February 16, 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:

**CREATION AND TRANSFER OF THE COCOPLUM PHASE
ONE STREET LIGHTING SPECIAL TAXING DISTRICT**

Shall a special taxing district named Cocoplum Phase One Street Lighting Special Taxing District be created as provided for in County Ordinance No. 20-114 and shall the City of Coral Gables become its governing body so that the City, instead of Miami-Dade County, exercises ownership and control of the District as set forth in County Resolution No. R-1073-20 and City Resolution No. 2019-124?

YES

NO

Section 8. This special election shall be held and conducted in accordance with the Code and other applicable provisions of the general laws relating to special elections. The County Mayor or 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 carry into effect and accomplish the provisions of this Resolution.

Section 9. The special election shall be canvassed by the County Canvassing Board as provided under the election laws of this State, in accordance with the provisions of Section 2.07 of the Home Rule Charter.

The foregoing resolution was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

