

# Greater Falls Area Community Meeting | FAQ

## CONTEXT

Starting during my first election campaign, I have spoken to constituents both supportive of and opposed to the possibility of incorporating the greater Falls area.

I have been and am neutral on the subject of incorporation. As County Commissioner for District 8, my role is to decide whether or not to sponsor the creation of a Municipal Advisory Committee to advance the process of incorporation.

In order to make sure that I make a decision that reflects the will of residents in the affected area, I decided that a mail-in opinion survey to every registered voter in the proposed boundaries of the greater Falls area would be a fair and objective next step.

On July 19, 2017 at 6:30 pm, I held a community meeting at Killian High School to gather community input on this survey. I am grateful to all of you who participated so thoughtfully and to those who have sent their feedback via email. You raised a number of important questions and good ideas. My team and I were listening. We are trying to be as responsive as possible, and I address some of your questions below.

## OVERVIEW OF THE PROCESS OF INCORPORATION

Incorporation is the process whereby a new municipality (city, town or village) is created. [Section 6.05](#) of the Home Rule Charter of Miami-Dade County and [Chapter 20](#) of the **Miami-Dade County Code of Ordinances (Code)** govern the incorporation process.

The incorporation process is a complex one with multiple paths. The code controlling the incorporation process has changed in the years since the last attempt to incorporate the greater Falls area.

### WHAT IS A MUNICIPAL ADVISORY COMMITTEE (MAC)?

In order to incorporate, a **Municipal Advisory Committee (MAC)** must be established according to the Code. The purpose of a MAC is to study and give advice to the County Commission regarding the creation of a proposed municipality. MACs are created by the **Board of County Commissioners (BCC)** through ordinance and composed of members appointed by the commissioner of the district in which incorporation is proposed.

### WHAT DOES A MAC DO?

MACs study the feasibility of incorporating a specific area into a municipality. All MAC meetings are free, open to the public and advertised on the County Calendar. Residents are encouraged to attend the meetings to learn more, hear presentations and express their opinions. MACs meet for up to two years (subject to extension if approved by the BCC) and convene at least two public hearings.

The MAC produces a report sent to the BCC that includes a number of findings, including: fiscal feasibility, evidence of desirability, and a plan for the development of a viable community. Upon motion of the district commissioner of the area of proposed incorporation, the BCC may schedule the MAC report and resolution for consideration by the Planning Advisory Board. After the Planning Advisory Board holds a public hearing and makes recommendations, it comes before the BCC.

The BCC then determines if an incorporation is to be put to a vote by the electorate of the affected area. If approved by the Board, **the voters of the affected area ultimately determine whether or not to incorporate in an election process determined by the majority of those voting.**

## **HOW CAN A MAC BE CREATED?**

There are two paths to creating a MAC. In both cases, the BCC must approve the creation of a MAC by ordinance, which would require a majority vote of the County Commissioners present.

### **1) AFTER A PETITION**

Section 20-29 of the Code establishes that the district commissioner may bring an item to the BCC to create a MAC after receiving the written consent of 20% of resident electors in the area. The Code was updated in 2005 to include the 20% signature requirement, however, a moratorium on incorporation was in place until 2013.

### **2) WITHOUT A PETITION**

The MAC may also be created by an ordinance adopted by the BCC, brought by the commissioner of the district, waiving the 20% petition requirement. The BCC has waived the petition requirement for the two West Kendall and two South Dade MACs. The Biscayne Gardens, Northeast Dade, and North Central Dade MACs were created before petitions were required at all. The West Kendall MACs were repealed by Ordinance Number 17-18 in March, 2017.

## **PROS AND CONS OF INCORPORATION**

Many of you have asked me to weigh in on the reasons to incorporate, or the reasons to remain unincorporated. As your County Commissioner, I remain neutral on the pros and cons of incorporation. The decision on whether or not to incorporate is one voters must make for themselves.

There are a number of passionate and knowledgeable advocates on both sides of the issue, and I encourage you to seek out information from your neighbors and from relevant county departments. The MAC process is also designed to inform and educate voters on the consequences of incorporation.

## **THE SURVEY**

As to the format of the survey, I am still receiving and considering community input. Many of you raised the point that you did not have enough information on the pros and cons of incorporation to simply respond to a “yes” or “no” survey question on the subject. Instead, it was suggested that the more appropriate survey question would be whether or not you are in favor of the creation of a MAC. In consultation with Dr. Robert Ladner, behavioral science researcher and volunteer consultant, we are reevaluating the best format for the questions and we will provide an update before sending surveys.

Many of you also raised concerns as to the timeline of the survey. I have heard you and now intend to mail out the survey after Labor Day and give until the end of September for residents to respond.

Some of you expressed a preference for the Department of Elections to manage the survey collection and tallying. I am exploring whether this is possible. The survey itself will be a return postage-paid, confidential mailer. All responses will be tallied.

Some of you asked questions about whether it would be possible to survey property owners. Because this issue will ultimately be voted upon by registered voters in the area, the survey will go to registered voters. I welcome input from any constituents, including property and business owners in the greater Falls area.

## **MY MOTIVATION**

My role is to listen to all residents and to be as fair and objective as possible. My goal is to assure that all constituents have a voice, not just those with strong, established views on either side of the incorporation issue. The reason I am committed to surveying area residents is because it will help me understand the community pulse as to this issue.

The MAC process is an intensive exercise, demanding county resources and significant community involvement. I believe it is important to understand whether a critical mass of residents are in favor of proceeding with the MAC before I would bring an item to create a MAC to the BCC.

## **THE MAP**

Many of you asked questions about the geographic boundaries of the proposed incorporation. The map included below and in our July 19, 2017 community meeting is one that was generated by the Miami-Dade Elections Department based on the proposed boundaries from the group promoting incorporation, the "Falls Steering Committee."

July 28, 2017

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