

MEMORANDUM

Special Item No. 5

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

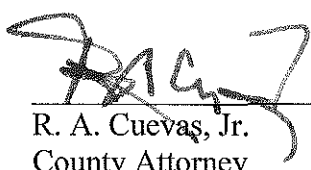
DATE: November 5, 2013

(Public Hearing 2-27-14)

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

SUBJECT: Ordinance relating to
Incorporation Procedures
amending Section 20-29 of
the Code authorizing areas
to petition the Board to opt-in
to a Municipal Advisory
Committee's Study Area

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/ep

Memorandum



Date: February 27, 2014

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

Subject: Ordinance Relating to Incorporation Procedures; Authorizing Areas to Petition the Board of County Commissioners to Opt-In to a Municipal Advisory Committee's Study Area, under Certain Circumstances; Amending Section 20-29 of the Code

The proposed ordinance pertaining to incorporation procedures authorizes areas to petition the Board of County Commissioners to opt-in to a Municipal Advisory Committee's study area, under certain circumstances by amending Section 20-29 of the Code. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Edward Marquez", written over the printed name of the Deputy Mayor.

Edward Marquez
Deputy Mayor

Fis2214



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. 5

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. 5
2-27-14

ORDINANCE NO. _____

ORDINANCE RELATING TO INCORPORATION PROCEDURES; AMENDING SECTION 20-29 OF THE CODE OF MIAMI-DADE COUNTY; AUTHORIZING AREAS TO PETITION THE BOARD OF COUNTY COMMISSIONERS TO OPT-IN TO A MUNICIPAL ADVISORY COMMITTEE'S STUDY AREA, UNDER CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Annexation and Incorporation Task Force has recommended (recommendation 18) a process by which resident electors in areas, may petition to opt into a Municipal Advisory Committee study area under certain circumstances; and

WHEREAS, regardless of the procedure by which a particular MAC has been or may be established, the opt-in process outlined herein should be available to areas seeking to be included in the Municipal Advisory Committee's study area,

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

Section 1. Section 20-29 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 20-29. Municipal Advisory Committee—Creation and Limitation of Study Area.

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (B) In the event a Municipal Advisory Committee is created where part of the study area is outside the sponsoring Commissioner's district, such area shall automatically be excluded from the Municipal Area Committee's consideration.
- >>(C) Notwithstanding anything in the Code to the contrary, where an area is not included in a Municipal Advisory Committee study area, the Board of County Commissioners (the "Board") may include such area within the proposed study area upon:
- (1) petition of twenty (20) percent of the resident electors in the area seeking to be included in a Municipal Advisory Committee study area; the petition shall be on a form approved by the Office of Management and Budget and shall be submitted to the Clerk of the Board; and
 - (2) adoption of a resolution by the Board, in its sole discretion:
 - a. approving the inclusion of the area, in whole or in part, within the Municipal Advisory Committee study area, as long as the area sought to be included is contiguous, as may be determined on a case-by-case basis in the sole discretion of the Board, with the original Municipal Advisory Committee study area boundaries; and
 - b. determining that such area cannot continue to be served effectively and efficiently, if it were to remain unincorporated.

The Board may not approve the inclusion of an area seeking to opt-into a Municipal Advisory Committee's study area, if the Planning Advisory Board has considered the Municipal Advisory Committee report and made a recommendation to the Board regarding the proposed incorporation.<<

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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

~~HC~~
GJ/CJC

Prime Sponsor: Commissioner Sally A. Heyman