

Memorandum



Date: (Second Reading 7-1-08)
April 8, 2008

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

Agenda Item No. 7(J)

From: George M. Burgess, County Manager

Subject: Ordinance relating to municipal boundary changes to seek third-party mediation when boundary applications conflict

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached Ordinance requiring annexing municipalities, individuals or groups to seek third-party mediation at their own expense when the boundaries of two or more annexation applications conflict and to re-submit their applications within six months of seeking third-party mediation reflecting mutually agreed upon boundaries. If a boundary change application is not resubmitted within six months, then the original application will be considered formally withdrawn. This ordinance will affect future applications for annexation of land.

Scope

The proposed ordinance gives municipalities, individuals, and groups the opportunity to resolve boundary disputes among themselves without utilizing County resources as mediators.

Fiscal Impact/Funding Source

This ordinance will not have a fiscal impact on Miami-Dade County since it requires municipalities, individuals or groups to absorb the costs associated with the third-party mediation.

Track Record/Monitor

Upon review of a submitted boundary change application, the Office of Strategic Business Management (OSBM) will determine when a boundary change application conflicts with another boundary change application. OSBM will notify the municipalities, individuals or groups of the boundary conflicts and will monitor the time frame in which these applications must be submitted with revised and non-conflicting boundaries.

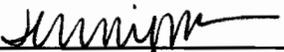
Background

On March 29, 2007, the Government Operations and Environment Committee held an Incorporation/Annexation and Mitigation Workshop to address issues relating to incorporation and annexation. Staff presented policy recommendations for the Committee's consideration. The Committee instructed staff to draft ordinances for the policy recommendations presented at the workshop for further consideration.

This proposed ordinance addresses how to proceed when two or more municipalities, individuals or groups present boundary change applications that contain overlapping boundaries; whether in whole or in part. Currently, there are thirty five (35) municipalities in Miami-Dade County. While there are many

municipalities that are completely surrounded by incorporated areas, other municipalities may still modify their boundaries by annexing adjacent unincorporated land. As a result, neighboring municipalities can possibly pursue some of the same boundaries concurrently. On certain occasions where the boundaries of municipal annexation requests have conflicting boundaries, County staff has worked with these municipalities to assist them in considering mutually agreeable boundaries. However, staff's efforts have not always resulted in acceptable boundaries for those municipalities.

As a result, this ordinance places the burden of resolving boundary disputes on the municipalities, individuals or groups seeking annexation of conflicting boundaries. The ordinance requires OSBM to refer the municipalities, individuals or groups with conflicting boundary applications to a third party mediator. The cost of the mediation will be incurred by the municipalities, individuals or groups. Boundary change applications reflecting mutually agreed upon boundaries must be submitted for processing to the Clerk of the Board within six (6) months after being referred to a third party mediator. Setting a specific time frame to resolve boundary disputes prevents having applications remain unresolved indefinitely. In the event that either of the applications referred to mediation are not re-submitted within six (6) months with modified boundaries, the boundary change applications will be considered formally withdrawn. This ordinance will affect future applications for annexation of land.



Jennifer Glazer-Moon, Director
Office of Strategic Business Management



MEMORANDUM

(Revised)

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

DATE: July 1, 2008

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

SUBJECT: Agenda Item No. 7(J)

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. 7(J)

Veto _____

7-1-08

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO MUNICIPAL BOUNDARY CHANGE PROCEDURES; REQUIRING MUNICIPALITIES TO SEEK MEDIATION WHEN BOUNDARY CHANGE APPLICATIONS OF TWO OR MORE MUNICIPALITIES CONFLICT; REQUIRING MUNICIPALITIES TO SUBMIT MUTUALLY AGREED UPON BOUNDARIES WITHIN SPECIFIED PERIOD OF TIME AFTER REFERRAL TO A MEDIATOR; PROVIDING THAT PROPOSED MUNICIPAL BOUNDARY CHANGE INITIATED BY AN INDIVIDUAL OR GROUP WHICH CONFLICTS WITH ANOTHER INDIVIDUAL, GROUP OR MUNICIPALITY SUBMIT TO MEDIATION WITHIN TIME PRESCRIBED FOR MUNICIPALITIES; CREATING SECTION 20-3.1 AND AMENDING 20-4 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 Workshop 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, the Board prefers that when proposed municipal boundary change applications of two or more municipalities, individuals or groups contain similar boundaries, either partially or in their entirety, such application conflicts be amicably resolved; and

WHEREAS, the Board desires that neighboring municipalities or individuals or groups with conflicting proposed municipal boundary changes seek third party mediation to resolve boundary disputes at their own expense and effort; and

WHEREAS, the Board desires to set a specific time frame for the resolution of boundary issues or to withdraw the proposed boundary change applications if the municipalities

individuals or groups are unable to reach an amicable agreement on their proposed municipal boundaries,

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

Section 1. Section 20-3.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows: ¹

>>Sec. 20-3.1 Referral to third party mediation to resolve boundary disputes

When two (2) or more municipalities submit conflicting boundary change applications such municipalities shall seek third party mediation at their own expense. The municipalities shall submit their dispute to third party mediation within thirty (30) days from the date that the Office of Strategic Business Management determines that the boundaries of the municipal applications are in conflict. Applications reflecting mutually agreed upon boundaries shall be resubmitted to the Office of Strategic Business Management for processing within six (6) months after being referred to a third party mediator. In the event that the municipalities fail to submit their boundary dispute to a third party mediator within the time specified above or are unable to reach agreement and resubmit their applications to the Office of Strategic Business Management within six (6) months from the date such applications are referred to a mediator, the boundary change applications shall be deemed withdrawn.<<

Section 2. Section 20-4 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 20-4 Initiated by individual or group

Any person or group desiring a proposed boundary change to any municipality shall initiate the same by filing with the Clerk of the County Commission a written petition in substantially the form prescribed and furnished by the Director of the Office of ~~[[Management and Budget]]~~ >>Strategic Business Management<< which shall be accompanied by the documents and information prescribed in Section 20-3(A) thorough ~~[[F]]~~ >>(H)<< hereof, together with a duly certified resolution of the governing body of the municipality involved approving such proposed boundary change, and shall give written notice to all

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.

owners of property within the area and within six hundred (600) feet thereof of ~~[[his]]~~ >>the<< proposal for a boundary change. The cost of such notice shall be paid by the initiating individual or group. >>In the event that a proposed boundary change application initiated by an individual or group conflicts with a boundary change application of another individual, group or neighboring municipality, the requirements set forth by Section 20-3.1 shall apply to such individual, group or neighboring municipality.<<

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.

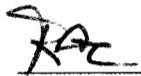
Section 4. This ordinance shall apply to municipal boundary change applications filed after the effective date of this ordinance.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance 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 6. 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