

# MEMORANDUM

Special Item No. 11

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners


**DATE:** (Second Reading 2-27-14)  
September 17, 2013

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

**SUBJECT:** Ordinance relating to  
incorporation procedures;  
providing that a request or  
petition for incorporation shall  
not be filed nor any filed petition  
for incorporation be heard,  
considered, or approved where  
the incorporation request or  
petition creates a new enclave;  
creating Section 20-21.2 of the  
Code

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa and Co-Sponsors Vice-Chair Lynda Bell and Commissioner Esteban L. Bovo, Jr.

  
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R. A. Cuevas, Jr.  
County Attorney

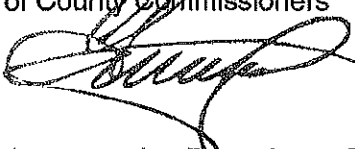
RAC/smm

# Memorandum



**Date:** February 27, 2014

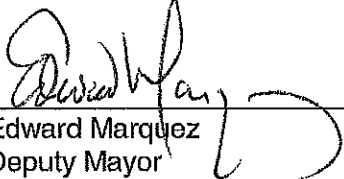
**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez   
Mayor

**Subject:** Ordinance Relating to Incorporation Procedures; Providing that a Request or Petition for Incorporation Shall not be Filed nor any Filed Petition for Incorporation be Heard, Considered, or Approved Where the Incorporation Request or Petition Creates a new Enclave; Creating Section 20-21.2 of the Code

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The proposed ordinance relates to incorporation procedures; provides that a request or petition for incorporation shall not be filed nor any filed petition for incorporation be heard, considered, or approved where the incorporation request or petition creates a new enclave; and creates Section 20-21.2 of the Code. Implementation of this ordinance will not have a fiscal impact to the County.

  
Edward Marquez  
Deputy Mayor

Fis0314



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** February 27, 2014

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

**SUBJECT:** Special Item No. 11

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
- 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 \_\_\_\_\_

Special Item No. 11  
2-27-14

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO INCORPORATION PROCEDURES; PROVIDING THAT A REQUEST OR PETITION FOR INCORPORATION SHALL NOT BE FILED NOR ANY FILED PETITION FOR INCORPORATION BE HEARD, CONSIDERED, OR APPROVED WHERE THE INCORPORATION REQUEST OR PETITION CREATES A NEW ENCLAVE; CREATING SECTION 20-21.2 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, Section 20-3.1 of the Code of Miami-Dade County (the "Code") precludes the Board from considering an annexation application that creates a new enclave; and

**WHEREAS**, Section 20-23(B)(1)(c) of the Code, does not preclude the Board from considering an incorporation that creates a new enclave, but instead directs the Board to consider as a guideline in evaluating the appropriateness of a proposed incorporation whether an unincorporated enclave is created; and

**WHEREAS**, this Board desires to preclude consideration of a proposed incorporation that creates a new enclave, such that annexations and incorporations are treated the same related to the creation of a new enclave,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 20-21.2 of the Code of Miami-Dade County, Florida, is hereby created as follows:

**Sec. 20-21.2                      Exception to filing and consideration of  
petition or request for incorporations.**

Notwithstanding anything in this article to the contrary, no request or petition for incorporation shall be filed, nor shall any filed request or petition for incorporation be heard, considered, or approved pursuant to Section 20-23, by the Board of County Commissioners when the proposed incorporation would create a new enclave.

**Section 2.**     If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.**     It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.**     This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:


Prepared by:

Craig H. Coller  
Cynthia Johnson-Stacks

Prime Sponsor:            Chairwoman Rebeca Sosa  
Co-Sponsors:            Vice Chair Lynda Bell  
   Commissioner Esteban L. Bovo, Jr.