

MEMORANDUM

Agenda Item No. 7(G)

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

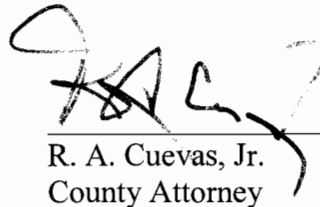
DATE: (Second Reading 10-7-08)
May 20, 2008

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

SUBJECT: Ordinance creating Aircraft
Noise Abatement Advisory
Board for Miami International
Airport

08-116

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: October 7, 2008

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

From: George M. Burgess
County Manager

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

Subject: Ordinance creating Aircraft Noise Abatement Advisory Board for Miami International Airport

The ordinance creating Aircraft Noise Abatement Advisory Board for Miami International Airport will be supported by existing staff and will not have a fiscal impact to Miami-Dade County.

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

Ysela Llort
Assistant County Manager

fiscal05608



MEMORANDUM

(Revised)

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

DATE: October 7, 2008

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

SUBJECT: Agenda Item No. 7(G)

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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 _____

Agenda Item No. 7(G)
10-7-08

ORDINANCE NO. 08-116

ORDINANCE CREATING AIRCRAFT NOISE
ABATEMENT ADVISORY BOARD FOR MIAMI
INTERNATIONAL AIRPORT; PROVIDING
MEMBERSHIP, PURPOSE, PROCEDURES, POWERS
AND DUTIES; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE
DATE

WHEREAS, the Board of County Commissioners of Miami-Dade County, Florida created an Aircraft Noise Abatement Task Force for Miami International Airport (“MIA”), on July 8, 1997, pursuant to Resolution No. R-831-97; and

WHEREAS, the Aircraft Noise Abatement Task Force for MIA has sunset; and

WHEREAS, it is desirable to reconstitute the group as the Aircraft Noise Abatement Advisory Board for MIA to evaluate and recommend noise abatement measures to reduce or mitigate noise impact on the areas surrounding the airport,

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

Section 1. Creation.

There is hereby created an Aircraft Noise Abatement Advisory Board for Miami International Airport (the “NAAB”).

Section 2. Purpose.

The purpose of the NAAB is to discuss, evaluate and recommend to the Board of County Commissioners measures to reduce or mitigate aircraft noise impacts to the areas surrounding Miami International Airport (“MIA”).

Section 3. Membership.

(a) *NAAB Members.* The NAAB shall consist of twenty (20) members. Each member may designate a single alternate to participate and vote on his or her behalf. The members of the NAAB shall comply with the requirements of Section 2-11.38 of the Code of Miami-Dade County and shall serve without compensation. Appointments to the NAAB shall be made as provided herein:

Notwithstanding and prevailing over anything in the Code of Miami-Dade County to the contrary, eight (8) members shall be residents of County Commission Districts 2, 3, 4, 5, 6, 7, 10 and 12, and shall be nominated by the County Commissioner representing each of those Districts;

One (1) member shall be a resident of the City of Miami, and shall be nominated by the Mayor of the City of Miami.

One (1) member shall be a resident of the City of Miami Springs, and shall be nominated by the Mayor of the City of Miami Springs.

One (1) member shall be a resident of the Village of Virginia Gardens, and shall be nominated by the Mayor of the Village of Virginia Gardens.

One (1) member shall be a resident of the City of Doral, and shall be nominated by the Mayor of the City of Doral.

One (1) member shall be a resident of the City of Miami Beach, and shall be nominated by the Mayor of the City of Miami Beach.

One (1) member shall be a resident of the City of West Miami, and shall be nominated by the Mayor of the City of West Miami.

One (1) member shall be a resident of the City of North Miami, and shall be nominated by the Mayor of the City of North Miami.

One (1) member shall be a resident of the City of North Bay Village, and shall be nominated by the Mayor of the City of North Bay Village.

One (1) member shall be a resident of the City of Sweetwater, and shall be nominated by Mayor of the City of Sweetwater;

One (1) member shall be a resident of the Village of Key Biscayne, and shall be nominated by the Mayor of the Village of Key Biscayne;

One (1) member shall be a resident of the Village of Miami Shores, and shall be nominated by the Mayor of the Village of Miami Shores;

One (1) member shall be a resident of the Village of El Portal, and shall be nominated by the Mayor of the Village of El Portal;

Any member who ceases to meet the membership requirements set forth above, shall immediately forfeit his or her office.

(b) *Term.* The members of the NAAB shall serve staggered terms of three (3) years each. Notwithstanding any other provision of the Code, no member shall be permitted to serve more than eight (8) consecutive years. Members nominated by the Commissioner of County Commission Districts 2, 3, 4, 5, 6, 7, 10 and 12, shall serve an initial term of three (3) years. Members nominated by the Mayor of the City of Miami, the Mayor of the City of Miami Springs, the Mayor of the Village of Virginia Gardens, the Mayor of the City of Doral, the Mayor of the City of Miami Beach, the Mayor of the City of South Miami, the Mayor of the City of North Miami, the Mayor of the City of North Bay Village, the Mayor of the City of Sweetwater, the Mayor of the Village of Key Biscayne, the Mayor of the Village of Miami Shores and the Mayor of the Village of El Portal shall serve an initial term of two (2) years. Thereafter, all members will serve terms of three (3) years.

(c) *Vacancies.* Vacancies in the membership of the NAAB shall be filled in the same manner by which the original NAAB members were appointed and shall be filled within 45 days.

(d) *Removal from Office.* Notwithstanding any other provision of the Code, if any NAAB member is absent from two (2) consecutive NAAB meetings annually

without an acceptable excuse, or from four (4) NAAB meetings annually without an acceptable excuse, the NAAB shall certify the same to the Board of County Commissioners.

Section 4. Procedures.

(a) *Chair.* A member of the NAAB, chosen by a majority of the members, shall serve as Chair of the NAAB.

(b) *Vice Chair.* A member of the NAAB, chosen by a majority of the members, shall serve as Vice Chair of the NAAB.

(c) *Meetings.* A majority of the members, then in office, constitutes a quorum for the purpose of conducting business and exercising the powers of the NAAB and for all other purposes. Meetings of the NAAB shall be held quarterly, shall be public and written minutes of the proceedings thereof shall be maintained. No vacancy in the membership of the NAAB shall impair the right of a quorum to exercise the right to perform all the duties of the NAAB.

Section 5. Powers and Duties.

(a). *Functions.* The NAAB shall consider present and future aircraft noise impacts arising from operations at MIA. With the assistance of staff, the NAAB shall explore, consider and recommend programs and practices that may be helpful in reducing or mitigating aircraft noise impacts.

(b). *Report.* The NAAB shall submit an annual written report to the Board of County Commissioners.

Section 6. Staff.

Miami Dade Aviation Department shall provide to the NAAB adequate staff and support services to enable the NAAB to carry out its purposes.

Section 7. 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 8. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of 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 9. 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 the Board of County Commissioners.

Section 10. Once effective, this ordinance shall repeal resolution R-831-97, creating an Aircraft Noise Abatement Task Force at MIA.

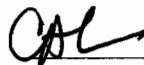
Section 11. This ordinance shall stand repealed five (5) years from its effective date unless extended by amendment of the Board of County Commissioners prior to such date.

PASSED AND ADOPTED: October 7, 2008

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Cynji Lee

Prime Sponsor: Commissioner Rebeca Sosa