

MEMORANDUM

Special Item No. 10

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

DATE: (Public Hearing 2-27-14)
November 19, 2013

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

SUBJECT: Ordinance pertaining to
boundary change and
incorporation procedures;
amending Sections 20-6 and 20-
22 of the Code of Miami-Dade
County, Florida to delete
requirement for review and
recommendation by a committee
of the Planning Advisory Board
for purposes of making a
committee recommendation to
the full Planning Advisory Board
on proposed annexations

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney


RAC/lmp

Memorandum



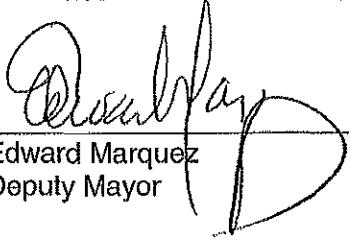
Date: February 27, 2014

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

From: Carlos A. Gimenez 
Mayor

Subject: Ordinance Pertaining to Boundary Change and Incorporation Procedures; Amending Sections 20-6 and 20-22 of the Code; to Delete Requirement for Review and Recommendation by a Committee of the Planning Advisory Board for Purposes of Making a Committee Recommendation to the Full Planning Advisory Board on Proposed Annexations and Incorporations

The proposed ordinance pertains to boundary change and incorporation procedures; amends Sections 20-6 and 20-22 of the Code; and deletes the requirement for review and recommendation by a committee of the Planning Advisory Board for purposes of making a committee recommendation to the full Planning Advisory Board on proposed annexations and incorporations. Implementation of this ordinance will not have a fiscal impact to the County.


Edward Marquez
Deputy Mayor

Fis2614



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. 10

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

Special Item No. 10
2-27-14

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE PERTAINING TO BOUNDARY CHANGE AND INCORPORATION PROCEDURES; AMENDING SECTIONS 20-6 AND 20-22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO DELETE REQUIREMENT FOR REVIEW AND RECOMMENDATION BY A COMMITTEE OF THE PLANNING ADVISORY BOARD FOR PURPOSES OF MAKING A COMMITTEE RECOMMENDATION TO THE FULL PLANNING ADVISORY BOARD ON PROPOSED ANNEXATIONS AND INCORPORATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Planning Advisory Board process of having committee review prior to full Planning Advisory Board review has proven to be duplicative and unnecessary; and

WHEREAS, the full Planning Advisory Board would still have ample opportunity to fully review proposed annexations and incorporations without committee review, so committee review should be eliminated; and

WHEREAS, this proposed amendment has been recommended by the Mayor of Miami-Dade County, Florida in a memorandum dated April 1, 2013 to the Annexation and Incorporation Task Force Members,

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

Section 1. Section 20-6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Article I. Boundary Change Procedure

* * *

Sec. 20-6. Consideration by Planning Advisory Board.

- (a) The Planning Advisory Board, upon receipt of a petition or resolution referred by the County Commission shall study, review and consider the request for boundary changes embodied therein. ~~[[The chair of the Planning Advisory Board shall appoint a committee of the Board as well as a chair for such committee for the purpose of studying and making a report and recommendation to the full Board on the boundary change request. In making its recommendation to the full Board, the committee shall utilize the guidelines set forth in subsection (b).]]~~

* * *

Section 2. Section 20-22 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Article II. Incorporation Procedure

* * *

Sec. 20-22. Planning Advisory Board's consideration of petition for incorporation.

* * *

- (C) The Planning Advisory Board, upon receipt of a petition and appropriate County department staff review and comment shall:

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.

~~[(1) Create a five-member committee of the Planning Advisory Board appointed by its chair for the purpose of studying and making a recommendation to the full Board on the petition. The chair of the Planning Advisory board shall designate a chair for such committee. In making its report and recommendation to the full Board the committee shall utilize the guidelines set forth in subsection (4).]~~

[(2)]>>[(1)]<< Conduct a properly advertised public hearing within the area proposed for incorporation.

[(3)]>>[(2)]<< Require additional information from appropriate County departments as needed.

[(4)]>>[(3)]<< Make written recommendations with respect to the petition and any Municipal Advisory Committee Report which shall include the following:

* * *

Section 3. 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 4. 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.

6

Section 5. 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:



Cynthia Johnson-Stacks
Craig H. Coller

Prime Sponsor: Commissioner Juan C. Zapata