

MEMORANDUM

Agenda Item No. 6(C)

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

**DATE:** (Second Reading 5-6-0  
April 8, 2003

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

**SUBJECT:** Ordinance creating and  
establishing the Fontainebleau  
Municipal Advisory Committee

03.109

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The accompanying ordinance was prepared and placed on the agenda at the request of Sen. Javier D. Souto.



Robert A. Ginsburg  
County Attorney

RAG/jls



# MEMORANDUM

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

**DATE:** May 6, 2003

**FROM:** Steve Shiver  
County Manager

**SUBJECT:** Ordinance creating and  
establishing the Fontainebleau  
Municipal Advisory Committee

03-109

This ordinance serves as a continuation of the Fontainebleau Municipal Advisory Committee (MAC) because the committee's advisory report will not be completed prior to one year from the date that the MAC was created. County staff is already assigned to the MAC so consequently, Miami Dade County will not incur any additional costs.



# MEMORANDUM

(Revised)

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

**DATE:** May 6, 2003

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

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

03.109

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. 6(C)  
5-6-03

ORDINANCE NO. 03-109

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

WHEREAS, pursuant to Resolution No. R-598-02 (Attachment A) a Fontainebleau Municipal Advisory Committee was created; and

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

WHEREAS, pursuant to the Code of Miami-Dade County, Section 2-11.36.1, 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.     **Creation of the Fontainebleau Municipal Advisory Committee; composition.**

There is hereby created a Fontainebleau Municipal Advisory Committee consisting of nine (9) members. The current members of the Fontainebleau Municipal Advisory Committee established pursuant to R-598-02 are hereby appointed to the Fontainebleau Municipal Advisory Committee established pursuant to this ordinance. The appointments herein shall become effective immediately upon each approved member filing with the Clerk of the County Commission his or her acceptance of such appointment and oath of office. Any vacant position shall be filled by appointment of the County Commission. The members of the

committee shall select such other officers from the membership thereof as may be desirable or necessary.

Section 2.     **Purposes.**

- (1) To review the possible incorporation of an area generally described by the following boundaries:

On the East:           N.W. 87th Avenue  
On the West:           N.W. 107th Avenue  
On the South:          Flagler Street  
On the North:          N.W. 25th Street

It is provided, however, that the Committee as established herein may expand or contract the study area.

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

Section 3.     **Duties and responsibilities.**

- (1) The Committee shall conduct not less than two duly advertised public hearings at which citizens residing in the area shall have the opportunity to express their views and concerns regarding the proposed incorporation of Fontainebleau.
- (2) Prior to the first public hearing, the committee shall meet with the District Commissioner and County staff and review concerns regarding incorporation, 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.

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.

Section 6. 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 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.

PASSED AND ADOPTED: **MAY 06 2003**

Approved by County Attorney as  
to form and legal sufficiency:

RA6

Prepared by:

CHC

Craig H. Coller

Sponsored by Senator Javier D. Souto

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