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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(B)

(Second Reading 4-21-15)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: January 21, 2015

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

SUBJECT: Ordinance relating to the Northeast Dade Area Municipal Advisory Committee; providing additional time for the Municipal Advisory Committee to update its report; requiring the Municipal Advisory Committee to meet and take action on its updated report only after considering the study on annexations and incorporations currently being conducted by PMG Associates, Inc.

Ordinance No. 15-22

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/smm

Memorandum

MIAMI-DADE COUNTY

Date: April 21, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance relating to the Northeast Dade Area Municipal Advisory Committee

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This ordinance allows the Northeast Dade Area Municipal Advisory Committee to complete and submit its report within six (6) months of the date that the Board of County Commissioners (Board) accepts a study being conducted by PMG Associates, Inc. concerning annexations and incorporations. The Northeast Dade Area Municipal Advisory Committee shall remain in existence until the latter of the time the Board takes action on whether to forward the report to the Planning Advisory Board, or the Board submits the question on the creation of a new municipality to the electorate.

County staff resumed meetings with the Northeast Dade Area Municipal Advisory Committee in February of 2013. Implementation of this ordinance will not have a fiscal impact to the County.

Edward Marquez
Deputy Mayor

Fis03415

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 21, 2015

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

SUBJECT: Agenda Item No. 7(B)

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 _____

Agenda Item No. 7(B)
4-21-15

ORDINANCE NO. 15-22

ORDINANCE RELATING TO THE NORTHEAST DADE AREA MUNICIPAL ADVISORY COMMITTEE; PROVIDING ADDITIONAL TIME FOR THE MUNICIPAL ADVISORY COMMITTEE TO UPDATE ITS REPORT; REQUIRING THE MUNICIPAL ADVISORY COMMITTEE TO MEET AND TAKE ACTION ON ITS UPDATED REPORT ONLY AFTER CONSIDERING THE STUDY ON ANNEXATIONS AND INCORPORATIONS CURRENTLY BEING CONDUCTED BY PMG ASSOCIATES, INC; REQUIRING THE UPDATED REPORT BY THE MUNICIPAL ADVISORY COMMITTEE TO BE SUBMITTED WITHIN A SPECIFIED PERIOD OF TIME AFTER THE STUDY ON ANNEXATIONS AND INCORPORATIONS IS ACCEPTED BY THE BOARD OF COUNTY COMMISSIONERS; AMENDING ORDINANCE NO. 04-104 TO DELETE THE SUNSET AND TERMINATION CLAUSES OF THE ORDINANCE THAT CREATED THE NORTHEAST DADE AREA MUNICIPAL ADVISORY COMMITTEE; PROVIDING RETROACTIVITY; PROVIDING FOR TERMINATION OF THE MUNICIPAL ADVISORY COMMITTEE UPON THE OCCURRENCE OF CERTAIN EVENTS; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Northeast Dade Area Municipal Advisory Committee was originally created by Resolution No. R-341-03 of the Board of County Commissioners (the "Board"); and

WHEREAS, since any board in existence a year or more must be created by ordinance, the Board then adopted Ordinance No. 04-104 to create the Northeast Dade Area Municipal Advisory Committee; and

WHEREAS, the Northeast Dade Area Municipal Advisory Committee completed its report which was submitted to the Miami-Dade Planning Advisory Board in 2004, prior to the Board's imposition of a moratorium on incorporations and annexations in 2005 resulting in the proposed incorporation of the Northeast Dade area not being heard by the Board; and

WHEREAS, during the course of the moratorium, the information considered by the Northeast Dade Area Municipal Advisory Committee became outdated, in part, due to the imposition of the moratorium; and

WHEREAS, after the moratorium on incorporations was lifted effective April 13, 2012, the staff began meeting with various municipal advisory committees so that updated information could be provided to the municipal advisory committees, new public hearings could be held and updated reports considered and prepared; and

WHEREAS, the ordinance establishing the Northeast Dade Area Municipal Advisory Committees has a sunset provision and required such committee to cease to exist upon submission of its report; and

WHEREAS, such restrictions should be removed to allow the Northeast Dade Area Municipal Advisory Committee additional time to submit its updated report; and

WHEREAS, prior to completing its updated report, the Northeast Dade Area Municipal Advisory Committee should review the study being conducted by PMG Associates, Inc. concerning annexations and incorporations, pursuant to its contract with Miami-Dade County (the "Study"); and

WHEREAS, after reviewing the Study, the Northeast Dade Area Municipal Advisory Committee should be required to complete its updated report within a specified period of time; and

WHEREAS, after completion of its updated report, it is advantageous for this committee to remain in existence to respond to any requests and concerns of the Board up to the latter of the time that the Board, upon motion of the district commissioner in whose district the incorporation is proposed, takes action on whether to forward the report to the Planning Advisory Board or the Board submits the question of the creation of a new municipality to the electorate,

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

Section 1. The foregoing recitals are incorporated into this ordinance.

Section 2. Section 9 of Ordinance No. 04-104 containing a sunset provision is hereby repealed retroactive to the date of enactment of such ordinance thereby ratifying all previous actions of the Northeast Dade Area Municipal Advisory Committee.

Section 3. It is provided, however, that the Northeast Dade Area Municipal Advisory Committee shall not meet to take final action on its updated report until the study being conducted by PMG Associates, Inc. concerning annexations and incorporations (the "Study") has been accepted by the Board of County Commissioners; and

Section 4. The Northeast Dade Area Municipal Advisory Committee shall review and consider the Study, prior to completing its updated report.

Section 5. The Northeast Dade Municipal Advisory Committee shall complete its updated report within six months of the date that the Board of County Commissioner accepts the Study.

Section 6. Notwithstanding any ordinance or provision of the Code of Miami-Dade County to the contrary, the Northeast Dade Area Municipal Advisory Committee shall remain in existence to respond to any requests and concerns of the Board of County Commissioners up to the latter of the time the Board, upon motion of the district commissioner in whose district the incorporation is proposed, takes action on whether to forward the report to the Planning Advisory Board or the Board submits the question of the creation of a new municipality to the electorate. In any event, however, the Northeast Dade Area Municipal Advisory Committee shall terminate two years from the date of the adoption of this ordinance.

Section 7. 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 8. 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 be excluded from the Code of Miami-Dade County, Florida.

Section 9. This ordinance shall become effective 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: April 21, 2015

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Craig H. Coller
Cynthia Johnson-Stacks

Prime Sponsor: Commissioner Sally A. Heyman