

MEMORANDUM

Agenda Item No. 7(H)

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

DATE:


(Second Reading 5-5-15)
February 3, 2015

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

SUBJECT:

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

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.



R. A. Cuevas, Jr.
County Attorney


RAC/smm

Memorandum



Date: May 5, 2015

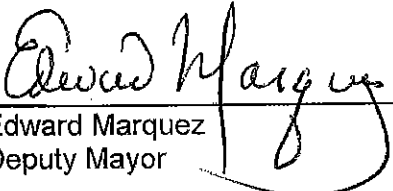
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance relating to the Biscayne Gardens Area Municipal Advisory Committee

The proposed ordinance allows the Biscayne Gardens Area 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 Biscayne Gardens Area 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 Biscayne Gardens area, or b) one (1) year from the effective date of this ordinance.

Since July of 2013, County staff has been meeting with the Biscayne Gardens Area Municipal Advisory Committee. Implementation of this ordinance will not have a fiscal impact to the County.


Edward Marquez
Deputy Mayor

Fis03015




MEMORANDUM

(Revised)

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

DATE: May 5, 2015

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
Veto _____
Override _____

Agenda Item No. 7(H)
5-5-15

ORDINANCE NO. _____

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

WHEREAS, on September 9, 2003, the Board of County Commissioners (the "Board") adopted Resolution No. R-974-03, which created the Biscayne Gardens Area Municipal Advisory Committee and directed the committee to study the possible incorporation of a municipality in the Biscayne Gardens area; and

WHEREAS, due to the anticipated existence of this committee beyond one year, the Board adopted Ordinance No. 04-142 on July 27, 2004, establishing the Biscayne Gardens Area 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 September of 2013, the Biscayne Gardens Area 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 Biscayne Gardens Area Municipal Advisory Committee to conduct required public hearings and complete its study and moreover, after completing its report, to remain in existence to be able to respond to inquiries from the Board,

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

Section 1. The foregoing recitals are incorporated in this ordinance.

Section 2. Notwithstanding any ordinance or provision of the Code of Miami-Dade County, Florida to the contrary, the Biscayne Gardens Area 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 Biscayne Gardens area, or (ii) one year from the effective date of this ordinance, which provision shall be retroactive from the date of sunset of the Biscayne Gardens Area Municipal Advisory Committee thereby ratifying all previous actions. It is provided, however, that in no event shall the Biscayne Gardens Area Municipal Advisory Committee exist for more than two years from the effective date of this ordinance.


Section 3. 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 4. 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 5. 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 H. Coller
Cynthia Johnson-Stacks
Abbie Schwaderer-Raurell

Prime Sponsor: Chairman Jean Monestime