



MEMORANDUM

BPS --- December 8, 2009

Agenda Item No. 1G2

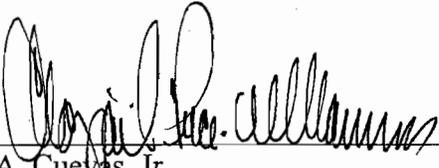
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE:

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

SUBJECT: Ordinance relating to municipal boundary changes; providing the Board of County Commissioners with discretion to decide whether to refer a municipal boundary request to the Planning Advisory Board, to deny such request, or to defer consideration of such request; amending Section 20-5 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



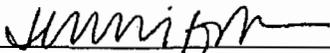
Date:

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

From: George M. Burgess 
County Manager

Subject: Ordinance amending Section 20-5 of the Code; to provide an alternative to referral of a proposed boundary change to the Planning Advisory Board

The proposed amendment provides the Board of County Commissioners with discretion to decide if a municipal boundary request should be referred to the Planning Advisory Board, as an alternative they may deny or defer consideration of the boundary change request. While the implementation of the proposed legislation will not result in a fiscal impact to Miami-Dade County, the avoidance of annexations will result in a potential fiscal impact that is dependent upon the boundaries, revenue, and expense of the particular area associated with such a request.



Jennifer Glazer-Moon
Special Assistant/Director, Office of Strategic Business Management

fls01610



MEMORANDUM

(Revised)

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

DATE: October 20, 2009

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

SUBJECT: Agenda Item No. 4(E)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4 (E)
10-20-09

ORDINANCE NO. _____

ORDINANCE RELATING TO MUNICIPAL BOUNDARY CHANGES; PROVIDING THE BOARD OF COUNTY COMMISSIONERS WITH DISCRETION TO DECIDE WHETHER TO REFER A MUNICIPAL BOUNDARY REQUEST TO THE PLANNING ADVISORY BOARD, TO DENY SUCH REQUEST, OR TO DEFER CONSIDERATION OF SUCH REQUEST; AMENDING SECTION 20-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 20-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-5. Initial consideration of proposed boundary change.

The Clerk of the County Commission, upon receipt of a request for boundary change filed in compliance with Section 20-3 or Section 20-4 hereof, shall cause such matter to be placed upon the official agenda of an ensuing regular meeting of the County Commission, and shall notify the person, group or municipality initiating the boundary change of the date of the regular meeting at which such matter will be considered by the County Commission. A representative of the petitioners or of such municipality, as the case may be, may be heard briefly by the County Commission in respect to the merits or propriety of the request for such boundary change. The County Commission ~~[[shall]]~~ >>may either<< refer such proposed boundary change to the County Planning Advisory Board for review, study, consideration and recommendations>>.

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.

deny such boundary request, or defer consideration of whether such boundary request should be referred to the County Planning Advisory Board.<<

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 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 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:

APW/RAC

Prepared by:

CNC/CJS

Craig H. Coller
Cynthia Johnson-Stacks

Prime Sponsor: Commissioner Rebeca Sosa

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