

# Memorandum



**Date:** June 2, 2015

Agenda Item No. 1(F)2

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

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Sunset Review of County Boards for 2015 – Biscayne Gardens Area Municipal  
Advisory Committee

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In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2015 Sunset Review of County Boards Report for the Biscayne Gardens Area Municipal Advisory Committee. While the Board was unable to meet in order to approve the attached report, staff recommends the continuation of this board.

A handwritten signature in black ink, appearing to read "Edward Marquez".

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Edward Marquez  
Deputy Mayor

**Date:** February 13, 2015

**To:** Carlos A. Gimenez  
Mayor

**From:** Jorge M. Fernandez, Jr. Coordinator,  
Office of Management and Budget

**Subject:** Sunset Review of County Boards for 2015 – Biscayne Gardens Area Municipal  
Advisory Committee

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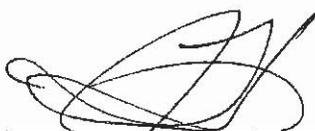
Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2015 Sunset Review of County Boards Report for the Biscayne Gardens Area Municipal Advisory Committee (BGAMAC) for transmittal to the Board of County Commissioners (Board). I am submitting this report on behalf of the Chairman of the BGAMAC Board since they were not able to meet to approve the attached report, as the ordinance granting them additional time was not adopted by the Board prior to the submission deadline.

It is recommended that the BCC approve the continuation of the BGAMAC.

#### **BACKGROUND**

The BGAMAC was created on September 9, 2003 for the purpose of studying the possible incorporation of a municipality in the Biscayne Gardens Area and to submit an advisory report to the Board addressing the results of the report prepared by county staff and the incorporation and annexation concerns of both the Board and of county staff and the manner in which those concerns may be alleviated in the event the Biscayne Gardens area is incorporated into a new municipality.

The BGAMAC should continue to function in order to complete the incorporation study and hold the required public hearings to present its incorporation feasibility study to the Biscayne Gardens area residents. Additional time will allow the BGAMAC to complete the public hearings and adopt a final report in order to forward the incorporation petition to the Board for consideration.



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Jorge M. Fernandez, Jr. Coordinator,  
Office of Management and Budget

**SUNSET REVIEW QUESTIONNAIRE  
MIAMI-DADE COUNTY BOARDS  
2015**

**I. GENERAL INFORMATION**

1. Name of Board reporting: Biscayne Gardens Area Municipal Advisory Committee (BGMAC)
2. Indicate number of board members, terms of office, and number of vacancies:  
Number of Board Members: Seven  
Terms of Office: Members serve until an advisory report is submitted.  
Number of Vacancies: There are no vacancies
3. Identify number of meetings and members' attendance (Attach records reflecting activity from **Jan. 1, 2013** through **December 31, 2014**):  
Number of Meetings: See Attached  
Number of Meetings with a Quorum: See Attached  
Attendance Records: See Attached
4. What is the source of your funding? Not Applicable
5. Date of Board Creation: September 9, 2003
6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments).  
See Attachment
7. Include the Board's Mission Statement or state its purpose:  
The BGMAC was created to study the feasibility of incorporating the Biscayne Gardens Area into a municipality.
8. Attach the Board's standard operating procedures, if any.  
No standard operating procedures exist.
9. Attach a copy of the Board's By-Laws, if any.  
The BGMAC has no by-laws.
10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, **including a vote of the membership.**

The BGMAC was not able to meet to approve the questionnaire. The ordinance granting the BGMAC additional time to complete its responsibilities was not adopted prior to the submission deadline.

**II. EVALUATION CRITERIA**

1. Is the Board serving the purpose for which it was created? (Please provide detailed information)  
  
Yes. The BGMAC has been studying the feasibility of incorporating the Biscayne Gardens Area into a municipality.
2. Is the Board serving current community needs? (Please provide detailed information)  
  
Not applicable.

3. What are the Board's major accomplishments?

a. Last 24 months

The BGMAC developed a pro-forma budget for the proposed municipality and adopted a required Conceptual Agreement outlining the provision of municipal type services.

b. Since established

The BGMAC has been studying the feasibility of incorporation by discussing and analyzing revenue streams and associated expenditures.

c. Is there any other board, either public or private, which would better serve the function of this board?

No

4. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (If "Yes", attach proposed changes)

No

5. Should the Board's membership requirements be modified?

No

6. What is the operating cost of the Board, both direct and indirect? (Report on FY 2013 and FY 2014)

Not applicable

7. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.

No performance measures exist.

# Biscayne Gardens Municipal Advisory Committee Meetings

Last Name:	First Name:	7/25/13	8/27/13	9/24/13	10/29/13	11/19/13	12/17/13	1/28/14	2/25/14	3/25/14
Cates	Anne	Present	Present	Present						
Dorcely	Estomene	Present	Present	Present	Present	Present	Absent	Present	Absent	Absent
Dozier-Washington	Patrenia	Absent	Present	Present	Absent	Absent	Absent	Absent	Absent	Absent
Everett	Vernell	Present	Present	Present						
Gordon	Roger	Present	Present	Present						
McCook	Michelle	Present	Present	Present	Absent	Present	Absent	Present	Present	Present
Zimmerman	Anna	Absent	Absent	Absent	Absent	Absent	Present	Present	Present	Present
<b>Last Name:</b>	<b>First Name:</b>	<b>4/22/14</b>	<b>5/27/14</b>	<b>6/24/14</b>	<b>7/22/14</b>	<b>8/26/14</b>	<b>9/23/14</b>	<b>10/15/14</b>	<b>10/28/14</b>	<b>11/19/14</b>
Cates	Anne	Absent	Present	Present	Present	Present	Present	Present	Present	Present
Dorcely	Estomene	Absent	Absent	Absent	Absent	Present	Present	Present	Absent	Present
Dozier-Washington	Patrenia	Present	Absent	Absent	Absent	Absent	Absent	Present	Absent	Absent
Everett	Vernell	Present	Present	Present						
Gordon	Roger	Present	Present	Present						
McCook	Michelle	Present	Absent	Present	Absent	Present	Present	Present	Absent	Absent
Zimmerman	Anna	Present	Absent	Present	Present	Present	Present	Present	Present	Present
<b>Last Name:</b>	<b>First Name:</b>	<b>2013</b>	<b>2013</b>	<b>2014</b>	<b>2014</b>	<b>2014</b>	<b>2014</b>	<b>2014</b>	<b>2014</b>	<b>2014</b>
Cates	Anne	Present	Absent	Present	Present	Absent	Present	Present	Absent	Absent
Dorcely	Estomene	6	0	6	11	1	5	7	10	0
Dozier-Washington	Patrenia	2	4	2	2	12	12	0	0	0
Everett	Vernell	6	0	6	12	12	8	4	1	1
Gordon	Roger	6	0	6	12	0	11	5	5	5
McCook	Michelle	4	2	4	8	4	11	5	5	5
Zimmerman	Anna	1	5	1	11	1	11	5	5	5

MEMORANDUM

OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
DADE COUNTY, FLORIDA  
Not On  
Agenda Item No. 6(C)

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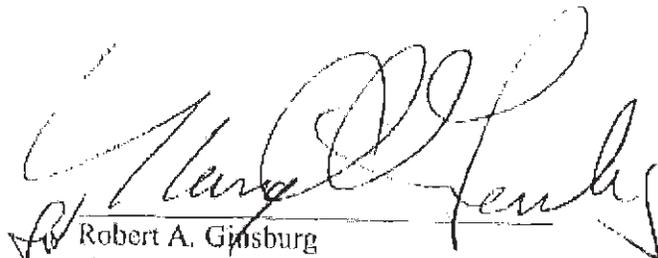
**TO:** Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners      **DATE:** July 27, 2004

**FROM:** Robert A. Ginsburg  
County Attorney      **SUBJECT:** Ordinance creating and establishing the Biscayne Gardens Area Municipal Advisory Committee

04 142

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Dorrin D. Rolle.

  
Robert A. Ginsburg  
County Attorney

RAG/bw

04 142

# Memorandum



Date: July 13, 2004

To: Honorable Chairperson Barbara Carey-Shuler, Ed. D.  
and Members Board of County Commissioners

From: George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

Subject: Ordinance Creating and establishing the Biscayne Gardens Municipal Advisory Committee

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This ordinance establishing the Biscayne Gardens Municipal Advisory Committee will not have an additional fiscal impact on Miami-Dade County. The municipal advisory committee has been meeting and staff will continue to provide the support it has been providing until the committee's work is done.

fiscal/04104



# MEMORANDUM

(Revised)

62 46

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners      **DATE:** July 27, 2004

**FROM:** Robert A. Ginsburg  
County Attorney

Not On

**SUBJECT:** Agenda Item No. 6(C)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Not On

Veto \_\_\_\_\_

Agenda Item No. 6(C)

Override \_\_\_\_\_

7-27-04

04

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

ORDINANCE CREATING AND ESTABLISHING THE BISCAYNE GARDENS AREA MUNICIPAL ADVISORY COMMITTEE; DIRECTING STAFF TO PREPARE A STUDY OF THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN THE AREA OF BISCAYNE GARDENS; PROVIDING WAIVER OF SECTION 2-11.37(e) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, pursuant to Resolution No. R-974-03 (Attachment I), a Biscayne Gardens Area Municipal Advisory Committee was created; and

WHEREAS, it is anticipated that the Committee's advisory report will not be completed within one year from the date that the Committee was created pursuant to resolution; and

WHEREAS, pursuant to the Code of Miami-Dade County, Section 2-11.31.1, committees that will exist for a year or more shall be created by ordinance,

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

Section 1. There is hereby created a Biscayne Gardens Area Municipal Advisory Committee consisting of a minimum of no less than seven (7) members and no more than eleven (11) members who reside within the boundaries of the study area. The initial members as well as any vacancies on the Biscayne Gardens Area Municipal Advisory Committee shall be those members appointed pursuant to memorandum to be issued by the County Commissioner for the

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

**Section 2. Purposes.**

1) To review the possible incorporation of the generally described area set forth in Attachment I to this ordinance.

2) To prepare an advisory report that shall address the results of the study prepared by County staff as well as incorporation concerns of members of the Board of County Commissioners and the manner in which those concerns may be alleviated in the event the Biscayne Gardens area is incorporated as a new municipality.

**Section 3. Duties and Responsibilities.**

1) 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 Biscayne Gardens area.

2) Prior to the first public hearing, the committee shall have reviewed the tape of the County Commission workshop on incorporation held on January 14, 1999, and shall be familiar with written materials concerning incorporation presented to the Board of County Commissioners at that time and at any subsequent meeting or workshop.

3) The committee's responsibilities shall terminate upon submission of its report to the Board of County Commissioners.

**Section 4.** The requirement of Section 2-11.37(c) of the Code of Miami-Dade County is hereby waived.

**Section 5.** 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.

5

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County. 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 7. 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.

Section 8. This ordinance shall stand repealed one year from its effective date.

PASSED AND ADOPTED: JUL 27 2004

Approved by County Attorney as  
to form and legal sufficiency:

RAK  
CJS

Prepared by:

Cynthia Johnson-Stacks

Sponsored by Commissioner Dorrin D. Rolle

MEMORANDUM

Agenda Item No. 10(A)(7)

**TO:** Hon. Chairperson and Members  
Board of County Commissioners

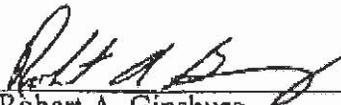
**DATE:** September 9, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Resolution creating and  
establishing the Biscayne  
Gardens Municipal  
Advisory Committee

*R-974-03*

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Dorrin D. Rolle.

  
Robert A. Ginsburg  
County Attorney

RAG/bw

7 X



# MEMORANDUM

(Revised)

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** September 9, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 10(A)(7)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Miami-Dade Item No. 10(A)(7)  
9-9-03

RESOLUTION NO. R. 974-03

RESOLUTION CREATING AND ESTABLISHING THE BISCAYNE GARDENS AREA MUNICIPAL ADVISORY COMMITTEE AND SETTING FORTH ITS DUTIES; DIRECTING COUNTY STAFF TO PREPARE A STUDY OF THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN THE BISCAYNE GARDENS AREA OF MIAMI-DADE COUNTY

WHEREAS, a group of residents in the Biscayne Gardens area of Miami-Dade County has expressed an interest in creating a new municipality in the Biscayne Gardens area; and

WHEREAS, such residents recognize the serious implications of creating a new municipality both for the residents of the proposed municipality and for the remaining residents of the unincorporated area and therefore, desire to work with County staff to address these implications; and

WHEREAS, this Board desires to determine whether to proceed with the incorporation process of this municipality,

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

Section 1. The proposed incorporation of the Biscayne Gardens area includes the area generally described as follows:

The unincorporated area bounded by the City of North Miami Beach on the North and East, by the City of North Miami on the East and South, by the City of Opa-locka on the West and by the City of Miami Gardens on the Northwest.

9 3

**Section 2.** The Biscayne Gardens Area Municipal Advisory Committee is hereby created and established consisting of a minimum of seven (7) and a maximum of eleven (11) electors who reside within the boundaries of the study area. The initial members, as well as any vacancies in the Biscayne Gardens Area Municipal Advisory Committee, shall be those members appointed pursuant to memorandum issued by the County Commissioner from District 2. Appointments shall become effective immediately upon each member filing with the Clerk of the County Commission his or her acceptance of such appointment and the oath of office. The members of the committee shall elect officers from the membership as may be deemed necessary or desirable.

**Section 3.** The committee shall conduct no fewer than two (2) duly advertised public hearings at which citizens shall have the opportunity to express their views and concerns regarding the proposed incorporation.

**Section 4.** Prior to the first public hearing the committee shall have met with county staff to review and address concerns that have been raised by both members of the Board of County Commissioners and county staff, shall have reviewed the tape of the County Commission Workshop on Incorporation of January 14, 1999, and shall have become familiar with written materials concerning incorporation presented to the Board of County Commissioners at that time and at any subsequent meeting or workshop.

**Section 5.** Prior to the first public hearing, county staff from the Office of Management and Budget shall prepare a report concerning the proposed incorporation according to the procedures and guidelines contained in Section 20-22(A) and (B), Section 20-23(B), and

Section 20-26 of the Code of Miami-Dade County and shall prepare a study to be reviewed by the committee and presented at the public hearings.

Section 6. Prior to one year from the adoption of this resolution, the committee shall prepare and submit an advisory report that shall address the results of the report prepared by county staff and the incorporation or annexation concerns of both members of the Board of County Commissioners and of county staff, and the manner in which those concerns may be alleviated in the event the Biscayne Gardens area is incorporated into a new municipality. The committee's responsibilities shall terminate upon submission of its report.

The foregoing resolution was sponsored by Commissioner Dorrin D. Rolle and offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

- |                                       |                  |
|---------------------------------------|------------------|
| Dr. Barbara Carey-Shuler, Chairperson |                  |
| Katy Sorenson, Vice-Chairperson       |                  |
| Bruno A. Barreiro                     | Jose "Pepe" Diaz |
| Betty T. Ferguson                     | Sally A. Heyman  |
| Joe A. Martinez                       | Jimmy L. Morales |
| Dennis C. Moss                        | Dorrin D. Rolle  |
| Natacha Seijas                        | Rebecca Sosa     |
| Sen. Javier D. Souto                  |                  |

The Chairperson thereupon declared the resolution duly passed and adopted this 9<sup>th</sup> day of September, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



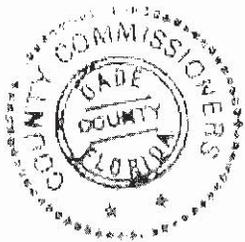
Craig H. Coller

STATE OF FLORIDA                    )  
  )     SS:  
COUNTY OF MIAMI-DADE         )

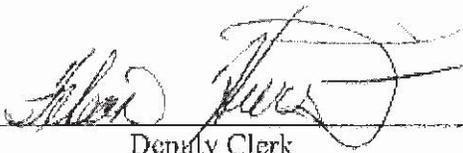
I, **HARVEY RUVIN**, Clerk of the Circuit Court in and for Miami-Dade County Florida and Ex-Officio Clerk of the Board of County Commissioners of Said County Do Hereby Certify that the above and foregoing is a true and correct copy of Ordinance No. 04-142, adopted by said board of County Commissioners at its meeting held on July 27, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 9th day of August A.D. 2004.

**HARVEY RUVIN**, Clerk  
Board of County Commissioners  
Dade County, Florida



SEAL

By   
Deputy Clerk

Board of County Commissioners  
Miami-Dade County, Florida