

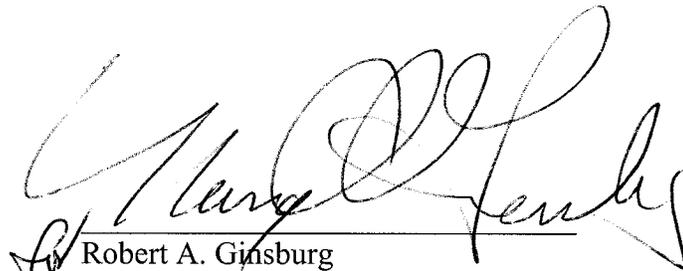
MEMORANDUM

Not On
Agenda Item No. 6(C)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** July 27, 2004

FROM: Robert A. Ginsburg
County Attorney **SUBJECT:** Ordinance creating and establishing the Biscayne Gardens Area Municipal Advisory Committee

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


Robert A. Ginsburg
County Attorney

RAG/bw

Memorandum



Date: July 13, 2004

To: Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of the County Manager.

Subject: Ordinance Creating and establishing the Biscayne Gardens Municipal Advisory Committee

This ordinance establishing the Biscayne Gardens Municipal Advisory Committee will not have an additional fiscal impact on Miami-Dade County. The municipal advisory committee has been meeting and staff will continue to provide the support it has been providing until the committee's work is done.

fiscal/04104



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: July 27, 2004

FROM: Robert A. Ginsburg
County Attorney

Not On

SUBJECT: Agenda Item No. 6(C)

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 _____

Not On
Agenda Item No. 6(C)
7-27-04

ORDINANCE NO. _____

ORDINANCE CREATING AND ESTABLISHING THE BISCAYNE GARDENS AREA MUNICIPAL ADVISORY COMMITTEE; DIRECTING STAFF TO PREPARE A STUDY OF THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN THE AREA OF BISCAYNE GARDENS; PROVIDING WAIVER OF SECTION 2-11.37(c) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, pursuant to Resolution No. R-974-03 (Attachment I), a Biscayne Gardens Area Municipal Advisory Committee was created; and

WHEREAS, it is anticipated that the Committee's advisory report will not be completed within one year from the date that the Committee was created pursuant to resolution; and

WHEREAS, pursuant to the Code of Miami-Dade County, Section 2-11.31.1, committees that will exist for a year or more shall be created by ordinance,

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

Section 1. There is hereby created a Biscayne Gardens Area Municipal Advisory Committee consisting of a minimum of no less than seven (7) members and no more than eleven (11) members who reside within the boundaries of the study area. The initial members as well as any vacancies on the Biscayne Gardens Area Municipal Advisory Committee shall be those members appointed pursuant to memorandum to be issued by the County Commissioner for the

District. The members of the committee shall select officers from the membership as desirable or necessary.

Section 2. Purposes.

1) To review the possible incorporation of the generally described area set forth in Attachment I to this ordinance.

2) To prepare an advisory report that shall address the results of the study prepared by County staff as well as incorporation concerns of members of the Board of County Commissioners and the manner in which those concerns may be alleviated in the event the Biscayne Gardens area is incorporated as a new municipality.

Section 3. Duties and Responsibilities.

1) The committee shall conduct no less than two duly advertised public hearings at which the residents of the area shall have the opportunity to express their views and concerns regarding the proposed incorporation of the Biscayne Gardens area.

2) Prior to the first public hearing, the committee shall have reviewed the tape of the County Commission workshop on incorporation held on January 14, 1999, and shall be familiar with written materials concerning incorporation presented to the Board of County Commissioners at that time and at any subsequent meeting or workshop.

3) The committee's responsibilities shall terminate upon submission of its report to the Board of County Commissioners.

Section 4. The requirement of Section 2-11.37(c) of the Code of Miami-Dade County is hereby waived.

Section 5. 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 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County. 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 7. 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.

Section 8. This ordinance shall stand repealed one year from its effective date.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG
CJS

Prepared by:

Cynthia Johnson-Stacks

Sponsored by Commissioner Dorrin D. Rolle

MEMORANDUM

Agenda Item No. 10(A)(7)

TO: Hon. Chairperson and Members
Board of County Commissioners

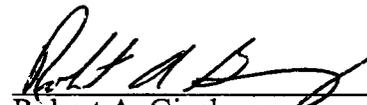
DATE: September 9, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution creating and
establishing the Biscayne
Gardens Municipal
Advisory Committee

R-974-03

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

Agenda Item No. 10(A)(7)

Veto _____

9-9-03

Override _____

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 _____ who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Craig H. Coller