Memorandum

MIAMI-DADE COUNTY

(Second Reading 6-2-09)

Date: April 21, 2009

Agenda Item No. 7(E)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Dissolving the Redland, Goulds and Princeton, Leisure City and Naranja Municipal Advisory Committees

---

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached Ordinance repealing Ordinances 01-100, 04-136, 04-148 establishing the Redland, PLANT (Princeton, Leisure City and Naranja), and Goulds Municipal Advisory Committees (MAC), respectively.

Scope

This agenda item will impact the unincorporated areas of Redland, Princeton, Leisure City, Naranja and Goulds from continuing to study the feasibility and desirability of incorporating the respective areas. The MAC areas are within Commission Districts 8 and 9.

Fiscal Impact/Funding Source

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

Track Record/Monitor

Not applicable.

Background

When this ordinance was originally presented to the BCC, the Redland, PLANT and Goulds MACs were given additional time to mediate their boundary issues and the Charter Review Task Force was considering total incorporation. Even with the additional time to resolve boundaries, the MACs did not agree on any given boundaries and the Charter Review Task Force Recommendation to incorporate all of Miami-Dade County was not adopted, therefore, this item is being presented again to the BCC for consideration. The background and timeline is detailed below.

On June 5, 2001, July 13, 2004, and July 27, 2004, the Board approved the ordinances creating Redland, PLANT and Goulds MACs respectively. The MACs were charged with providing a recommendation to the BCC after studying the feasibility and desirability of incorporating the respective areas. The MACs reviewed the fiscal impact of the areas' incorporation on the Unincorporated Municipal Services Area (UMSA) budget, the functions and responsibilities of municipal governments, the obligations of new municipalities to the County and to its municipal residents. Additionally, in the Redland the MAC developed a pro-forma budget for the proposed municipality.

On November 20, 2001, the BCC held a public hearing regarding the proposed incorporation of the Redland area. Based on testimony from Goulds and Princeton area residents regarding boundary disputes with the proposed Redland area incorporation, the BCC deferred the proposed incorporation to no date certain in order to give the MAC and its neighboring communities the opportunity to resolve the boundary disputes. On January 20, 2004, the BCC adopted Resolution R-116-04 directing the County Manager to enter into agreement with the Florida Conflict Resolution Consortium (FCRC) to assess the use of a collaborative process to resolve the boundary issues of incorporation proposals in South Miami-Dade County. The FCRC conducted a preliminary feasibility assessment on the use of a mediated process to resolve the existing boundary disputes. The FCRC report was presented to the BCC on May 18, 2004.

The BCC directed the County Manager to contract with the FCRC to conduct the mediation process. Between August and October 2004; the FCRC focused its mediation efforts on issues between Redland, PLANT, and Goulds MACs. However, in late October 2004, the mediation efforts were placed on hold to allow the PLANT and Goulds MACs time to understand the implications of a petition for incorporation filed with the Clerk of the Board by the Friends of Redland. The petition sought to incorporate boundaries that were part of the mediation process discussion. From November 2004 through May 2005 there was a pause in the mediation efforts, which created an indefinite impasse. The PLANT and Goulds MACs discontinued meetings based on the unresolved boundary disputes. On November 28, 2005, the FCRC submitted a final report identifying a change in the willingness of key parties to engage in a mediated resolution process. As a result, the existing boundary disputes have not been resolved.

On November 13, 2007, the Governmental Operations and Environment Committee held a public hearing on an ordinance to repeal the ordinances creating the Redland, PLANT and Goulds MACs. The Committee bifurcated the item into two ordinances, one repealing the Redland MAC and the other repealing the Goulds and PLANT MACs. On December 4, 2007, the BCC heard both ordinances and deferred them in order to give the MACs a final opportunity to agree on acceptable boundaries. The MAC chairs met during the month of December 2007 and January 2008, but were unable to agree on boundaries. As a result, on January 15, 2008, the Goulds MAC met and voted to dissolve the MAC. On January 17, 2008, the PLANT MAC met and voted to dissolve the MAC.

On January 22, 2008, the BCC deferred the ordinances to dissolve the MACs pending receipt of the Charter Review Task Force recommendations on the future of incorporations. The BCC held a special meeting on July 18, 2008, to consider the Charter Review Task Force Recommendations. Special Item 16 asking County electors to vote on the creation of an independent task force to develop an annexation and/or incorporation plan for inclusion of all unincorporated areas of the County within cities was withdrawn.

The Redland, PLANT, and Goulds MACs were unable to agree on boundaries throughout the mediation process sponsored by the BCC and undertaken by the FCRC. Additionally, as previously noted, the Goulds and PLANT MACs have voted to dissolve their respective MACs, therefore, it is recommended these MACs be dissolved.

Jennifer

Jennifer Glazer-Moon, Director
Office of Strategic Business Management

cmo04909

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: June 2, 2009

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

SUBJECT: Agenda Item No. 7(E)

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 Mayor'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(E)
6-2-09

ORDINANCE NO. _____

ORDINANCE REPEALING ORDINANCES NO. 01-100, 04-136, AND 04-148 OF MIAMI-DADE COUNTY ESTABLISHING THE REDLAND, PRINCETON LEISURE CITY AND NARANJA (PLANT), AND GOULDS AREA MUNICIPAL ADVISORY COMMITTEES; PROVIDING SEVERABILITY, EXCLUSION FROM 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, Municipal Advisory Committees (MAC) were established in the areas of Redland, Princeton, Leisure City and Naranja (PLANT), and Goulds to study the feasibility of incorporation; and

WHEREAS, there are boundary disputes among the Redland, PLANT, and Goulds MACs; and

WHEREAS, Resolution R-116-04 of the Miami-Dade County Board of County Commissioners directed the County Manager to enter into agreement with the Florida Conflict Resolution Consortium to assess use of collaborative process to resolve boundary issues regarding South Miami-Dade incorporation proposals; and

WHEREAS, on May 18, 2004 a report prepared by the Florida Conflict Resolution Consortium summarizing its initial assessment as to the feasibility of a mediated process to address boundary issues among incorporations efforts in South Miami-Dade County was

presented to the Board of County Commissioners; and

WHEREAS, after discussion of the aforementioned report the Board of County Commissioners directed the County Manager to contract with the Florida Conflict Resolution Consortium to mediate the boundary disputes among various incorporation efforts; and

WHEREAS, one member of each of the Redland, PLANT, and Goulds MACs represented its respective group in the mediation process undertaken by the Florida Conflict Resolution Consortium; and

WHEREAS, on November 28, 2005 the Florida Conflict Resolution Consortium submitted a report noting that no successful mediation resulted from the undertaken process; and

WHEREAS, the Board of County Commissioners allowed the three MACs additional time in December of 2007 to meet and mediate the boundaries; and

WHEREAS, the three MAC Chairs met and no boundary resolution was obtained,

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

Section 1. Ordinances No: 01-100, 04-136, and 04-148 of the Code of Miami-Dade County establishing the Redland, PLANT and Goulds Municipal Advisory Committees are hereby repealed in their entirety.

Section 2. 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 3 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 4 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: RAC

Prepared by: CHC

Craig H. Coller

ord00309