

# MEMORANDUM


Special Item No. 8

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<b>TO:</b>	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	<b>DATE:</b>	(Public Hearing 2-27-14) November 19, 2013
<b>FROM:</b>	R. A. Cuevas, Jr. County Attorney	<b>SUBJECT:</b>	Ordinance pertaining to annexations; creating Section 20-4.3 of the Code; prohibiting the filing, consideration, approval of or referendum on annexation requests if the boundaries of the area proposed to be annexed conflict with the boundaries of any Municipal Advisory Committee regardless of when such committee was created; providing that this ordinance applies to pending and future annexation requests

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The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Dennis C. Moss and Commissioner Jean Monestime, and Co-Sponsor Commissioner Audrey M. Edmonson.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/smm

# Memorandum



**Date:** February 27, 2014

**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 a horizontal line.

**Subject:** Ordinance Pertaining to Annexations, Creating Section 20-4.3 of the Code; Prohibiting the Filing, Consideration, Approval of or Referendum on Annexation Requests if the Boundaries of the area Proposed to be Annexed Conflict with the Boundaries of any Municipal Advisory Committee

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The proposed ordinance pertains to annexations and prohibits the filing, consideration, approval of or referendum on annexations requests if the boundaries of the proposed annexation conflict with the boundaries of any Municipal Advisory Committee, regardless of when such committee was created. The ordinance applies to all pending and future annexation requests. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Edward Marquez", written over a horizontal line.

Edward Marquez  
Deputy Mayor

Fis2514



# MEMORANDUM

(Revised)

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

**DATE:** February 27, 2014

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

**SUBJECT:** Special Item No. 8

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 \_\_\_\_\_

Special Item No. 8  
2-27-14

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

ORDINANCE PERTAINING TO ANNEXATIONS; CREATING SECTION 20-4.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING THE FILING, CONSIDERATION, APPROVAL OF OR REFERENDUM ON ANNEXATION REQUESTS IF THE BOUNDARIES OF THE AREA PROPOSED TO BE ANNEXED CONFLICT WITH THE BOUNDARIES OF ANY MUNICIPAL ADVISORY COMMITTEE REGARDLESS OF WHEN SUCH COMMITTEE WAS CREATED; PROVIDING THAT THIS ORDINANCE APPLIES TO PENDING AND FUTURE ANNEXATION REQUESTS; 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 20-4.3 of the Code of Miami-Dade County, Florida, is hereby  
created to read as follows:

**Sec. 20-4.3. Filing, consideration, approval of or referendum on annexation requests prohibited, if the boundaries of the area proposed to be annexed conflict with the boundaries of any Municipal Advisory Committee.**

Notwithstanding anything in this article to the contrary, no annexation request shall be filed, nor shall any filed request be heard, considered, approved, or submitted to the electorate for a vote, where the boundaries of such annexation request conflict with the boundaries studied or to be studied by a Municipal Advisory Committee regardless of when such committee was created, unless and until (1) the Board of County Commissioners (the "Board") has denied the incorporation of the area studied by the Municipal Advisory Committee; or (2) the voters, at an

election duly called by the Board have disapproved the incorporation.

This ordinance shall apply to any pending annexation request or any annexation request filed on or after the effective date of this ordinance. An annexation request is not pending, if the annexation has been accomplished by the Board's adoption of an ordinance approving the annexation request or by a required vote of electors residing in the area proposed to be annexed.

**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:

Prepared by:

Cynthia Johnson-Stacks  
Craig H. Collier

Co-Prime Sponsors: Commissioner Dennis C. Moss  
Commissioner Jean Monestime  
Co-Sponsor: Commissioner Audrey M. Edmonson