

MEMORANDUM

Special Item No. 9

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 procedures;
Amending Sections 20-3 and
20-4 of the code of Miami-Dade
County, Florida to provide that
petitions for boundary changes
shall require consent of twenty
percent of registered electors in
the area proposed to be annexed

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



R. A. Cuevas, Jr.
County Attorney


RAC/Imp

Memorandum



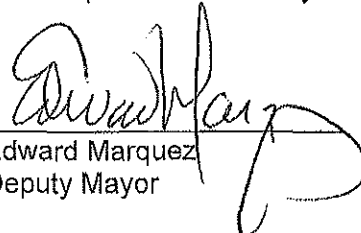
Date: February 27, 2014

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Pertaining to Boundary Change Procedures; Amending Sections 20-3 and 20-4 of the Code; to Provide that Petitions for Boundary Changes Shall Require Consent of Twenty Percent of Registered Electors in the Area Proposed to Be Annexed

The proposed ordinance pertains to boundary change procedures; amends Sections 20-3 and 20-4 of the Code; and provides that petitions for boundary changes shall require consent of 20 percent of registered electors in the area proposed to be annexed. Implementation of this ordinance will not have a fiscal impact to the County.


Edward Marquez
Deputy Mayor

Fis2714



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. 9

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. 9
2-27-14

ORDINANCE NO. _____

ORDINANCE PERTAINING TO BOUNDARY CHANGE PROCEDURES; AMENDING SECTIONS 20-3 AND 20-4 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE THAT PETITIONS FOR BOUNDARY CHANGES SHALL REQUIRE CONSENT OF TWENTY PERCENT OF REGISTERED ELECTORS IN THE AREA PROPOSED TO BE ANNEXED; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on November 6, 2012, Section 6.05 of the Miami-Dade County Home Rule Charter was amended to provide an additional process for initiating the incorporation of a municipality which requires at least twenty (20) percent of the resident electors in the area proposed to be incorporated to sign an incorporation petition; and

WHEREAS, the current process for annexation petitions requires any annexation petition to be signed and consented to by twenty-five (25) percent plus one resident elector in the area proposed to be annexed; and

WHEREAS, the annexation process should be changed, so that the percentage of resident electors required to sign annexation petitions should be the same as is required for the new Home Rule Charter incorporation process; 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. Sections 20-3 and 20-4 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-3. Initiated by governing body of municipality.

Any proposed boundary change desired by the governing body of a municipality shall be initiated by resolution of such governing body adopted after a public hearing held pursuant to written notice mailed to all owners of property within the area and within six hundred (600) feet thereof in such proposed boundary changes, according to the current tax assessment roll, and pursuant to published notice; provided, however, that no notice shall be required when all owners of property within the area and within six hundred (600) feet thereof shall consent in writing to the proposed boundary change. The cost of such notice shall be paid by the governing body of the municipality. Three (3) duly certified copies of such resolution requesting the proposed boundary changes, together with proof of compliance with the notice requirements aforesaid, shall be filed with the Clerk of the County Commission, and shall be accompanied by the following:

- (A) An accurate legal description of the lands or land area involved in such proposed boundary change

* * *

- (H) A petition filed with the Clerk of the County Commission indicating the consent of ~~[[twenty-five (25) percent plus one (1)]]~~ >>twenty (20) percent<< of the electors in the area proposed for annexation provided however, no petition shall be required where the property proposed for annexation is vacant or where there are two hundred fifty (250) or less resident electors.

Sec. 20-4. Initiated by individual or group.

Any person or group desiring a proposed boundary change to any municipality shall initiate the same by filing with the Clerk of the County Commission a written petition in substantially the form prescribed and furnished by the Director of the Office of Management and Budget which shall be accompanied by the

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.

documents and information prescribed in Section 20-3(A) through (F) hereof, together with a duly certified resolution of the governing body of the municipality involved approving such proposed boundary change, and shall give written notice to all owners of property within the area and within six hundred (600) feet thereof of his proposal for a boundary change. The cost of such notice shall be paid by the initiating individual or group.

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:

Cynthia Johnson-Stacks
Craig H. Coller

Prime Sponsor: Commissioner Juan C. Zapata
Co-Sponsor: Commissioner Audrey M. Edmonson

Handwritten signatures of the County Attorney and the preparer. The top signature is in blue ink and appears to be 'JAC'. The bottom signature is in black ink and appears to be 'CJ/C'. There is a horizontal line drawn under the bottom signature.