

Approved _____ Mayor

Agenda Item No 7(A)

Veto _____

09-04-07

Override _____

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

ORDINANCE NO. 07-120

ORDINANCE RELATING TO INCORPORATIONS;
SUSPENDING CONSIDERATION OF PROPOSED
INCORPORATIONS UNTIL RECEIPT AND
CONSIDERATION OF THE COUNTY MANAGER'S REPORT
UNDERTAKEN PURSUANT TO THIS ORDINANCE;
DIRECTING THE COUNTY MANAGER TO PROVIDE A
REPORT TO THE BOARD REGARDING EFFORTS TO
MAXIMIZE ANNEXATIONS AND UPDATED FINANCIAL
INFORMATION RELATED TO THE NORTH CENTRAL
DADE MUNICIPAL ADVISORY COMMITTEE STUDY
AREA; PROVIDING SEVERABILITY, EXCLUSION FROM
THE CODE, AND AN EFFECTIVE DATE

WHEREAS, there are several Municipal Advisory Committees interested in incorporating their respective areas; and

WHEREAS, proposed State of Florida legislative initiatives relating to property tax reform, if enacted, may have an affect on the fiscal viability of local governments in the future; and

WHEREAS, annexation is preferred over incorporation since the unincorporated area at issue may be annexed to an existing city with established resources and services, and since less financial resources are required than those needed to establish a self-sufficient municipality; and

WHEREAS, incorporation of a municipality is a discretionary decision of the County Commission, pursuant to the Home Rule Amendment to the Florida Constitution and the Miami-Dade County Home Rule Charter; and

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MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: September 4, 2007

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

SUBJECT: Agenda Item No. 7(A)

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

WHEREAS, it is appropriate that the Board evaluate whether proposed incorporations may be pursued as annexations, particularly in light of current circumstances relating to property tax reform; and

WHEREAS, it is in the best interest of the County and its citizens to make these decisions advisedly and in an informed manner following comprehensive study and deliberation,

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

Section 1. Notwithstanding any other provision in the Code of Miami-Dade County to the contrary, proposed incorporations shall not be processed by the Clerk of the Board of County Commissioners or County staff or presented to or considered by the Board of County Commissioners, any committee comprised of County Commissioners, or the Planning Advisory Board, until such time as the report of the County Manager as described in Section 2 of this ordinance is presented to and considered by the Board of County Commissioners.

Section 2. The County Manager is hereby directed to prepare a report indicating the interest of municipalities surrounding or proximate to the unincorporated areas represented by existing Municipal Advisory Committees in an effort to maximize annexations as the preferred method to pursue boundary changes to the unincorporated area; and provide updated financial information related to the North Central Municipal Advisory Committee Study Area. Such written report shall be submitted to the Board of County Commissioners within ninety (90) days of 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.

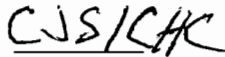
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: September 4, 2007

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Cynthia Johnson Stacks/Craig H. Coller

Sponsored by the Governmental Operations and Environment Committee

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE:

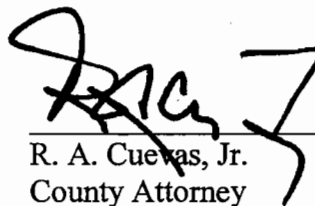
(Second Reading 09-04-07)
May 8, 2007

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

SUBJECT:

Ordinance relating to
incorporations; suspending
consideration of proposed
incorporations until receipt
and consideration of the
County Manager's Report

The accompanying ordinance was placed on the agenda by the Governmental Operations and Environment Committee.



R. A. Cuevas, Jr.
County Attorney


.RAC/bw

Memorandum

MIAMI-DADE
COUNTY

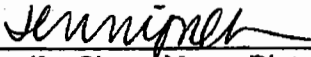
Date: September 4, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: 
George W. Brown
County Manager

Subject: Ordinance relating to incorporations; suspending consideration of proposed
incorporations until receipt and consideration of the County Manager's Report

This ordinance suspending consideration of proposed incorporations until receipt and consideration of the County Manager's Report will not have a fiscal impact to Miami-Dade County.



Jennifer Glazer-Moon, Director
Office of Strategic Business Management

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