

MEMORANDUM

Agenda Item No. 7(F)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE:

(Second Reading 12-5-17)
October 3, 2017

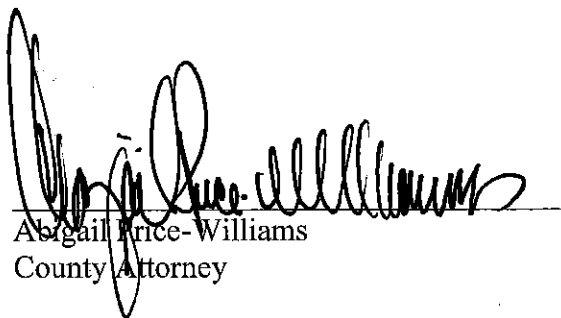
FROM: Abigail Price-Williams
County Attorney

SUBJECT:

Ordinance relating to incorporation; amending section 20-29 of the Code; prohibiting the placement of an ordinance to create a Municipal Advisory Committee ("MAC") to study the possible incorporation of an area on the Board's agenda unless a certain percentage of the resident electors in the area have consented to the creation of a MAC

Ordinance No. 17-99

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez and Co-Sponsor Vice Chairwoman Audrey M. Edmonson.

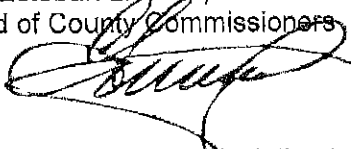


Abigail Price-Williams
County Attorney

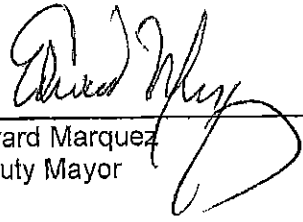
APW/cp

Memorandum



Date: December 5, 2017
To: Honorable Chairman Esteban L. Boyo, Jr.
and Members, Board of County Commissioners
From: Carlos A. Gimenez 
Mayor
Subject: Fiscal Impact Statement for Ordinance Relating to Municipal Advisory Committee Requirements

The proposed ordinance amends Section 20-29 of the Code of Miami-Dade County (Code) prohibiting the placement of an ordinance to create a Municipal Advisory Committee ("MAC") to study the possible incorporation of an area on the Board's agenda unless a certain percentage of the resident electors in the area have consented to the creation of a MAC. Currently the Code requires the Department of Elections to certify the signatures. Therefore, implementation of this ordinance will not have a fiscal impact to the countywide general fund.


Edward Marquez
Deputy Mayor

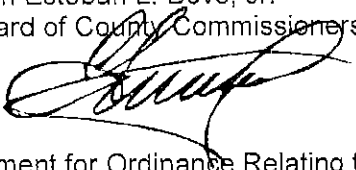
FIS01318 172012

Memorandum



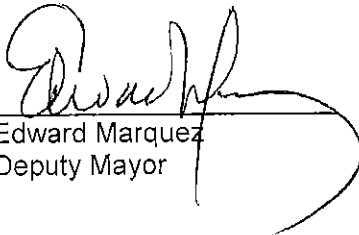
Date: December 5, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Municipal Advisory Committee Requirements

The proposed ordinance amends Section 20-29 of the Code of Miami-Dade County (Code) prohibiting the placement of and ordinance to create a Municipal Advisory Committee (MAC) to study the possible incorporation of an area on the Board's agenda unless a certain percentage of the resident electors in the area have consented to the creation of a MAC. Because this ordinance introduces a requirement that there be interest among the resident electors for an incorporation study by a MAC, this ordinance will benefit the residents in the proposed incorporation area.


Edward Marquez
Deputy Mayor

FIS01318 172012 SE

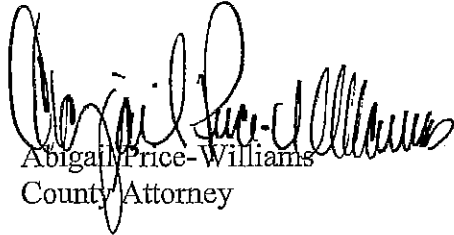


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: December 5, 2017

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(F)

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
- Statement of social equity 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

Agenda Item No. 7(F)

Veto _____

12-5-17

Override _____

ORDINANCE NO. 17-99

ORDINANCE RELATING TO INCORPORATION; AMENDING SECTION 20-29 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING THE PLACEMENT OF AN ORDINANCE TO CREATE A MUNICIPAL ADVISORY COMMITTEE ("MAC") TO STUDY THE POSSIBLE INCORPORATION OF AN AREA ON THE BOARD'S AGENDA UNLESS A CERTAIN PERCENTAGE OF THE RESIDENT ELECTORS IN THE AREA HAVE CONSENTED TO THE CREATION OF A MAC; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, pursuant to Section 20-29 of the Code, a municipal advisory committee ("MAC") may be created by the Board of County Commissioners to study and give advice to the County Commission regarding the creation of a proposed municipality; and

WHEREAS, Section 20-29 provides that a Municipal Advisory Committee may only be created by ordinance of the Board, and that "no Municipal Advisory Committee shall be created by the County Commission, unless no less than twenty (20) percent of the resident electors in the area to be studied consent to the creation of a Municipal Advisory Committee . . ."; and

WHEREAS, this requirement of consent by resident electors has been waived by subsequent ordinances of this Board; for example, the ordinances which created the two West Kendall Municipal Advisory Committees waived the Code requirement in Section 20-29 which required consent by a percentage of the resident electors; and

WHEREAS, those two West Kendall Municipal Advisory Committees no longer exist because this Board subsequently repealed the ordinances which established them; and

WHEREAS, the consent of at least 20 percent of the resident electors is important because it demonstrates to the Board that there is a minimum level of interest in the proposed municipality by the resident electors of that particular area; and

WHEREAS, the creation of a Municipal Advisory Committee requires staffing by County employees, public meetings, public notices, and other work which results in a cost to the County which is not insignificant, and the requirement of consent by resident electors before a Municipal Advisory Committee can be created may protect the County from incurring unneeded and unnecessary costs; and

WHEREAS, this Board therefore wishes to prohibit the placement of an ordinance to create a Municipal Advisory Committee on this Board's agenda before 20 percent of the resident electors in the area to be studied have consented to the creation of a Municipal Advisory Committee,

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

Section 1. Section 20-29 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-29. – Municipal Advisory Committee—Creation and Limitation of Study Area.

- (A) A Municipal Advisory Committee may only be created by ordinance of the Board in accordance with the provisions of this section to study and give advice to the County Commission regarding the creation of a proposed municipality. However, as of the effective date of this ordinance, no Municipal Advisory Committee shall be created by the County Commission, unless no less than twenty (20) percent of the

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

resident electors in the area to be studied consent to the creation of a Municipal Advisory Committee on a consent form which shall be approved by the Office of [~~Strategic Business~~] Management>> and Budget<<. The signed consent forms shall be submitted to the Clerk of the Board of County Commissioners. Upon submission of the signed consent forms, the Clerk of the Board of County Commissioners shall submit the signed consent forms to the Department of Elections for certification as to the sufficiency of signatures on the consent forms. Upon notification of certification by the Department of Elections, the Clerk of the Board shall forward to the County Commission the signed consent forms of area residents and the certification of the sufficiency of the consent forms. >>No ordinance to create a Municipal Advisory Committee may be placed on an agenda of this Board unless the Clerk of the Board has forwarded to the County Commission the signed consent forms of area residents and the certification of the sufficiency of the consent forms, as required in this subsection.<< Following public hearing, the County Commission may create a Municipal Advisory Committee by ordinance. It is provided, however, that where a Municipal Advisory Committee has been established, prior to the effective date of this ordinance, no consent of resident electors shall be required for the adoption of an ordinance creating a Municipal Advisory Committee involving the same study area. Upon receipt of the Municipal Advisory Committee report, which shall include findings of fiscal feasibility, evidence of desirability, and a plan for the development of a viable community, and upon motion of the district commissioner whose district comprises the majority of the proposed area to be incorporated, the Board of County Commissioners, at a regular meeting of the Board, may schedule the Municipal Advisory Committee report and resolution for consideration by the Planning Advisory Board.

* * *

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 become and be made a part of the Code of Miami-Dade County, Florida. 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.

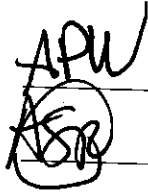
Section 4. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: December 5, 2017

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Abbie Schwaderer Raurell

Handwritten signature of Abbie Schwaderer Raurell, consisting of the initials 'ASR' in a circle with 'APW' written above it.

Prime Sponsor: Commissioner Joe A. Martinez
Co-Sponsor: Vice Chairwoman Audrey M. Edmonson