

MEMORANDUM

Agenda Item No. 7(D)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** (Second Reading 4-3-12)  
January 24, 2012


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

**SUBJECT:** Ordinance relating  
incorporation; repealing  
Ordinance No. 07-120 of Miami-  
Dade County; deleting provisions  
that suspended processing and  
consideration of proposed  
incorporations

Ordinance No.12-24

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The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Sally A. Heyman, Commissioner Esteban L. Bovo, Jr. and Commissioner Jean Monestime.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/jls.

# Memorandum



**Date:** April 3, 2012

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Ordinance relating to incorporation repealing Ordinance 07-120

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

The repealing of Ordinance No. 07-120 will have an impact on the Unincorporated Municipal Service Area (UMSA). It is difficult to quantify the impact any particular incorporation effort will have without knowing if the area produces more or less revenue than it takes to provide municipal type services. Since 2000, there were three (3) incorporations whose boundaries produced more revenue than it cost to provide municipal type services (referred to as "donor area"), one incorporation whose boundaries produced less revenue than it cost to provide municipal type services (referred to as "recipient area"), and one incorporation whose area produced relatively the same amount of revenue than it cost to provide services (referred to as "revenue neutral").

As areas incorporate, there is less revenue available to service the remaining UMSA area. As the UMSA service area and revenues decrease, departmental budgets providing these services will also decrease. If this trend continues, UMSA will lose the economies of scale that existed prior to those incorporations, and therefore it will be difficult to provide the same level of services to the remaining UMSA.

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Office of the Mayor

Fis4412



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** April 3, 2012

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

**SUBJECT:** Agenda Item No. 7(D)

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 Manager'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(D)  
4-3-12

ORDINANCE NO. 12-24

ORDINANCE RELATING TO INCORPORATION;  
REPEALING ORDINANCE NO. 07-120 OF MIAMI-DADE  
COUNTY, FLORIDA; DELETING PROVISIONS THAT  
SUSPENDED PROCESSING AND CONSIDERATION OF  
PROPOSED INCORPORATIONS; PROVIDING  
SEVERABILITY, EXCLUSION FROM THE CODE, AND AN  
EFFECTIVE DATE

**WHEREAS**, the Board of County Commissioners (“Board”) adopted Ordinance No. 07-120 on September 4, 2007 that suspended processing and consideration of proposed incorporations until a report prepared by the County Manager was presented and considered by the Board; and

**WHEREAS**, such report was to indicate whether municipalities near unincorporated areas were interested in annexing such areas as the preferred method to pursue boundary changes and updating financial information related to the North Central Municipal Advisory Committee Study Area; and

**WHEREAS**, Ordinance No. 07-120 provided that the County Manager’s report be submitted to the Board within 90 days of the effective date of such ordinance; and

**WHEREAS**, the County Manager’s report was placed on the agenda of the Governmental Operations and Environmental Committee on December 11, 2007 and the Committee deferred consideration of the report to no date certain; and

**WHEREAS**, the County Manager’s report has not been presented to nor considered by the Board of County Commissioners,

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

Section 1. Ordinance No. 07-120 of Miami-Dade County is hereby repealed in its entirety.

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 not become and be made a part of the Code of Miami-Dade County, Florida.


Section 4. 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: April 3, 2012

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

Craig H. Coller  
Cynthia Johnson-Stacks

  
CNC / 109

Co-Prime Sponsors: Commissioner Sally A. Heyman  
Commissioner Esteban L. Bovo, Jr.  
Commissioner Jean Monestime