

MEMORANDUM

Agenda Item No. 5(H)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 6, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution calling special elections in the proposed Gables by the Sea-Coral Gables Security Guard Special Taxing District located entirely within the boundaries of the City of Coral Gables, and bounded on the north by Cartagena Avenue, on the east by Biscayne Bay, on the south by Bella Vista Avenue, and on the west by Old Cutler Road; and the proposed Gables by the Sea-Pinecrest Security Guard Special Taxing District located entirely within the boundaries of the Village of Pinecrest generally bounded on the north by Lugo Avenue, on the east by SW 57 Avenue, on the south by SW 136 Street, and on the west by Old Cutler Road, for the purpose of submitting to qualified electors residing in each of the proposed special taxing districts the question of whether the existing Gables by the Sea Security Guard Special Taxing District shall be abolished and replaced with two proposed new special taxing districts, one within the boundaries of the City of Coral Gables and one within the boundaries of the Village of Pinecrest, and transferring each new special taxing district to its respective municipality such that each municipality would be the governing body of a new special taxing district

Resolution No. R-895-22

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 Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

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Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(H)

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(H)
10-6-22

RESOLUTION NO. _____ R-895-22

RESOLUTION CALLING SPECIAL ELECTIONS IN THE PROPOSED GABLES BY THE SEA-CORAL GABLES SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE CITY OF CORAL GABLES, AND BOUNDED ON THE NORTH BY CARTAGENA AVENUE, ON THE EAST BY BISCAYNE BAY, ON THE SOUTH BY BELLA VISTA AVENUE, AND ON THE WEST BY OLD CUTLER ROAD; AND THE PROPOSED GABLES BY THE SEA-PINECREST SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE VILLAGE OF PINECREST GENERALLY BOUNDED ON THE NORTH BY LUGO AVENUE, ON THE EAST BY SW 57 AVENUE, ON THE SOUTH BY SW 136 STREET, AND ON THE WEST BY OLD CUTLER ROAD, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS RESIDING IN EACH OF THE PROPOSED SPECIAL TAXING DISTRICTS THE QUESTION OF WHETHER THE EXISTING GABLES BY THE SEA SECURITY GUARD SPECIAL TAXING DISTRICT SHALL BE ABOLISHED AND REPLACED WITH TWO PROPOSED NEW SPECIAL TAXING DISTRICTS, ONE WITHIN THE BOUNDARIES OF THE CITY OF CORAL GABLES AND ONE WITHIN THE BOUNDARIES OF THE VILLAGE OF PINECREST, AND TRANSFERRING EACH NEW SPECIAL TAXING DISTRICT TO ITS RESPECTIVE MUNICIPALITY SUCH THAT EACH MUNICIPALITY WOULD BE THE GOVERNING BODY OF A NEW SPECIAL TAXING DISTRICT

WHEREAS, on October 6, 2022 , this Board passed Ordinance No. 22-122, which subject to approval of the qualified electors, will abolish the Gables by the Sea Security Guard Special Taxing District, and create two separate security guard special taxing districts, one within the boundaries of the City of Coral Gables to be known as Gables by the Sea-Coral Gables Security Guard Special Taxing District, and one within the boundaries of the Village of Pinecrest to be known as Gables by the Sea-Pinecrest Security Guard Special Taxing District (“Special Taxing Districts”); and

WHEREAS, this Board passed Resolution No.R-896-22, which, if approved by the qualified electors, will transfer these new special taxing districts to their respective municipalities; and

WHEREAS, section 18-3(f) of the Code of Miami-Dade County, Florida (“Code”) provides that an ordinance creating and establishing a special taxing district shall take effect when approved by a majority vote of the qualified electors residing in the new 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, special elections are hereby called and shall be held within the boundaries of the proposed Gables by the Sea-Coral Gables Security Guard Special Taxing District, and the proposed Gables by the Sea-Pinecrest Security Guard Special Taxing District, for the purpose of submitting to the qualified electors residing in each proposed special taxing district, for their approval or disapproval, the abolishment of the Gables by the Sea Security Guard Special Taxing District, and the creation and transfer of the proposed special taxing districts as provided in, Ordinance No. 22-122 and Resolution No. R-896-22 respectively:

ORDINANCE ABOLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, WITHIN THE BOUNDARIES OF THE CITY OF CORAL GABLES AND THE VILLAGE OF PINECREST, GENERALLY BOUNDED ON THE NORTH BY CARTAGENA AND LUGO AVENUES, ON THE EAST BY BISCAYNE BAY, ON THE SOUTH BY SW 136 STREET AND BY BELLA VISTA AVENUE, AND ON THE WEST BY OLD CUTLER ROAD, KNOWN AND DESCRIBED AS GABLES BY THE SEA SECURITY GUARD SPECIAL TAXING DISTRICT; ABOLISHING SERVICES THEREIN; AND CREATING A SPECIAL TAXING DISTRICT WITHIN THE BOUNDARIES OF THE CITY OF CORAL GABLES GENERALLY BOUNDED ON THE NORTH BY CARTAGENA AVENUE, ON THE EAST BY BISCAYNE BAY, ON THE SOUTH BY BELLA VISTA AVENUE, AND ON THE WEST BY OLD CUTLER ROAD, KNOWN AND DESCRIBED AS GABLES BY THE SEA-CORAL GABLES SECURITY GUARD SPECIAL TAXING DISTRICT; AND CREATING A SPECIAL TAXING DISTRICT WITHIN THE BOUNDARIES OF THE VILLAGE OF PINECREST GENERALLY BOUNDED ON THE NORTH BY LUGO AVENUE, ON THE EAST BY SW 57 AVENUE, ON THE SOUTH BY SW 136 STREET, AND ON THE WEST BY OLD CUTLER ROAD, KNOWN AND DESCRIBED AS GABLES BY THE SEA-PINECREST SECURITY GUARD SPECIAL TAXING DISTRICT; SUBJECT TO APPROVAL BY QUALIFIED ELECTORS IN EACH DISTRICT FOR THE CREATION AND TRANSFER OF BOTH DISTRICTS TO THE MUNICIPALITIES; AND PROVIDING FOR EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

RESOLUTION RELATING TO THE GABLES BY THE SEA-CORAL GABLES SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE CITY OF CORAL GABLES, AND BOUNDED ON THE NORTH BY CARTAGENA AVENUE, ON THE EAST BY BISCAYNE BAY, ON THE SOUTH BY BELLA VISTA AVENUE, AND ON THE WEST BY OLD CUTLER ROAD, AND THE GABLES BY THE SEA-PINECREST SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE VILLAGE OF PINECREST GENERALLY BOUNDED ON THE NORTH BY LUGO AVENUE, ON THE EAST BY SW 57 AVENUE, ON THE SOUTH BY SW 136 STREET, AND ON THE WEST BY OLD CUTLER ROAD; TRANSFERRING EACH SPECIAL TAXING DISTRICT TO ITS RESPECTIVE MUNICIPALITY 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 WITH EACH MUNICIPALITY FOR THE TRANSFERS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

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

Section 3. The results of such special elections shall be determined by a majority of the qualified electors residing in each proposed new special taxing district voting at such special elections. All qualified electors residing in each of the proposed new special taxing districts shall be entitled to vote at said special elections.

Section 4. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until November 14, 2022, 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 these special elections. The Supervisor of Elections shall cause such ballots to be sent by mail to all qualified electors residing in each of the proposed new special taxing districts, at least ten calendar days prior to the date of said special elections.

Section 6. The special elections shall be held on December 13, 2022. All marked ballots must be received by 7:00 p.m. on the day of said elections.

Section 7. The question which shall appear on the ballot for the qualified electors within the proposed Gables by the Sea-Coral Gables Security Guard Special Taxing District shall be in substantially the following form:

REPLACEMENT OF GABLES BY THE SEA SECURITY GUARD DISTRICT WITH CITY CONTROLLED DISTRICT

Shall Ordinance 22-122 and Resolution R-896-22 become effective abolishing the Gables by the Sea Security Guard Special Taxing District and creating a new security guard district from the portion of the District within the City of Coral Gables with the Coral Gables City Commission as the governing body, subject to a similar affirmative vote within the Village of Pinecrest for the remainder of the abolished district?

YES

NO

Section 8. The question which shall appear on the ballot for the qualified electors within the proposed Gables by the Sea-Pinecrest Security Guard Special Taxing District shall be in substantially the following form:

REPLACEMENT OF GABLES BY THE SEA SECURITY GUARD DISTRICT WITH VILLAGE CONTROLLED DISTRICT

Shall Ordinance 22-122 and Resolution R-896-22 become effective abolishing the Gables by the Sea Security Guard Special Taxing District and creating a new security guard district from the portion of the District within the Village of Pinecrest with the Village Council as the governing body, subject to a similar affirmative vote within the City of Coral Gables for the remainder of the abolished district?

YES

NO

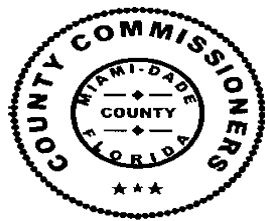
Section 9. These special elections shall be held and conducted in accordance with the Code and other applicable provisions of the general laws relating to special elections. The County Mayor or County Mayor's designee, the Finance Director, the Supervisor of Elections, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution.

Section 10. The special elections shall be canvassed by the County Canvassing Board as provided under the election laws of this State, in accordance with the provisions of section 3.07 of the Home Rule Charter.

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

	Jose "Pepe" Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	absent	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Kionne L. McGhee	aye
Jean Monestime	aye	Raquel A. Regalado	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of October, 2022. 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

HARVEY RUVIN, CLERK

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as to form and legal sufficiency. DPL

Daija Page Lifshitz