MEMORANDUM

Agenda Item No. 10(A)(7)

TO:	Hon. Chairperson and Members Board of County Commissioners	**DATE:**	September 9, 2003
FROM:	Robert A. Ginsburg County Attorney	**SUBJECT:**	Resolution creating and establishing the Biscayne Gardens Municipal Advisory Committee

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Dorrin D. Rolle.

Robert A. Ginsburg
County Attorney

RAG/bw

MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 9, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 10(A)(7)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 10(A)(7)
9-9-03

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

RESOLUTION NO. R-974-03

RESOLUTION CREATING AND ESTABLISHING THE BISCAYNE GARDENS AREA MUNICIPAL ADVISORY COMMITTEE AND SETTING FORTH ITS DUTIES; DIRECTING COUNTY STAFF TO PREPARE A STUDY OF THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN THE BISCAYNE GARDENS AREA OF MIAMI-DADE COUNTY

WHEREAS, a group of residents in the Biscayne Gardens area of Miami-Dade County has expressed an interest in creating a new municipality in the Biscayne Gardens area; and

WHEREAS, such residents recognize the serious implications of creating a new municipality both for the residents of the proposed municipality and for the remaining residents of the unincorporated area and therefore, desire to work with County staff to address these implications; and

WHEREAS, this Board desires to determine whether to proceed with the incorporation process of this municipality,

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

Section 1. The proposed incorporation of the Biscayne Gardens area includes the area generally described as follows:

> The unincorporated area bounded by the City of North Miami Beach on the North and East, by the City of North Miami on the East and South, by the City of Opa-locka on the West and by the City of Miami Gardens on the Northwest.

Section 2. The Biscayne Gardens Area Municipal Advisory Committee is hereby created and established consisting of a minimum of seven (7) and a maximum of eleven (11) electors who reside within the boundaries of the study area. The initial members, as well as any vacancies in the Biscayne Gardens Area Municipal Advisory Committee, shall be those members appointed pursuant to memorandum issued by the County Commissioner from District 2. Appointments shall become effective immediately upon each member filing with the Clerk of the County Commission his or her acceptance of such appointment and the oath of office. The members of the committee shall elect officers from the membership as may be deemed necessary or desirable.

Section 3. The committee shall conduct no fewer than two (2) duly advertised public hearings at which citizens shall have the opportunity to express their views and concerns regarding the proposed incorporation.

Section 4. Prior to the first public hearing the committee shall have met with county staff to review and address concerns that have been raised by both members of the Board of County Commissioners and county staff, shall have reviewed the tape of the County Commission Workshop on Incorporation of January 14, 1999, and shall have become familiar with written materials concerning incorporation presented to the Board of County Commissioners at that time and at any subsequent meeting or workshop.

Section 5. Prior to the first public hearing, county staff from the Office of Management and Budget shall prepare a report concerning the proposed incorporation according to the procedures and guidelines contained in Section 20-22(A) and (B), Section 20-23(B), and

Section 20-26 of the Code of Miami-Dade County and shall prepare a study to be reviewed by the committee and presented at the public hearings.

Section 6. Prior to one year from the adoption of this resolution, the committee shall prepare and submit an advisory report that shall address the results of the report prepared by county staff and the incorporation or annexation concerns of both members of the Board of County Commissioners and of county staff, and the manner in which those concerns may be alleviated in the event the Biscayne Gardens area is incorporated into a new municipality. The committee's responsibilities shall terminate upon submission of its report.

The foregoing resolution was sponsored by Commissioner Dorrin D. Rolle and offered by Commissioner Dorrin D. Rolle who moved its adoption. The motion was seconded by Commissioner Sally A. Heyman and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson absent
Katy Sorenson, Vice-Chairperson aye

Bruno A. Barreiro	aye	Jose "Pepe" Diaz	absent
Betty T. Ferguson	aye	Sally A. Heyman	aye
Joe A. Martinez	nay	Jimmy L. Morales	aye
Dennis C. Moss	aye	Dorrin D. Rolle	aye
Natacha Seijas	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	nay		

The Chairperson thereupon declared the resolution duly passed and adopted this 9th day of September, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **KAY SULLIVAN**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Craig H. Coller