

## MEMORANDUM

Substitute  
Agenda Item No. 5(E)(2)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** October 2, 2018

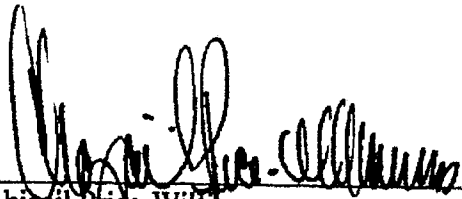
**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution calling special election in the Banyan Drive Security Guard Special Taxing District located entirely within the boundaries of the City of Coral Gables, and bounded on the north by SW 88 Street, on the east by SW 54 Court, on the south by SW 98 Terrace and on the west by SW 56 Court, for the purpose of submitting to qualified electors residing in the Special Taxing District, for their approval or disapproval, an ordinance creating and establishing the Special Taxing District pursuant to section 18-3(f) of the Code, and a resolution designating the City of Coral Gables as the governing body of the Special Taxing District pursuant to section 18-3.1 of the Code

Resolution No. R-965-18

**The substitute differs from the original in that the ballot question in Section 7 of this Resolution was rewritten to comply with state law.**

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.

  
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Abigail Price-Williams  
County Attorney

APW/cp

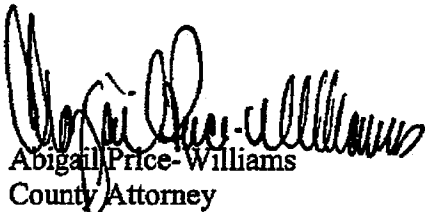


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners


**DATE:** October 2, 2018

**FROM:**   
Abigail Price-Williams  
County Attorney

Substitute  
**SUBJECT:** Agenda Item No. 5(E)(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 \_\_\_\_\_, 3/5's \_\_\_\_\_, unanimous \_\_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

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

Substitute  
Agenda Item No. 5(E)(2)  
10-2-18

RESOLUTION NO. R-965-18

RESOLUTION CALLING SPECIAL ELECTION IN THE BANYAN DRIVE SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE CITY OF CORAL GABLES, AND BOUNDED ON THE NORTH BY SW 88 STREET, ON THE EAST BY SW 54 COURT, ON THE SOUTH BY SW 98 TERRACE AND ON THE WEST BY SW 56 COURT, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS RESIDING IN THE SPECIAL TAXING DISTRICT, FOR THEIR APPROVAL OR DISAPPROVAL, AN ORDINANCE CREATING AND ESTABLISHING THE SPECIAL TAXING DISTRICT PURSUANT TO SECTION 18-3(F) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AND A RESOLUTION DESIGNATING THE CITY OF CORAL GABLES AS THE GOVERNING BODY OF THE SPECIAL TAXING DISTRICT PURSUANT TO SECTION 18-3.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA

**WHEREAS**, on October 2, 2018, this Board passed Ordinance No. 18-110 creating and establishing the Banyan Drive Security Guard Special Taxing District ("Special Taxing District"), and Resolution R-964-18 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, Florida, 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 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 Banyan Drive Security Guard Special Taxing District, for the purpose of submitting to the qualified electors residing in the Special Taxing District, for their approval or disapproval, Ordinance No. 18-110 and Resolution R-964-18 entitled:

**ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, LOCATED WITHIN THE BOUNDARIES OF THE BANYAN DRIVE SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED IN THE CITY OF CORAL GABLES, GENERALLY BOUNDED BY ON THE NORTH BY SW 88 STREET, ON THE EAST BY SW 54 COURT, ON THE SOUTH BY SW 98 TERRACE, AND ON THE WEST BY SW 56 COURT; PROVIDING FOR AN ELECTION; AND PROVIDING FOR EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE**

RESOLUTION RELATING TO THE BANYAN DRIVE SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE CITY OF CORAL GABLES, AND BOUNDED ON THE NORTH BY SOUTHWEST 88 STREET, ON THE EAST BY SOUTHWEST 54 COURT, ON THE SOUTH BY SOUTHWEST 98 TERRACE, AND ON THE WEST BY SOUTHWEST 56 COURT; 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 November 12, 2018, 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 December 11, 2018. 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 BANYAN DRIVE  
SECURITY GUARD SPECIAL TAXING DISTRICT**

Shall a special taxing district known and designated as ~~[[the]]~~<sup>1</sup> Banyan Drive Security Guard Special Taxing District be created and established, ~~[[as]]~~ provided for in County Ordinance No. <sup>18-110</sup>

And Shall the City of Coral Gables become the governing body of ~~[[the]]~~ Banyan Drive Security Guard Special Taxing District so that the City, instead of Miami-Dade County, exercises ownership and control of the District as set forth in County Resolution No. <sup>R-964-18</sup> and City Resolution No. <sup>2018-56</sup>

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.

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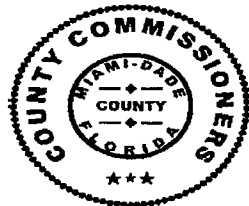
<sup>1</sup> The differences between the substitute and the original item are indicated as follows: Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted, words underscored and/or >>double arrowed<< are added.

**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 **Xavier L. Suarez**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 2<sup>nd</sup> day of October, 2018. 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

By: Christopher Agrippa

Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Jorge Martinez-Esteve  
Ryan Carlin

