

# MEMORANDUM

LUDC  
Agenda Item No. 1(G)1

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** January 15, 2015

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

**SUBJECT:** Ordinance relating to the Fontainebleau Municipal Advisory Committee created to study the possible incorporation of a municipality in the Fontainebleau area; providing that notwithstanding any other Miami-Dade County Ordinance or Code section to the contrary, the Fontainebleau Municipal Advisory Committee shall continue in existence for a prescribed period of time to complete its responsibilities

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.

  
R. A. Cuevas, Jr.  
County Attorney

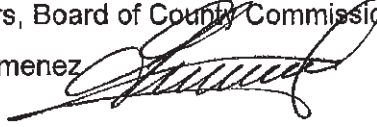
RAC/smm

# Memorandum



**Date:** February 3, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

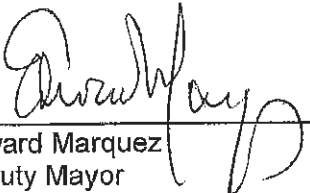
**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance relating to the Fontainebleau Municipal Advisory Committee

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This ordinance allows the Fontainebleau Municipal Advisory Committee to complete the incorporation study and hold the required public hearings in order to forward the incorporation petition to the Board of County Commissioners (Board) for consideration. The Fontainebleau Municipal Advisory Committee shall remain in existence until the latter of: a) the Board votes to defer, approve or deny a resolution submitting the incorporation question to the residents electors of the Fontainebleau area, or b) six (6) months from the effective date of this ordinance.

As of December of 2012, County staff has been meeting with the Fontainebleau Municipal Advisory Committee. Implementation of this ordinance will not have a fiscal impact to the County.

  
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Edward Marquez  
Deputy Mayor

Fis01915



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** February 3, 2015

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

**SUBJECT:** Agenda Item No.

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. 4(F)  
12-2-14

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

ORDINANCE RELATING TO THE FONTAINEBLEAU MUNICIPAL ADVISORY COMMITTEE CREATED TO STUDY THE POSSIBLE INCORPORATION OF A MUNICIPALITY IN THE FONTAINEBLEAU AREA; PROVIDING THAT NOTWITHSTANDING ANY OTHER MIAMI-DADE COUNTY ORDINANCE OR CODE SECTION TO THE CONTRARY, THE FONTAINEBLEAU MUNICIPAL ADVISORY COMMITTEE SHALL CONTINUE IN EXISTENCE FOR A PRESCRIBED PERIOD OF TIME TO COMPLETE ITS RESPONSIBILITIES; PROVIDING SEVERABILITY, EXCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, on June 4, 2002, the Board of County Commissioners (the "Board") adopted Resolution No. R-598-02, which created the Fontainebleau Municipal Advisory Committee and directed the committee to study the possible incorporation of a municipality in the Fontainebleau area; and

**WHEREAS**, due to the anticipated existence of this committee beyond one year, the Board adopted Ordinance No. 03-109 on May 6, 2003, establishing the Fontainebleau Municipal Advisory Committee; and

**WHEREAS**, on November 1, 2005, the Board adopted Ordinance No. 05-192, and on September 4, 2007, the Board adopted Ordinance No. 07-120, which, in relevant part, resulted in the suspension of the processing of incorporation proposals; and

**WHEREAS**, on January 24, 2012, the Board adopted Ordinance No. 12-24, which repealed Ordinance No. 07-120; and

**WHEREAS**, in December 2012, the Fontainebleau Municipal Advisory Committee was reorganized and began to meet again; and

**WHEREAS**, pursuant to Section 20-29(E) of the Code of Miami-Dade County, Florida, municipal advisory committees have a 24 month period to complete their study; and

**WHEREAS**, additional time is needed for the Fontainebleau Municipal Advisory Committee to conduct required public hearings and complete its study,

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

**Section 1.** Notwithstanding any ordinance or provision of the Code of Miami-Dade County, Florida to the contrary, the Fontainebleau Municipal Advisory Committee shall remain in existence until the latter of (i) the date that the Board of County Commissioners votes to defer, approve or deny a resolution submitting the incorporation question to the resident electors of the Fontainebleau area, or (ii) 6 months from the effective date of this ordinance.

**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 be excluded from the Code of Miami-Dade County, Florida.

**Section 4.** This ordinance shall become effective 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 H. Coller  
Cynthia Johnson-Stacks  
Abbie Schwaderer-Raurell

Prime Sponsor: Senator Javier D. Souto