

MEMORANDUM

Agenda Item No. 11(A)(29)


TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 10, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution dispensing with
conflict resolution
proceedings against the
Village of Pinecrest in
accordance with Chapter 164
of Florida Statutes

The accompanying resolution was placed on the agenda by the Board of County Commissioners.



R. A. Cuevas, Jr.
County Attorney

RAC/bw




MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 10, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(29)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 11(A)(29)

Veto _____

1-10-08

Override _____

RESOLUTION NO. _____

RESOLUTION DISPENSING WITH CONFLICT RESOLUTION PROCEDURES PRIOR TO INITIATING COURT PROCEEDINGS AGAINST THE VILLAGE OF PINECREST IN ACCORDANCE WITH CHAPTER 164 OF FLORIDA STATUTES

WHEREAS, Chapter 18, Article II of the Miami-Dade County Code prohibits any municipality from opting-out of the Miami-Dade County Fire District (“Fire District”); and

WHEREAS, the Village of Pinecrest in violation of the Code, passed Resolution No. 2007-46 directing the Supervisor of Elections to submit to its electors on March 4, 2008 a mail in ballot asking whether the municipality should withdraw from the Fire District and contract with the City of Coral Gables (Attachment A); and

WHEREAS, the question approved in Resolution No. 2007-46 violates Section 101.161, Fla. Stat. because it is not a clear and unambiguous statement of what is being put to the electorate; and

WHEREAS, it is illegal for the Village of Pinecrest to place such a question before the electorate; and

WHEREAS, the Board of County Commissioners of Miami-Dade County is the governing body of the Fire District and any attempt by Pinecrest to remove itself from the Fire District constitutes a significant compromise of Miami-Dade County’s governance of the Fire District; and

WHEREAS, the timing of the conflict resolution procedures would not permit a judicial decision prior to the date of the requested election and will place in doubt Miami-Dade County’s

ability to comply with mandated deadlines for preparation of the fire district's 2008-09 budget and completion of TRIM notices pursuant to Sections 200.065 and 200.069, Fla. Stat.,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds that pursuant to Section 164.1041(2), Fla. Stat., an immediate danger to the health, safety or welfare of the public requires immediate action or significant legal rights will be compromised if a court proceeding does not take place before compliance with the provisions of Chapter 164 of the Florida Statutes. Accordingly, this Board, by a three-fourths vote of Commission members now in office, hereby dispenses with the procedures for conflict resolution as authorized by Florida Law prior to initiating civil proceedings against the Village of Pinecrest.

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

- | | |
|-------------------------------------|--------------------|
| Bruno A. Barreiro, Chairman | |
| Barbara J. Jordan, Vice-Chairperson | |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Carlos A. Giminez | Sally A. Heyman |
| Joe A. Martinez | Dennis C. Moss |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

4

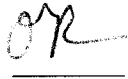
The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of January, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal