Memorandum

MIAMI-DADE COUNTY

Date: May 3, 2011

Agenda Item No. 1(F)11

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Sunset Review of County Boards for 2011 – Fisher Island Community Council 16

In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2011 Sunset Review of County Boards Report for the Fisher Island Community Council 16. The Board approved the attached report at its meeting of January 25, 2011 and has recommended the continuation of its board.

Alex Muñoz
Assistant County Manager

cmo08711

Date: January 25, 2011

To: George M. Burgess
County Manager

From: Dr, Sidney Stern
Chairperson, Fisher Island Community Council 16

Subject: Sunset Review of County Boards for 2011 – Fisher Island Community Council 16

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2011 Sunset Review of County Boards Report for the Fisher Island Community Council 16 for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of January 25, 2011.

It is recommended that the BCC approve the continuation of Fisher Island Community Council 16.

BACKGROUND

Miami-Dade County Board of County Commissioners created the Community Councils in 1996. Each Community Council serves one of 10 separate geographic areas in unincorporated Miami-Dade County.

Community Council Members serve as the Community Zoning Appeals Board Members and have jurisdiction over zoning applications as per Section 33-306 of the Code of Miami-Dade County. Each member is a qualified elector of Miami-Dade County, with an outstanding reputation for civic interest, community welfare, integrity and responsibility. The seven (7) members of each Community Zoning Appeals Board serve without compensation.

These boards are created and established pursuant to Section 4.08 of the Home Rule Charter for the purpose of facilitating the zoning powers granted by the Home Rule Charter to the Board of County Commissioners. The Community Zoning Appeals Boards can hear, consider and review appeals from the zoning regulations or decisions of an administrative official.

Based on the statistical data provided herein, it is believed that Fisher Island Community Council 16 is addressing the needs of the community, and as such, successfully serves the purpose for which it was created.

Dr. Sidney Stern
Board Chairperson

SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2011

I. GENERAL INFORMATION

1. Name of Board reporting: Fisher Island Community

2. Indicate number of board members, terms of office, and number of vacancies:
   Number of Board Members: 7 board members
   Terms of Office: 4 years
   Number of Vacancies: 2 vacancies

3. Identify number of meetings and members' attendance (Attach records reflecting activity from **Jan. 1, 2009** through **December 31, 2010**):
   Number of Meetings: No Zoning Hearings and 2 Non-Zoning Meetings
   Number of Meetings with a Quorum: 2 Non-Zoning Meetings
   Attendance Records: See Attachment

4. What is the source of your funding?

   Funds for the zoning functions are derived from zoning administrative hearing fees. During the months of January 2009 thru September 2009, Non-Zoning meetings received funds from the County's General fund. With the adoption of the FY 2009-2010 Budget, Non-Zoning Community Council staff was eliminated.

5. Date of Board Creation:

   On September 4, 1996, the board of County Commissioners adopted two ordinances (No. 96-126 and No. 96-127) establishing a community council system in Miami-Dade County.

6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments).

   See Attachment

7. Include the Board's Mission Statement or state its purpose:

   See Attachment

8. Attach the Board's standard operating procedures, if any.

   See Attachment

9. Attach a copy of the Board's By-Laws, if any.

   Not Applicable

10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, **including a vote of the membership**.

    See Attachment

II. EVALUATION CRITERIA

1. Is the Board serving the purpose for which it was created? (Please provide detailed information)

   Yes, the Council is performing its zoning hearing function as required by County Code.

2. Is the Board serving current community needs? (Please provide detailed information)

   Yes, the board holds meetings as necessary to hear zoning applications from the surrounding the community.

3. What are the Board's major accomplishments?
   a. Last 24 months, Community Council 16 has not heard any zoning applications in the Fisher Island area. They held 2 non-zoning meetings.

   b. Since established, Community Council 16 has been able to serve the private community of Fisher Island.

4. Is there any other board, either public or private, which would better serve the function of this board?

   No, there is no other public or private board that has the charge that this board has nor the legal authority to hear such zoning variances requests. This board is responsible for hearing appeals of the Zoning Code of Miami-Dade County.

5. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (If "Yes", attach proposed changes)

   No

6. Should the Board's membership requirements be modified?

   No

7. What is the operating cost of the Board, both direct and indirect? (Report on FY 2009 and FY 2010)

Zoning Meetings	Non-Zoning Meetings:
FY 2008-2009: $ 0.00	FY 2008-2009: $ 10,930.33
FY 2009-2010: $ 0.00	FY 2009-2010: funding eliminated

8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.

   Number of meetings convened, during this reported period, at which a required quorum was met:
   No Zoning hearings convened during January 2009 through December 2010.

2009 AND 2010 ATTENDANCE RECORDS:

COMMUNITY COUNCIL 16

BOARD ATTENDANCE - 2009

CZAB 16

NAME	01/27/09	02/24/09	03/24/09	04/28/09	05/26/09	06/23/09	07/28/09	08/25/09	09/22/09	10/27/09	11/24/09
Dr. Irwin Potash	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED
Robert B. Vole	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED
Jonlee Peterson	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED
Fredric Weber, Esq.	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED
Jack Loeb	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED
Dr. Sidney Stern	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED
Lawrence C. Phillips	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED

BOARD ATTENDANCE - 2010

CZAB 16

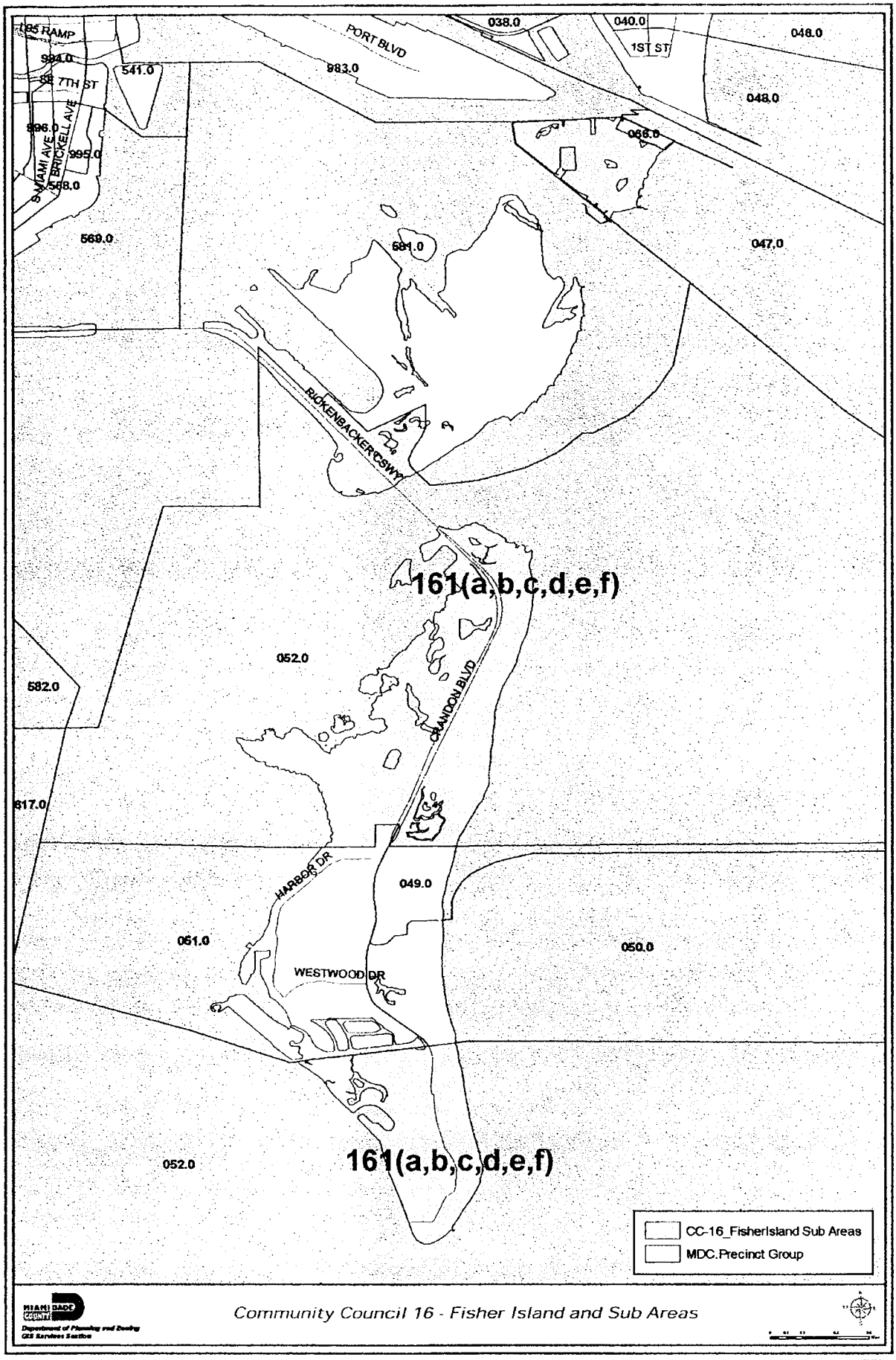
NAME	01/26/10	02/23/10	03/23/10	04/27/10	05/25/10	06/22/10	07/27/10	08/24/10	09/21/10	10/26/10	11/23/10
Dr. Irwin Potash	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED
Robert B. Vole	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED
Jonlee Peterson	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED
Fredric Weber, Esq.	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED
Jack Loeb	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED
Dr. Sidney Stern	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED
Lawrence C. Phillips	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED	CANCELLED

Fisher Island Community Council 16

CC 16 BOARD ATTENDANCE - 2009

Non-Zoning 16

Irwin Potash	P	P
Robert Vole	P	P
Jonlee Peterson	P	A
Sydney Stern	A	P
Lawrence Philips	P	P
Jack Loeb	A	A
Frederic Weber	A	A
Quorum? Y/N	Y	Y


I-95 RAMP
994.0
541.0
SE 7TH ST
996.0
995.0
S MIAMI AVE
BRICKELL AVE
568.0
569.0
PORT BLVD
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RICKENBACKER CSWY
161(a,b,c,d,e,f)
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CRANDON BLVD
617.0
HARBOR DR
049.0
051.0
050.0
WESTWOOD DR
052.0
161(a,b,c,d,e,f)
CC-16_FisherIsland Sub Areas
MDC.Precinct Group
MIAMI-DADE COUNTY
Department of Planning and Zoning
GIS Services Section
Community Council 16 - Fisher Island and Sub Areas

2011 SUNSET REVIEW

ORDINANCE CREATING BOARD (WITH PURPOSE STATEMENT)

ARTICLE IV. - COMMUNITY COUNCILS

Sec. 20-40. - Community Councils; creation and purposes.
Sec. 20-41. - Community Councils; responsibilities.
Sec. 20-42. - Community Councils; configuration.
Sec. 20-43. - Community Councils; membership.
Sec. 20-43.1. - Community Councils; recall.
Sec. 20-43.2. - Community Councils; removal.
Sec. 20-44. - Community Councils; organization; new member orientation; annual orientation workshop.
Sec. 20-45. - Community Councils; conflict of interest.

Sec. 20-40. - Community Councils; creation and purposes.

There are hereby established and created Community Councils to serve the unincorporated Miami-Dade County. Community Councils are established for the following purposes:

(1)

Providing the residents of unincorporated Miami-Dade County with increased governmental accountability, and responsiveness in decision-making processes for the delivery of municipal-type services;

(2)

Improving the effectiveness of services by making them more responsive to community desires and needs;

(3)

Retaining efficiencies of services by maintaining economies of scale;

(4)

Maintaining the ability to match unincorporated area needs with available resources; and

(5)

Fostering a sense of community identity, inclusiveness and empowerment.

(Ord. No. 96-126, § 1, 9-4-96)

Sec. 20-41. - Community Councils; responsibilities.

(A)

Community Councils shall perform the duties and responsibilities of Community Zoning Appeals Boards as set forth in Section 33-306 of the Code of Miami-Dade County.

(B)

Community Councils may, at their option, perform the following duties and responsibilities:

(1)

Planning.

(a)

Compile profiles of their respective community's social, physical and economic conditions to assist them in performing their duties;

(b)

Prepare an annual statement of community needs including development patterns and regulations, public facilities and services to assist the Council;

(c)

Make recommendations to the Planning Advisory Board and Board of County Commissioners on proposed Miami-Dade County Comprehensive Development Master Plan amendments that impact each Council's area; and

(d)

Make recommendations to the County Commission on the location and siting of specific public facility and infrastructure projects.

(2)

Protection of persons and property programming.

(a)

Recommend policies to coordinate the Fire Rescue District and Police Department in the enhancement of public safety and protection of property in the council area through improved communications and service needs assessments.

(3)

Budgeting.

(a)

Make recommendations to the County Manager and County Commission on priorities for community facilities and services and on community based organization grants for the council area; and

(b)

Make recommendations to the County Manager and County Commission on revenue needs including unincorporated area property taxes millages and special taxing districts.

(4)

Communication.

(a)

Conduct forums on council area issues to facilitate the exchange of information between residents, property owners, businesses, institutions and County Officials and Administrators;

(b)

Disseminate information about council area related organizations, programs and activities; and

(c)

Coordinate with Miami-Dade County's Team Metro in the exercise of that agency's responsibilities within the council area.

(C)

No member of a Community Council shall appear at any public hearings or meetings before the Board of County Commissioners or any other federal, state, or local board or tribunal, to advocate concerning any zoning application that was heard by, or that could reasonably be expected to be heard by, any Community Council.

(Ord. No. 96-126, § 1, 9-4-96; Ord. No. 05-139, § 1, 7-7-05)

Sec. 20-42. - Community Councils; configuration.

(A)

There shall be no more than (10) Community Councils each of which shall have jurisdiction within its boundary within the unincorporated area. Council areas should be large enough to reasonably accommodate local zoning issues without unduly increasing staffing requirements. The boundaries of Community Councils' jurisdiction, to the extent feasible, shall coincide with those of groupings of Census Designated Places.

(B)

Each Community Council area shall contain no more than six (6) subareas. The boundaries of these subareas, to the extent feasible, shall coincide with those of existing election precincts. Enclave areas that are fully surrounded by municipal boundaries and are not large enough to be subareas shall be part of the nearest subarea.

(C)

The boundaries and numerical designations of the Community Councils and of the subareas within them are depicted and described in Attachment I attached hereto and incorporated herein by reference [which can be found in the County Clerk's office]. These boundaries may be amended from time to time by resolution of the County Commission after public hearing. The names of the Community Councils shall be designated by the respective Community Council.

(D)

Notwithstanding anything in this Code to the contrary, when, as a result of municipal incorporation or annexation, a Community Council does not have enough members in office to act, the Board of County Commission may by resolution after public hearing, reassign the remaining areas of the affected Community Council to a different Community Council and modify the total number of Councils accordingly.

(Ord. No. 96-126, § 1, 9-4-96; Ord. No. 97-16, § 2, 2-25-97; Ord. No. 97-163, § 1, 9-23-97; Ord. No. 01-17, § 1, 1-23-01; Ord. No. 04-101, § 1, 5-11-04)

Sec. 20-43. - Community Councils; membership.

Except as provided in subsection (E), Community Councils shall have seven (7) members, six (6) of whom shall be elected at large within the council area and one (1) of whom shall be appointed by the Board of County Commissioners as follows:

(A)

Elected Council Members.

(1)

Elected Council Members shall, for at least six (6) months prior to qualifying, have been resident electors of the council area for which they are qualifying, and, for at least three (3) years prior to qualifying, resident electors of Miami-Dade County. Additionally, each elected Council Member seeking to represent a subarea shall, for three (3) months prior to qualifying, have been a resident elector of the separate subarea of the council area for which the Member is qualifying. At the time of qualifying candidates shall submit proof of residency for the prescribed period to the supervisor of elections. Proof of residency shall establish that the qualifying candidate has met the residency requirements for the required period. Any person misrepresenting their residency shall, upon conviction, be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed sixty (60) days in the County jail or both, at the discretion of the court. No Council Member shall be employed by Miami-Dade County or be a member of the County Commission.

(2)

The term of office of Community Council members shall be for four (4) years. It is provided, however, that when a Community Council has been modified to establish new subareas or at large areas, in the initial election of Council Members, those members representing even-numbered subareas shall serve a two-year term and those members representing odd-numbered subareas or at large areas shall serve a four-year term so as to create staggered terms. Thereafter all Council Members shall serve four-year terms. When a subarea is dissolved and is replaced by an at large area, the at large representative shall serve until expiration of the term of office that was provided for the dissolved subarea. It is further provided that when a Community Council consisting of one (1) subarea is created in the initial election three (3) seats shall be designated as two-year terms and three (3) seats shall be designated as four-year terms so as to provide staggered terms. Thereafter, all Council members shall serve four-year terms.

(3)

All elections for Community Council Members shall be non-partisan. The initial general election for Council Members shall be held at the time of the 1996 General Election. Subsequent elections of Council Members shall be held in each even numbered year, in conjunction with state primary elections. The terms of Council Members shall commence on the second Tuesday next succeeding the date provided for the state general election.

(4)

All candidates for Community Councils shall qualify with the Clerk of the Circuit Court no earlier than the 72nd day and no later than noon of the 70th day prior to the date of the election at which he or she is a candidate, in the manner provided by law or ordinance. Each candidate shall pay a filing fee of one hundred dollars ($100.00).

(5)

All elections for Community Councils shall be canvassed by the County Canvassing Board as provided under the election laws of this state.

(6)

The election ballot for the Council Member of each council area shall contain the names of all qualified candidates for election for Council positions from each subarea and shall instruct the electors to cast one (1) vote for the subarea position for which an election is being held. The candidate receiving the greatest number of votes shall be duly elected to that Council Seat. If there is a tie vote among the two (2) candidates receiving the greatest number of votes, there shall be a run-off election.

The ballot for any run-off election for a Council Seat shall contain the names of the two (2) candidates for the Council Seat who received the most votes. The ballot shall instruct electors of the council area to cast one (1) vote for each subarea position. The candidate for each Council Seat receiving the most votes in such run-off election shall be duly elected to that Council Seat. Provided, however, where there are fewer than six (6) subareas in a council area the number of persons to be elected from each subarea shall be as follows:

(a)

Where there are five (5) subareas the electors of the entire council area shall elect one (1) member from each subarea and one (1) member at large.

(b)

Where there are four (4) subareas the electors of the entire council area shall elect one (1) member from each subarea and two (2) members at large.

(c)

Where there are three (3) subareas the electors of the entire council area shall elect two (2) members from each subarea.

(d)

Where there are two (2) subareas the electors of the entire council area shall elect three (3) members from each subarea.

(e)

Where there is one (1) subarea there shall be six (6) members elected from the subarea.

Where there is more than one (1) position available in a subarea for election, the candidates with the largest number of votes shall be elected to those positions. In the event that a subarea election has positions for both expired and unexpired terms, the candidates elected with the least number of votes shall fill the positions for the unexpired terms. It is provided, however, where the number of persons qualifying for a Community Council election is equal to the number of positions both for expired and unexpired terms the candidates filling the unexpired terms shall be determined by lot.

(7)

The County Commissioner or Commissioners whose district encompasses all or part of a Community Council shall fill any vacant Council positions, by the appointment of an individual meeting the qualifications provided in subsection (1) above from a list of one or more names supplied by the Community Council. A person appointed shall serve until the earlier of the following: (1) the next state first primary election; or (2) expiration of the term of office for which the appointment is made. This limitation on term length shall apply to any person appointed by either a Community Council or a County Commissioner, whether appointed prior to or after the effective date of this ordinance. A person elected at such county-wide election shall serve for the remainder of the unexpired term. It is provided, however, in the event there is an insufficient number of Community Council Members in office to constitute a quorum, the County Commissioner or Commissioners whose district encompasses all or part of a Community Council,

shall appoint a sufficient number of members necessary to constitute a quorum. Further, should any Community Council fail to supply a list of one or more names for any vacant Council position within ninety (90) days from the date such position becomes vacant or that the names supplied within such time period are not acceptable to the appointing County Commissioner or Commissioners, the County Commissioner or Commissioners whose district encompasses all or part of a Community Council shall appoint an individual meeting the qualifications set forth in subsection (1) above to fill such vacancy. In the event any Council Member no longer resides in a Council subarea for a subarea position or Council area for an at large position, that person shall be deemed to have tendered their resignation from such Council; provided, however, any Council Member who, as a result of a modification to the configuration of a Council subarea pursuant to Section 20-42, is no longer qualified to be an elected member of such Council, shall be permitted to complete the term of office commenced prior to the subarea boundary modification.

(B)

Appointed Council Members.

(1)

The County Commissioners shall appoint one (1) member to each Community Council following each election of Council Members. Each appointed Community Council Member shall have been for at least six months prior to appointment a resident elector of the Council area, and, for at least three (3) years, a resident elector of Miami-Dade County. No appointed Council Member shall be employed by Miami-Dade County or be a member of the County Commission. These members shall be appointed by the County Commissioner(s) whose district(s) include the boundaries of all or part of the Community Council area. Appointments shall be confirmed by a majority of the Board of County Commissioners.

(2)

The term of each appointed Council Member shall be four (4) years; provided, however, the term of each member expires when the Commissioner who appointed that member leaves office. Each member shall hold office until a successor has been duly appointed, qualified and confirmed. Vacant Council Member positions shall be filled for the unexpired term in the same manner as other appointed Council Members.

(C)

Organizational meeting. The first organizational meeting of each Community Council shall take place on the 30th day, or as soon thereafter as is practical, after the date of the general election. In the event of a tie vote for one (1) or more Council seats in the general election such Community Council shall meet on the 30th day, or as soon thereafter as is practical, after the date of the run-off election. At the organizational meeting, or as soon thereafter as is practical, each Community Council shall elect a chair and vice-chair from its members who shall serve a one-year term.

(D)

Reimbursements of expenses. All Council Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of their official duties, upon approval of the County Commission.

(E)

Reassignment of Community Council Members. When, as a result of incorporation or annexation, subareas or portions thereof are reassigned to a different Community, elected or appointed Council Members who continue to reside in the unincorporated area, whether at-large or subarea representatives representing the reassigned areas, shall serve as additional members to the reassigned Community Council. The reassigned Council Members shall serve until the next first state primary election.

(F)

Community Councils shall have the following nonvoting members when acting as Community Zoning Appeals Boards:

(1)

A representative appointed by the School Board of Miami-Dade County, who may attend those meetings at which a Board considers a zoning action that would, if approved, increase residential density on the property that is the subject of the application.

(2)

A representative appointed by the commanding officer of the Homestead Air Reserve Base, who may attend those meetings at which a Board considers a zoning action that, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation.

(Ord. No. 96-126, § 1, 9-4-96; Ord. No. 96-165, § 1, 11-12-96; Ord. No. 96-185, § 1, 12-17-96; Ord. No. 97-16, § 2, 2-25-97; Ord. No. 99-108, § 1, 9-9-99; Ord. No. 00-35, § 1, 3-21-00; Ord. No. 02-28, § 1, 2-26-02; Ord. No. 02-41, § 1, 3-26-02; Ord. No. 02-91, § 1, 6-6-02; Ord. No. 03-267, § 1, 12-8-03; Ord. No. 04-101, § 1, 5-11-04; Ord. No. 06-115, § 1, 7-18-06; Ord. No. 07-123, § 1, 9-4-07; Ord. No. 07-146, § 2, 10-2-07; Ord. No. 08-20, § 1, 2-7-08)

Sec. 20-43.1. - Community Councils; recall.

Any elected member of a Community Council or any member appointed by the Community Council pursuant to Section 20-43(A)(7) may be removed from office by the electors of the Council area. The procedure for removal by electors shall be as follows:

(1)

The person proposing the exercise of recall shall submit the recall petition to the Clerk of the Circuit Court for approval of the form of the petition. Recall petitions shall be submitted for approval during the months of January and June only.

(2)

The person or persons circulating the recall petition shall, within sixty (60) days after approval of the form of the petition, obtain the valid signatures of electors in the council area in numbers at least equal to ten (10) percent of the registered voters in the council area on the date on which the recall petition is approved, according to the official records of the County Supervisor of Elections. Each signer of a petition shall place thereon, after his or her name, the date and the signer's place of residence or precinct number. Each person circulating a copy of the petition shall attach to it a sworn affidavit stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.

(3)

The signed petition shall be filed with the Clerk of the Circuit Court which shall within thirty (30) days after filing order a canvass of the signatures thereon to determine the sufficiency of the signatures. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this section, the Clerk shall notify the person filing the petition that the petition is insufficient and has failed. The Clerk shall certify the petition if the number of signatures is sufficient and the petition if sufficient as to form and compliance with this section.

(4)

The Board of County Commissioners must provide for a recall election not less than forty-five (45) days nor more than ninety (90) days after certification of the petition.

(5)

The question of recall shall be placed on the ballot in a manner that will give the elector a clear choice for or against the recall. The result shall be determined by a majority vote of the electors voting on the question.

(6)

If the majority is against recall the Community Council member shall continue in office under the terms of the member's previous election or appointment. If the majority is for recall, the member shall, regardless of any defect in the recall petition, be deemed removed from office immediately.

(7)

No recall petition against an elected Community Council member shall be certified within one (1) year after the member takes office nor within one (1) year after a recall petition against the member is defeated.

(8)

Any vacancy created by recall in a Community Council shall be filled for the remaining term by appointment in the manner prescribed for filling vacant positions.

(Ord. No. 97-196, § 1, 11-4-97; Ord. No. 01-72, § 1, 4-10-01)

Sec. 20-43.2. - Community Councils; removal.

Any elected or appointed member of a Community Council may be removed from office for cause by resolution of the Board of County Commissioners. The following events shall be deemed sufficient cause for removal: malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or indictment for crime. Any vacancy created by removal in a Community Council shall be filled for the remaining term by appointment in the manner prescribed for filling vacant positions.

(Ord. No. 97-196, § 1, 11-4-97)

Sec. 20-44. - Community Councils; organization; new member orientation; annual orientation workshop.

(A)

The County Manager shall assign existing County staff positions to provide support for the Community councils, to the fullest extent feasible. Such staff may include: a Community Council Administrator, an Administrative Assistant, clerical staff and others as the County Manager deems needed. Team Metro shall develop strong linkages to each Community Council.

(B)

The County Manager shall coordinate the activities and schedules of Community Councils with other County activities to ensure maximum effectiveness and efficiency. The County Manager may limit the total staff time available to each Community Council.

(C)

Within parameters recommended by the County Manager and approved by the County Commission, Community Councils shall be empowered to establish their own procedures for conducting their business and to select from the activities described in Section 20-41(B) those in which it wishes to engage. It is provided however that zoning procedures shall be adopted pursuant to Sections 33-308 of the Code. It is further provided that no zoning or non zoning meeting of a Community Council or Community Zoning Appeals Board shall extend beyond 11:00 p.m.

(D)

Prior to serving on a Community Council, a Community Council member appointed or elected to a Council after the effective date of this ordinance shall attend a New Member Orientation Seminar conducted by the Department of Planning and Zoning, the Commission on Ethics, Team Metro and the County Attorney's Office. The seminar shall include, but shall not be limited to, review of the Comprehensive Development Master Plan and issues related thereto, review of zoning regulations, incorporation and annexation issues, workforce and affordable housing issues and applicable laws, rules and regulations pertaining to duties and responsibilities of Community Council members.

(E)

All Community Council members shall attend an Annual Community Council Workshop organized and conducted by the Department of Planning and Zoning, the Commission on Ethics, Team Metro and the County Attorney's Office. The Workshop shall include, but shall not be limited to, review of the Comprehensive Development Master Plan and issues related thereto, review of zoning regulations, incorporation and annexation issues, workforce and affordable housing issues and applicable laws, rules and regulations pertaining to duties and responsibilities of Community Council members.

(F)

Notwithstanding Section 20-43.2, failure of any elected or appointed member of a Community Council to attend an annual Community Council Workshop shall be deemed sufficient cause for removal.

(Ord. No. 96-126, § 1, 9-4-96; Ord. No. 99-67, § 1, 6-8-99; Ord. No. 05-171, § 1, 9-8-05)

Sec. 20-45. - Community Councils; conflict of interest.

In addition to the provisions of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, each Community Council member is prohibited from voting on or participating in any way in any matter presented to the Community Council on which the member serves if the member has any of the

following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Community Council on which the member serves: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the Community Council member in a manner distinct form the manner in which it would affect the public generally. Any Community Council member who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Community Council on which the member serves shall absent himself or herself from the Community Council meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter.

(Ord. No. 97-196, § 1, 11-4-97)

2011 SUNSET REVIEW

STANDARD OPERATING PROCEDURES FOR COMMUNITY COUNCILS

COMMUNITY COUNCILS RESPONSIBILITIES
(Code of Miami-Dade County)

1) Zoning (required)
   a) Make local zoning decisions with respect to:
      - Appeals of staff administrative decisions**
      - Special exceptions, unusual uses and new uses*
      - Variances from subdivision regulations*
      - Change-of-prefix use variances**
      - Zoning district boundary changes**
      - Site plan approvals in conjunction with above activities (County Commission remains responsible for changes to zoning regulations)
      - Alternative site development option*
      - Modifications or elimination of conditions and/or covenants*
   b) Make recommendations to the Board of County Commissioners on regional zoning decisions (Developments of Regional Impact)**
2) Planning (optional)
   a) Compile profiles of their respective community's social, physical and economic conditions to assist them in performing their duties
   b) Prepare an annual statement of community needs including development patterns and regulations, public facilities and services to assist the Council
   c) Make recommendations to the Planning Advisory Board and Board of County Commissioners on proposed Dade County Comprehensive Development Master Plan amendments that impact each Council's area
   d) Make recommendations to the County Commission on the location and siting of specific public facility and infrastructure projects
3) Protection of Persons and Property Programming (optional)
   a) Recommend policies to coordinate the Fire Rescue District and Police Department in the enhancement of public safety and protection of property in the Council area through improved communications and service needs assessments
4) Budgeting (optional)
   a) Make recommendations to the County Manager and County Commission on priorities for community facilities and services and on Community Based Organization grants for the Council area
   b) Make recommendations to the County manager and County Commission on revenue needs including unincorporated area property taxes millages and special taxing districts
5) Communication (optional)
   a) Conduct forums on Council area issues to facilitate the exchange of information between residents, property owners, businesses, institutions, and County officials and administrators
   b) Disseminate information about Council area related organizations, programs, and activities
   c) Coordinate with Dade County's Department of Planning and Zoning in the exercise of that agency's responsibilities within the Council area

* Appealable to circuit court

** Appealable to Board of County Commissioners who can override Community Council denial only by 2/3 vote of the members in office. Mayor can deny County Commission action on appeal which in turn can be overridden by 2/3 vote of County Commissioners in office.

*** Board of County Commissioners can override Community Council recommendation for denial only by 2/3 vote of the members in office. Mayor can deny County Commission action

which in turn can be overridden by 2/3 vote of County Commissioners in office.

RULES OF CONDUCTS/PROCEDURES FOR COMMUNITY ZONING APPEALS BOARD (CZAB)

1. **MEETINGS:** The meetings of the Board shall be held at such place and at such time as may be designated by the Director of Miami-Dade County Department of Planning and Zoning. No meeting shall extend beyond the time permitted by the facility where the meeting is being held.

2. **INSPECTIONS:** Board members are welcome to visit the sites on an individual basis.

3. **AGENDA:** The agenda and kit for the meeting shall be prepared by the Miami-Dade County Department of Planning and Zoning and distributed to members prior to the meeting date. The kit shall contain professional staff recommendation and other pertinent information.

4. **PRESIDING OFFICER:** The Chairperson shall preserve strict order and decorum at all meetings of the Board. The Chairperson shall state every question coming before the Board and announce the decision of the Board on all matters coming before it. The Chairperson may vote on all questions coming before the Board for a decision. The chairperson may make a motion or second a motion but in doing so shall relinquish the chair.

5. **CALL TO ORDER:** The Chairperson shall take the chair at the hour appointed for the meeting and shall immediately call the Board to order. In the absence of the Chairperson, the Vice-Chairperson shall assume all the duties of the Chairperson. In the absence of the Chairperson and the Vice-Chairperson, the Secretary of the Board shall determine whether a quorum is present and shall call for election of a temporary chairperson. Upon the arrival of the Chairperson or Vice-Chairperson, the temporary chairperson shall relinquish the chair upon the conclusion of the business immediately before the Board.

6. **ROLL CALL:** Before proceeding with the business of the Board, the Secretary shall call the roll of the members in alphabetical order and the names of those present and absent shall be entered in the minutes.

7. **QUORUM:** Four (4) members of the Board shall constitute a quorum. No resolution or motion shall be adopted by the Board without the affirmative vote of three (3) of the members present and voting, except in those cases where a greater vote may be required by the Code of Miami-Dade County. The names of the members present and their action as such meeting shall be recorded by the Secretary. Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Board, the Chairperson or the Vice-Chairperson, or in their absence, the Secretary, may adjourn the meeting to a date as determined by the Director. No meeting shall me conducted in the absence of a quorum.

8. **DECORUM:** Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Board, shall be barred from further audience before the Board by the presiding officer, unless permission to continue or again address the Board be granted by the majority vote of the Board members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or the speaker's remarks shall be permitted. No signs or placards shall be allowed in the meeting room. Persons exiting the meeting room shall do so quietly.

9. **RULES OF DEBATE:** When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, defer or amend until the question is decided. These orders shall have preference in the order in which they are made.

   Every member desiring to speak for any purpose shall address the Chairperson and upon recognition shall confine discussion and comments to the question under debate, avoiding all personalities and indecorous language.

   A member once recognized shall not be interrupted when speaking unless it is to call the member to order. If called to order, the member shall cease speaking until the question of order is determined by the Chairperson and, if in order, the member shall be permitted to proceed.

   Any member may appeal to the Board from the decision of the Chairperson upon a question of order when, without debate, the Chairperson shall submit to the Board the question "Shall the decision of the Chair be sustained?" and the Board shall decide by a majority vote.

   When a vote is taken by roll call, there shall be no discussion by any member prior to voting and the members shall either vote yes or no. Any member, upon voting, may give a brief statement to explain his or her vote. All members are subject to the Conflict of Interest and Code of Ethics Ordinance pursuant to Section 2-11 of the Code of Miami- Dade County.

10. **VOTING:** The vote upon every motion or resolution shall be either vote by voice, by a show of hands, at the discretion of the Chairperson, or at the discretion of the Chairperson, or at the request of any members, by roll call in progressive alphabetical order, except the Chairperson shall be the last member called. All resolutions shall become effective after action is taken by the Board when prepared and transmitted by the Secretary or the Secretary's designee, who shall attest that the same was duly adopted.

11. **DECISIONS**: At the conclusion of each individual hearing, the Board shall make its decision immediately after that hearing is concluded, except in the event of a tie vote or a loss of quorum, or unless the Board by majority vote defers the matter.

12. **ORDER OF BUSINESS:**
    a. Opening of the meeting by the Chairperson
    b. Roll Call
    c. Call for deferrals and withdrawals at the beginning of the meeting or when the particular zoning matter is being heard
    d. Presentations of applications
        i. Department introduces application
        ii. Director's Recommendations presented upon request
        iii. Applicant's presentation
        iv. Objector's presentations
        v. Applicant's rebuttal
        vi. Chairperson calls for a motion on the matter pending when chairperson feels there has been significant discussion
        vii. Board votes and announces decision
    e. Adjournment

13. **PRESENTATIONS:** Each person addressing the Board shall give his or her name and address in an audible tone so that the same may be part of the record; all remarks shall be

addressed to the Board as a group and not to any individual member. No person. Other than a Board Member or Staff Member and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board without permission of the presiding officer. No question shall be asked unless the same is addressed through the presiding officer.

14. **FAILURE TO APPEAR:** If neither side is present, unless the Board defers, the application shall be considered on basis of the application and information filed and obtained from inspection, recommendations and the records, including zoning maps.

15. **DEFFERALS:** If a deferral has been requested, the name may be granted by the Board only upon the following conditions:
    a. Upon agreement of the parties concerned; or
    b. Only for good cause meeting with the approval of the majority of the Board Members present; and
    c. If a deferral is granted and it is necessary to re-notify parties concerned, the cost of said new notices and advertisements should be at the expense of the party requesting the deferral.

    The Community Zoning Appeals Board may not defer action on an application beyond the next regularly scheduled zoning hearing date, unless applicants consents thereto or unless required otherwise by the provisions of Chapter 33.

    When a motion for deferral does not carry by majority vote, or ends in tie vote, the motion shall be considered to have failed, and the matter shall still be before the Board for further action and disposition.

16. **ATTENDANCE OF WITNESSES AND OATHS:** The Chairperson, Vice Chairperson or Acting Chairperson may administer oaths and compel the attendance of witnesses in the same manner prescribed in the Circuit Court.

17. **CONFLICT OF RULES:** In the event these rules and regulations conflict with Chapters 2 and 33 of the Code of Miami-Dade County, the Code shall control and supersede these rules and regulations.

18. **ATTENDANCE OF BOARD MEMBERS:** All Board Members are required to provide prior notice in writing to the Secretary of the Board if unable to attend a specific meeting. Notwithstanding any other provision of the Code, any board member shall be automatically removed if, in a given fiscal year: (i) he or she is absent from two (2) consecutive meetings without an acceptable excuse; or, (ii) if he or she is absent from three (3) of the board's meetings without an acceptable excuse. A member of a County board shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five (75) percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the board, by a two-thirds vote of the membership, deems appropriate. By a two-thirds (2/3) vote of the members of the full Board of County Commissioners, the provisions of this section may be waived. Sec. 2-11.39

2011 SUNSET REVIEW

MINUTES APPROVING QUESTIONNAIRE (With Membership Vote)

FISHER ISLAND COMMUNITY COUNCIL (16)

BOARD MINUTES as to the discussion on 2011 SUNSET REVIEW PACKET:

During a special meeting of January 25, 2011, the Fisher Island Community Council 16 was presented with the 2011 Sunset Review Packet for review and consideration. After the opportunity to review the information provided, Councilmember Potash motioned to approve the Sunset Review and not let Community Council 16 sunset, Councilmember Loeb seconded the motion. Upon being put to a vote, the vote was as follows:

Jack Loeb	Yes	Jonlee Peterson	Yes
Lawrence Phillips	Yes	Irwin Potash	Yes
Sidney J. Stern	Yes		

The Chair thereupon declared the 2011 Sunset Review Packet as approved unanimously.

I hereby certify that the above information reflects the action of the Council.

CM Toledo Fernandez

Christie M Toledo-Fernandez, Executive Secretary to
Fisher Island Community Council 16