

# MEMORANDUM

Agenda Item No. 7(H)

---

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** (Second Reading 7-2-13)  
March 5, 2013

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

**SUBJECT:** Ordinance creating and  
establishing the West Kendall  
(Section Two) Municipal  
Advisory Committee

---

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



**Date:** July 2, 2013

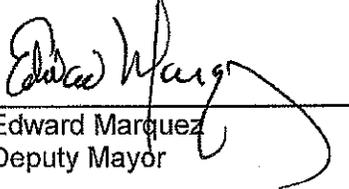
**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance Creating and Establishing the West Kendall (Section Two) Municipal  
Advisory Committee

---

The proposed ordinance creates and establishes the West Kendall (Section Two) Municipal Advisory Committee. Now that the moratorium on incorporation has been lifted, it is expected that additional activities pertaining to incorporation and annexations will increase significantly. As of today, there are five existing Municipal Advisory Committees (MACs), with three currently active MACs requiring staff support. Approval of the creation of additional MACs will at some point require an additional position (\$96,000) to provide adequate support.

  
Edward Marquez  
Deputy Mayor

Fis5813

# Memorandum



**Date:** July 2, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

**Subject:** Report Regarding Ordinance Creating and Establishing the West Kendall Municipal Advisory Committee (Section Two) Pursuant to Section 2-11.37 of the Code

This report provides information regarding the Ordinance creating and establishing the West Kendall Municipal Advisory Committee (Section Two). According to Section 2-11.37 of the Miami-Dade County Code, the following information is required to be provided to the Board of County Commissioners (Board) when the Board is considering a new committee.

1. Will the establishment of the committee create sufficient betterment to the community to justify the Board's delegation of a portion of its authority?

*The proposed board is advisory and does not require a delegation of authority from the Board.*

2. Is there another board or agency, public or private, which is already in existence that could serve the same purpose?

*No. There is no other board that could serve the purpose of the proposed committee. The committee will be made up of members from that community who will study the feasibility and desirability of incorporation.*

3. The costs, both direct and indirect, of establishing and maintaining the board.

*As noted in the fiscal impact, the proposed ordinance creates and establishes the West Kendall (Section One) Municipal Advisory Committee. Now that the moratorium on incorporation has been lifted, it is expected that additional activities pertaining to incorporation and annexations will increase significantly. As of today, there are five existing Municipal Advisory Committees (MACs), with three currently active MACs requiring staff support. Approval of the creation of additional MACs will require an additional position (\$96,000) to provide adequate support.*

4. Is it necessary for the board to enable the County to obtain State or Federal grants or other financing?

*No. As proposed and based on the scope, the committee is not being created to enable the County to seek State or Federal grants or other financing.*

5. Should the board have bonding ability?

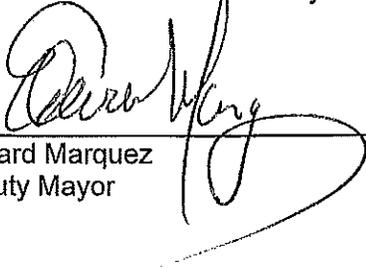
*No. Based on the duties of the proposed committee, there is no need to have bonding ability.*

6. Explain whether the board should have final authority to enter into contracts and spend County funds, or whether its contracts and expenditures must be ratified by the Board?

*As proposed, the committee would not have authority to enter into contracts or to spend County funds.*

7. Is the creation of the board the best method of achieving the desired benefit?

*Yes. The creation of the West Kendall Municipal Advisory Committee will allow the residents of that area to meet and discuss the possibility of creating a new municipality or remaining part of the unincorporated area through a series of publicly noticed meetings in the community.*



---

Edward Marquez  
Deputy Mayor

Mayor08013



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** July 2, 2013

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

**SUBJECT:** Agenda Item No. 7(H)

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 Mayor'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

Agenda Item No. 7(H)

Veto \_\_\_\_\_

7-2-13

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE CREATING AND ESTABLISHING THE WEST KENDALL (SECTION TWO) MUNICIPAL ADVISORY COMMITTEE; DIRECTING SUCH COMMITTEE TO STUDY THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN THE WEST KENDALL (SECTION TWO) AREA; WAIVING PORTIONS OF SECTIONS 2-11.38 AND 20-29(A) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SUNSET OF SUCH COMMITTEE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

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

**Section 1.** The West Kendall (Section Two) Municipal Advisory Committee (the “Committee”) is hereby created as follows:

A. Purposes.

- (1) To review the possible incorporation of the area known as West Kendall (Section Two) generally described by the following boundaries:

North: Bird Road  
South: North Kendall Drive  
East: The Florida Turnpike  
West: The Everglades

(the “Study Area”). It is provided, however, that the Committee as established herein may expand or contract the Study Area. Further, the boundaries of the Study Area shall automatically be contracted to exclude any portion of the Study Area, if an affected district commissioner has not filed a written memorandum consenting to the study, in accordance with Section 20-29(C) of the Code of Miami-Dade County, Florida.

B. Duties and Responsibilities; Sunset.

- (1) The Committee shall prepare an advisory report that shall:
  - a. make findings of whether it is feasible or not to incorporate the Study Area; determine whether there is a desire to incorporate the Study Area; and propose a plan for the development of the Study Area as a viable municipality, as required by Section 20-29 of the Code of Miami-Dade County.
  - b. address any concerns of members of the Board of County Commissioners regarding incorporation of the area and the manner in which those concerns may be alleviated in the event the area studied by the Committee is incorporated as a new municipality.
- (2) The committee shall conduct no less than two duly advertised public hearings at which the residents of the area shall have the opportunity to express their views and concerns regarding the proposed incorporation of the West Kendall (Section Two) area.
- (3) Prior to the first public hearing, the committee shall become familiar with written materials concerning incorporation as presented by the staff of the Office of Management and Budget.
- (4) The committee's responsibilities shall terminate upon submitting its report to the Board of County Commissioners or within twenty-four (24) months of the effective date of this ordinance, whichever date is earlier.

C. Composition and appointment of members.

The Committee shall consist of seven (7) members who are resident electors of the Study Area. Based on the percentage of current population in each Commission district within the Study Area as compared to the current population of the total Study Area, Commissioners, by

filing a written memorandum to the Clerk of the Board of County Commissioners, shall appoint the number of members as stated below:

District 10: 3 members

District 11: 4 members

If a Study Area is contracted as required by Section 20-29 of the Code because a Commissioner does not consent to the inclusion of any portion of his or her district in the Study area, the number of members any Commissioner is entitled to appoint will be modified proportionately. Upon such occurrence, the Mayor or the Mayor's designee shall then determine the percentage of population in the Study Area in each Commission district as compared to the population of the total Study Area, as revised, compute the number of appointments per Commissioner, and shall notify each affected Commissioner of how many appointments are to be made based on the revised Study Area. Alternatively, should the Study Area be expanded as authorized by this ordinance, the number of appointments to be made by any Commissioner shall be determined utilizing the procedure set forth above for contraction of the Study Area.

(The source of population numbers utilized herein are based on the: U.S. Census Bureau, Census 2010 and Miami-Dade County, Regulatory and Economic Resources Department, Planning Research Section, December 2012 and only includes population numbers inside the Urban Development Boundary.)

The district commissioner who previously made appointments to a seat shall fill any vacancy in that seat by filing a written memorandum to the Clerk of the Board of County Commissioners.

The members of the committee shall select officers from the membership as desirable or necessary.

**Section 2.** The provisions of Section 2-11.38 of the Code of Miami-Dade County that prohibit simultaneous board service on more than two County boards and membership on certain

listed County boards and service on this Committee are waived; provided, however, no member of the Planning Advisory Board may be a member of this Committee.

**Section 3.** The provisions of Section 20-29(A) of the Code of Miami-Dade County that prohibit the creation of a municipal advisory committee unless at least twenty-five (25) percent of the resident electors in the area to be studied consent in writing to the creation of a municipal advisory committee are hereby waived.

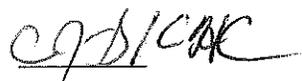
**Section 4.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 5.** 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 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 Coller  
Cynthia Johnson-Stacks

Prime Sponsor: Commissioner Juan C. Zapata