MEMORANDUM

Agenda Item No. 7(C)

(Second Reading 9-4-13)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	May 7, 2013
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance creating and establishing the South Municipal Advisory Committee - B

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

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: September 4, 2013

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Creating and Establishing the South Municipal Advisory Committee - B

The proposed ordinance creates and establishes the South Municipal Advisory Committee - B. 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.

Edward Marquez
Deputy Mayor

Fis7213

Memorandum

MIAMI-DADE COUNTY

Date: September 4, 2013

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

From: Carlos A. Gimenez
Mayor

Subject: Report Regarding Ordinance Creating and Establishing the South Municipal Advisory Committee -B Pursuant to Section 2-11.37 of the Code

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This report provides information regarding the Ordinance creating and establishing the South Municipal Advisory Committee B. 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 South Municipal Advisory Committee B. 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 of 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 South Municipal Advisory Committee B 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

Mayor11213

MEMORANDUM
(Revised)

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

DATE: September 4, 2013

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

SUBJECT: Agenda Item No. 7(C)

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
Veto _____
Override _____

Agenda Item No. 7(C)
9-4-13

ORDINANCE NO. _____

ORDINANCE CREATING AND ESTABLISHING THE SOUTH MUNICIPAL ADVISORY COMMITTEE - B; DIRECTING SUCH COMMITTEE TO STUDY THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN AREAS DESCRIBED HEREIN; 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

WHEREAS, this Municipal Advisory Committee is being studied for the purposes of determining the feasibility and other issues relating to any possible incorporation of the area; and

WHEREAS, the area proposed to be studied contains portions of County Commission District 9 only; and

WHEREAS, the easternmost boundary of the study area extends past the Urban Development Boundary; and

WHEREAS, although the easternmost boundary of the study area extends past the Urban Development Boundary, this resolution in no way proposes or attempts to promote the movement of or expansion of land within the Urban Development Boundary; and

WHEREAS, the Miami-Dade County Code currently has in place certain safeguards with respect to inclusion of the Urban Development Boundary within a proposed new municipality by requiring any incorporation of any area outside of the Urban Development Boundary to be governed by Section 2-116.1.2 of the Code of Miami-Dade County, which requires the location of the Urban Development Boundary and permitted land uses outside the

Urban Development Boundary to be governed by the Miami-Dade County Comprehensive Development Master Plan; and jurisdiction for any amendments to the UDB shall be processed in accordance with procedures for applications located in the unincorporated area; and that municipal land use decisions outside the UDB line shall be consistent with the CDMP,

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

Section 1. The South Municipal Advisory Committee B (the "Committee") is hereby created as follows:

A. Purposes.

(1) To review the possible incorporation of the area known as South B, as shown with particularity on the attached maps incorporated herein by reference, all contained with County Commission District 9 (the "Study Area"). It is provided, however, that the Committee, as established herein, by majority vote of its members present, may expand the Study Area within the boundaries of District 9 and/or any adjacent commission district, provided that the commissioner of the district for the expanded area has filed a written consent with the Clerk of the Board agreeing to the study of the expanded area.

(2) Notwithstanding any provision of the Code or any ordinance to the contrary, the Committee may combine and consolidate with another municipal advisory committee created on the same date as the Committee, as long as the study area of the other municipal advisory committee is contiguous with the study area of this Committee.

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; and

(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 Study Area.

(3) Prior to the first public hearing, the committee shall become familiar with written materials concerning incorporation presented by 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 five (5) members who are resident electors of the Study Area. The Commissioner for District 9, by filing a written memorandum to the Clerk of the Board of County Commissioners, shall appoint the members of the committee.

Should the Study Area be expanded to include an area of an adjacent commission district which is contiguous to the study area, the commissioner of the expanded area shall be authorized to appoint one additional member to the Committee, so that the Committee shall consist of six (6) members.

Should the Committee combine and consolidate with another municipal advisory committee as authorized by Paragraph A(2) above, the total membership of the consolidated committee shall be a number which totals the membership of each committee prior to consolidation.

If a vacancy occurs in the membership of the Committee, the commissioner who made the original appointment shall fill the vacancy 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 be excluded from the Code of Miami-Dade County, Florida.

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:

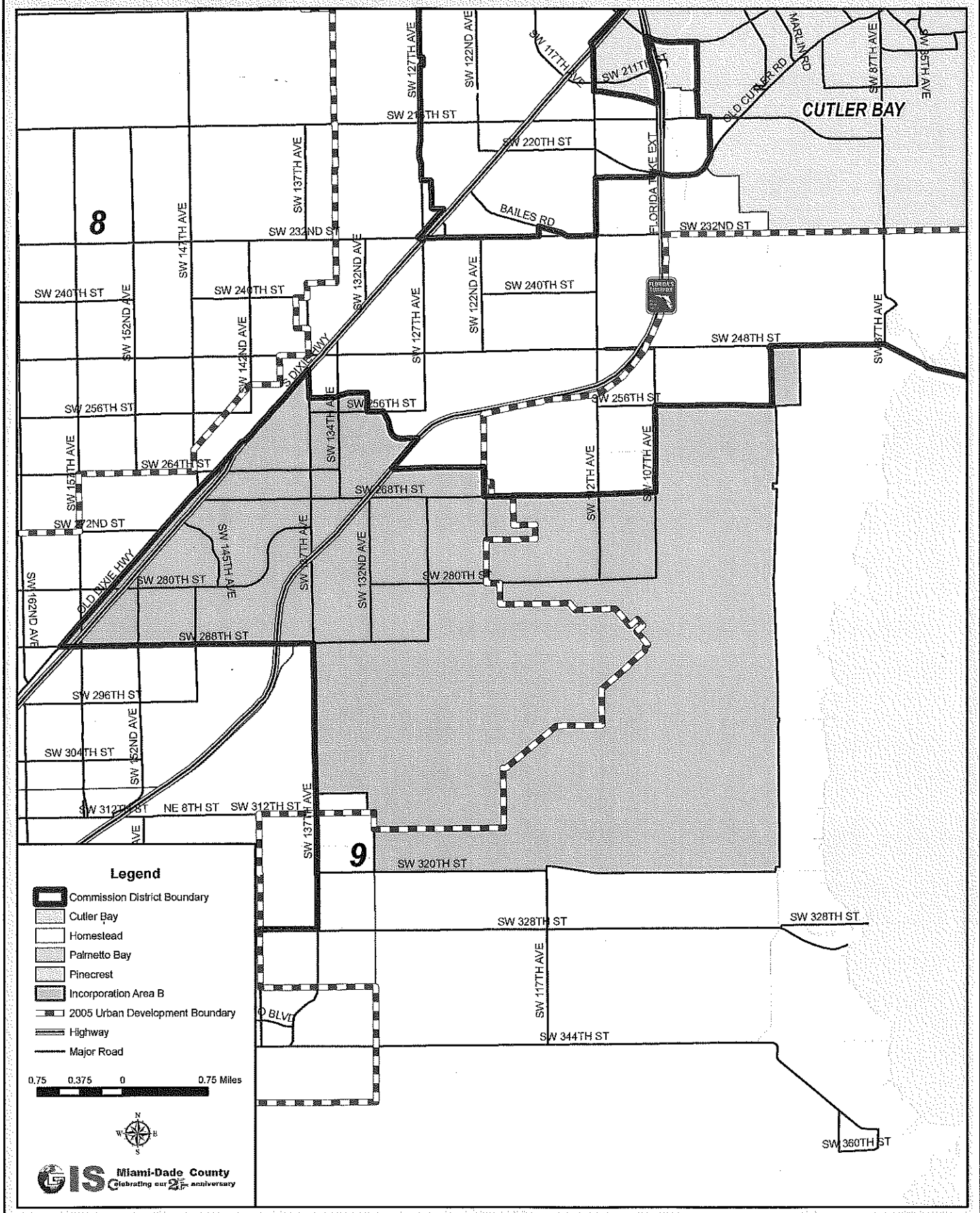
Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Cynthia Johnson-Stacks
Craig Coller

Prime Sponsor: Commissioner Dennis C. Moss

Incorporation Area B



This map was prepared by the Miami Dade County Information Technology Department Geographic Information Systems (GIS) Division
June, 2012

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