

## **Biscayne Gardens Municipal Advisory Committee**

The Biscayne Gardens MAC (MAC) was formed by the Miami-Dade County Board of County Commissioners (BCC) under the sponsorship of former Commissioner Dorrin D. Rolle (Ordinance No. 04-142 adopted 7/27/04).

The MAC was created to study the feasibility and desirability to incorporate.

County Staff facilitates the MAC meetings.

MAC board is made up of volunteers that live in the area and were initially appointed to the MAC by former Commissioner Rolle and reaffirmed by Commissioner Jean Monestime.

The MAC began to meet in 2004 and hosted meetings and a public hearing in December 2004. Due to a moratorium on incorporation, adopted by the Board of County Commissioners in 2005, the MAC had a period of inactivity until the moratorium was lifted in 2012.

The MAC resumed the incorporation feasibility study on July 2013. Since then, the MAC had met monthly receiving presentations from various County departments focused on those services that the new municipality will be responsible for and those services the County will continue to provide.

The MAC held a public hearing on October 2014 to inform the general public on the issue of incorporation of their respective area. Approximately 200 residents participated in the public hearing.

On May 5, 2015 the Board of County Commissioners adopted an Ordinance No. 15-33 approving that the MAC shall remain in existence and complete its feasibility study.

The MAC must complete a second public hearing and consider the findings of an independent consultant who is completing a comprehensive study of incorporation and annexation matters for the Board of County Commissioners' consideration.

Once the MAC resume meetings and set a date for a public hearing, mailers will be sent to all property owners to advertise these meetings.

### **Incorporation in Miami-Dade County**

Incorporation is the process for creating a new municipality from the unincorporated area within Miami-Dade County.

Miami-Dade County is governed by a Home Rule Charter. Unlike other counties in the State, the BCC has the power to create municipalities and change municipal boundaries (through annexation). Section 6.5 of the Home Rule Charter provides the framework by which municipalities are created in the County.

The actual incorporation process is governed by the Miami-Dade County Code Chapters 20-20 thru 20-22 and 20-30. The Code addresses petition requirements and considerations made by the Planning and Advisory Board (PAB) and the BCC. Based on these considerations, the BCC determines if the incorporation is to be put to a vote by the electorate of the affected area.

Creation of a Municipal Advisory Committee (MAC):

- An individual or group may file a request for approval of a form of a petition and authorization to circulate the petition with the Clerk of the Board of County Commissioners (Clerk)
  - The petition must include a general description of the area and reason for incorporating
  - The Clerk reports the petition to the BCC and the BCC may approve the form and authorize the circulation of the petition
  - The petition must include consent from 20 percent of the resident electors in the area
  - Petitions must be submitted to the Clerk within 90 days
- Once petition is deemed complete, a Municipal Advisory Committee (MAC) is formed
  - The MAC studies the feasibility and desirability of the area to incorporate
- A MAC may also be formed by the Board of County Commissioners
- When the MAC has completed its study, the MAC report is forwarded to the Clerk and placed on a BCC agenda where the BCC may forward the petition to the PAB

- The PAB, at a public hearing, considers the application based on Code criteria and forwards a recommendation to the Mayor and BCC
- The petition is placed on a BCC agenda for a public hearing
- After the public hearing the BCC may call an the election for the area
- If the election is successful, a charter commission is created
- Once the charter commission has completed the proposed municipal charter, the BCC places the charter on the ballot
- If the charter vote is successful, the new municipality is formed

### **FREQUENTLY ASKED QUESTIONS REGARDING MUNICIPAL ADVISORY COMMITTEES (MACS)**

Q: What does incorporation mean?

A: Incorporation means that the area will become a new city.

Q: Why is this area being incorporated?

A: Currently this committee (the MAC) is studying the feasibility of incorporating this area or annexing to an existing municipality.

Q: How was this Committee created?

A: The Board of County Commissioners created this MAC.

Q: Are the meetings open to the public?

A: All meetings are free and open to the public. Residents are encouraged to attend the meetings to find out more information and/or express their opinions.

Q: How do I find out about the meetings?

A: All meetings are advertised in the Local section of the Miami Herald. Meetings are also posted on the County Calendar, which can be found by going to <http://miamidade.gov/wps/portal/Main/calendar/> Additionally, if you sign up for an email reminder, County staff will send you an email prior to the meeting.

Q: How long does this process take?

A: If the MAC decides to move forward, the process will take approximately one to two years for a vote on the matter to take place.

Q: Do the area residents get to vote on this matter?

A: Ultimately the resident electors within the area will vote in favor or against creating a new municipality.

Q: What will the new city be called?

A: The charter that will govern the new city will include the name of the city, the resident electors within the area will vote on the charter.

Q: If this area is incorporated where will the City Hall be located?

A: The City Hall location would be decided after the area incorporates.

Q: Will I still have Miami-Dade Police, Fire and Garbage services?

A: As a condition to incorporate, the new city would have to continue to receive services from Miami-Dade County Fire, Library and Solid Waste. The new city would also have to contract with the Miami-Dade Police Department for a minimum of three (3) years.

Q: How and when are elected officials in a new city determined?

A: If the area votes to create a new municipality,

Additional Information:

<http://www.miamidade.gov/incorporationandannexation/> & <http://www.miamidade.gov/charter/charter.asp>