

RESOLUTION NO. 2005-20

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, OPPOSING THE ESTABLISHMENT BY MIAMI-DADE COUNTY OF A POLICY REGARDING INCORPORATION AND ANNEXATION OF COMMERCIAL, BUSINESS, OR INDUSTRIAL (CBI) AREAS WHICH, IF ADOPTED, WOULD BE UNEQUITABLE TO EXISTING AND FUTURE MUNICIPALITIES, IMPOSSIBLE TO IMPLEMENT, AND NOT IN THE BEST INTEREST OF THE COMMUNITY AT-LARGE.

WHEREAS, on October 19, 2004 the Miami-Dade County Board of County Commissioners adopted, on first reading, agenda item 13(F), an ordinance requiring certain municipalities incorporating or annexing commercial, business, or industrial (CBI) areas to pay 100% mitigation for those areas, herein referred to as “the CBI Ordinance”; and

WHEREAS, the CBI Ordinance allows for the County to unilaterally determine the “net excess of revenues” generated by the CBI based upon the County’s existing level of service; and

WHEREAS, the CBI Ordinance does not allow for an unbiased analysis of whether the existing level of service provided by the County is adequate and appropriate for the CBI area and its surrounding community as a whole; and

WHEREAS, the CBI Ordinance does not allow for the incorporating or annexing City to have input regarding future net excess of revenues based upon the level of service it would provide; and

WHEREAS, the cost of municipal services, what constitutes revenue and expenses, and the appropriate level of service for a particular geographic location can not and should not be codified in an ordinance or determined unilaterally; and

WHEREAS, the CBI Ordinance would deprive new and annexing cities from the opportunity to address needs or make improvements in a CBI area if it becomes necessary; and

WHEREAS, the CBI Ordinance does not allow for a pre-determined period of time for sun-setting of the mitigation or the cancellation of the mitigation if future circumstances were to create an unanticipated or unfair financial burden upon the municipality; and

WHEREAS, negotiated mitigation has been the established policy of the County and continues to be the best method of determining what, if any, mitigation is reasonable when an area providing a “net excess of revenues” to the unincorporated municipal service area (UMSA) is being annexed or incorporated;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. The foregoing is true and correct.

Section 2. The Mayor and City Council of Doral, Florida is opposed to enactment of the proposed CBI Ordinance by Miami-Dade County.

Section 3. The Mayor and City Council of Doral, Florida believe the established policy of negotiated mitigation should remain intact, that the length of time such mitigation is to occur

should be jointly determined, and that certain unquantifiable factors need to be discussed on a case-by-case basis.

The foregoing Resolution was offered by Councilwoman Ruiz who moved its adoption.

The motion was seconded by Vice Mayor Cabrera and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	yes
Vice Mayor Peter Cabrera	yes
Councilman Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilman Robert Van Name	yes

PASSED and ADOPTED this 23rd day of February, 2005.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



SHEILA PAUL, CMC, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE CITY OF DORAL:



JOHN J. HEARN, ESQ., CITY ATTORNEY