Memorandum

MIAMI-DADE COUNTY

Date: December 4, 2007

Agenda Item No. 7(F)

To: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance requiring Municipal Advisory Committees to complete their studies within twenty-four months and requiring County Staff to update fiscal Impacts prior to a public hearing

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Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached Ordinance requiring Municipal Advisory Committees (MACs) to complete a feasibility and desirability study within 24 months of its creation and requiring a MAC Report to include findings of fiscal feasibility, evidence of desirability, and a plan for the development of a viable community. Additionally, this Ordinance requires County staff to provide the BCC with an updated Impact to the Unincorporated Municipal Service Area (UMSA) analysis prior to any incorporation public hearing before the BCC.

Scope

The impact of this agenda item is countywide in nature as it will affect the MAC process and the final product of the MAC.

Fiscal Impact / Funding Source

The accompanying ordinance will not have a fiscal impact on Miami-Dade County.

Track Record / Monitor

The Office of Strategic Business Management (OSBM) will track the progress of the MACs.

Background

At the November 13, 2007, Government Operations and Environment Committee meeting this item was amended to include language that if the BCC imposed a moratorium, the moratorium period will not be included in the mandatory 24 month MAC process completion period.

On March 29, 2007, the Government Operations and Environment Committee held Incorporation/Annexation and Mitigation workshops to address issues relating to incorporation and annexation. Staff presented policy recommendations for the Committee's consideration. The Committee instructed staff to prepare ordinances implementing the policy recommendations accepted at the committee workshop. This proposed ordinance sets a specific timeframe for the completion of an incorporation study and requires staff to provide updated fiscal impact information at the time the incorporation proposal is considered by the BCC.

Section 20-29 of the Code of Miami-Dade County addresses the creation and limitation of a MAC to study the feasibility and desirability of incorporation. However, the Code is silent as to the time frame a

MAC should take to complete the required study. A MAC is initially created by resolution and functions as an advisory group to the Board. Section 2-11.31.1 of the Code requires that committees existing for over one year be created by ordinance. As a result, current procedures call for a MAC to be re-created by ordinance once the initial year expires and the MAC study is not complete. All active MACs were originally created by resolution then re-created by ordinance. It is recommended that the Code be amended to require a MAC be created by ordinance and to complete its study and report within 24 months of its creation. Setting a specific deadline for a MAC to complete its study will provide a valuable venue for the community to engage in the process and it will address the burden expressed by many residents at public forums that current MAC studies are prolonged without any meaningful development or conclusion. If the MAC does not meet the required 24 month deadline, the MAC will automatically sunset. As a separate item for Board consideration, an ordinance has been included on this agenda sunsetting the Redland, PLANT (Princeton, Leisure City and Naranja) and Goulds MACs. These MACs have all been in existence longer than 24 months and are essentially inactive.

The MAC will be required to provide as part of their report a section which shall include findings of fiscal feasibility, evidence of desirability and a plan for the development of a viable community. Currently County staff requires the MAC to provide the fiscal feasibility of the proposed municipality in the form of a municipal budget. This ordinance will codify this requirement.

It is also recommended that the Code be amended to require County staff to provide the BCC with an updated Impact to UMSA Analysis prior to any incorporation public hearing before the BCC. This requirement will provide the BCC with current information regarding revenue and expenditure adjustments to the UMSA budget at the time an incorporation proposal is considered.

Jennifer Glazer-Moon, Director
Office of Strategic Business Management

CMO 03908

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: December 4, 2007

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

SUBJECT: Agenda Item No. 7(F)

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. 7(F)

12-04-07

ORDINANCE NO. _____

ORDINANCE RELATING TO INCORPORATION PROCEDURES; REQUIRING MUNICIPAL ADVISORY COMMITTEES (MACs) TO BE ESTABLISHED BY ORDINANCE; ESTABLISHING DEADLINES FOR MAC STUDIES; REQUIRING CERTAIN INFORMATION TO BE PROVIDED IN MAC REPORTS AND BY COUNTY STAFF; AMENDING SECTIONS 20-23 AND 20-29 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, during the Incorporation/Annexation and Mitigation workshops of the Government Operations and Environment Committee of the Board of County Commissioners, staff presented policy recommendations for the Committee's consideration to address issues relating to incorporation and annexation; and

WHEREAS, Section 20-29 of the County Code describes the objectives and responsibilities of a Municipal Advisory Committees; and

WHEREAS, each incorporation has its own separate and distinct fiscal impact on the remaining Unincorporated Municipal Service Area (UMSA),

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

Section 1. Section 20-23 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows: [1]

Sec. 20-23 Board of County Commissioners consideration of proposed incorporation petition.

* * *

[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.

(B) At the conclusion of the public hearing the Board of County Commissioners, in evaluating the appropriateness of a petition for incorporation, shall consider the following guidelines:

* * *

(6) The impact of the proposal, >>as updated by the Office of Strategic Business Management prior to the public hearing,<< on the revenue base of the unincorporated area, and on the ability of the County to efficiently and effectively provide services to adjacent remaining unincorporated areas, including the potential for the area to:

(a) Continue to participate in the County's Fire-Rescue and Library Districts, and

(b) Contract with the County for other municipal services,

* * *

Section 2. Section 20-29 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 20-29 Municipal Advisory Committee—Creation and Limitation of Study Area.

(A) A Municipal Advisory Committee may >>only<< be created by ordinance [[~~or resolution~~]] of the Board in accordance with the provisions of this section to study and give advice to the County Commission regarding the creation of a proposed municipality. However, as of the effective date of this ordinance, no Municipal Advisory Committee shall be created by the County Commission, unless no less than twenty-five (25) percent of the resident electors in the area to be studied consent to the creation of a Municipal Advisory Committee on a consent form which shall be approved by the Office of Strategic Business Management. The signed consent forms shall be submitted to the Clerk of the Board of County Commissioners. Upon submission of the signed consent forms, the Clerk of the Board of County Commissioners shall submit the signed consent forms to the Department of Elections for certification as to the sufficiency of signatures on the consent forms. Upon notification of certification by the Department of Elections, the Clerk of the Board shall forward to the County Commission the signed consent forms of area residents and the certification of the sufficiency of the consent forms. Following public hearing, the County Commission may create a Municipal

Advisory Committee by ordinance. It is provided, however, that where a Municipal Advisory Committee has been established [[~~by resolution,~~]] prior to the effective date of this ordinance, no consent of resident electors shall be required for the adoption of an ordinance creating a Municipal Advisory Committee involving the same study area. [[~~It is further provided that where a Municipal Advisory Committee is established by resolution after obtaining the consent of the resident electors as required by this subsection, no further consent shall be required to create by ordinance a Municipal Advisory Committee involving the same study area.~~]] Upon receipt of the Municipal Advisory Committee report >>, which shall include findings of fiscal feasibility, evidence of desirability, and a plan for the development of a viable community,<< and upon motion of the district commissioner whose district comprises the majority of the proposed area to be incorporated, the Board of County Commissioners, at a regular meeting of the Board, may schedule the Municipal Advisory Committee report and resolution for consideration by the Planning Advisory Board.

* * *

>>(E) The Municipal Advisory Committee shall complete the required feasibility and desirability study within twenty-four (24) months of its initial creation. If the Municipal Advisory Committee does not meet the required deadline, the Municipal Advisory Committee shall automatically sunset. Any Municipal Advisory Committee in existence as of the effective date of this ordinance shall include as part of its report a study of the feasibility and desirability of incorporating and shall be required to complete its study and submit the required report within twenty-four (24) months of the adoption of this ordinance. If a Municipal Advisory Committee in existence as of the effective date of this ordinance does not meet this required deadline it shall automatically sunset. It is provided however, in the event that the Board of County Commissioners adopts an ordinance which suspends the processing of incorporation requests, the calculation of the twenty-four (24) month period of time provided by this section shall be tolled during the pendency of such suspension.

(F) Any public hearing held by the Board of County Commissioners to consider a proposed incorporation of an unincorporated area shall required that prior to such hearing the Office of Strategic Business Management provide the Board an updated Impact to the Unincorporated Municipal Service Area Analysis. <<

Section 3. 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 4. 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 5. 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:

Craig H. Coller

ORD 00308