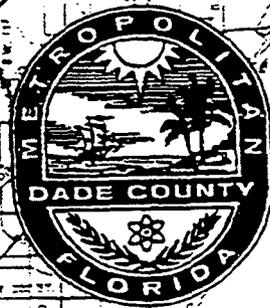


Citizens Task Force on Incorporation

Final Report

June 1994

MUNICIPALITIES IN DADE COUNTY



1. GOLDEN BEACH
2. NORTH MIAMI BEACH
3. NORTH MIAMI
4. BAL HARBOUR
5. BAY HARBOR ISLANDS
6. SURFSIDE
7. INDIAN CREEK VILLAGE
8. BISCAYNE PARK
9. MIAMI SHORES
10. EL PORTAL
11. NORTH BAY VILLAGE
12. MIAMI BEACH
13. MIAMI
14. OPA-LOCCA
15. HIALENH
16. HIALEAH-GARDENS
17. MEDLEY
18. MIAMI SPRINGS
19. VIRGINIA GARDENS
20. SWEETWATER
21. WEST MIAMI
22. CORAL GABLES
23. SOUTH MIAMI
24. HOMESTEAD
25. FLORIDA CITY
26. ISLANDIA
27. KEY BISCAYNE

SUMMARY OF PRIMARY RECOMMENDATIONS

The Citizens Task Force on Incorporation makes the following recommendations to the Board of County Commissioners on municipal incorporation, annexation and deannexation – the issues to which it was asked to direct its primary attention. The full text of these recommendations are found in the indicated locations. Recommendations on other matters are also contained in the report.

- Establish true two-tier government through municipal incorporation and annexation on a voluntary case-by-case basis, not by a mandatory countywide approach, and allow these actions only within the Urban Development Boundary of the County's Comprehensive Development Master Plan. (Page 2, Recommendations 1 and 2; Page 5, Recommendation 12)
- Adopt proposed ordinance specifying a procedure for incorporation and prepare an easily understood guide for both incorporation and annexation. (Page 3, Recommendation 5; Page 5, Recommendation 14, Page 9, Paragraphs 9 and 10, Appendix)
- Establish local advisory councils as first steps toward incorporation. (Page 4, Recommendation 9)
- Amend annexation procedures to include an application review schedule and the issues that should be addressed in application review and recommendation and request legal review of requirement for property owner approval. (Page 10, Paragraphs 3, 4 and 5)
- Prohibit the creation of new unincorporated enclaves through annexation and encourage the elimination of existing enclaves by requiring bordering cities to indicate why they have not included such areas as part of newly proposed annexations. (Page 10, Paragraph 8 and 10)
- Do not deny incorporations or annexations because of fiscal impact and disparity concerns; address these issues in the future in other ways. (Page 8, Recommendation 14; Page 9, Paragraph 3)
- Provide to municipalities at time of incorporation and annexation the ability to collect traditional municipal revenues such as franchise and utility fees and cigarette tax. (Page 10, Paragraph 6)
- Size incorporations and annexations to result in municipalities that are efficient, effective and diverse. (Page 6, Recommendation 3 & 4)
- Amend the Charter to eliminate the requirement for approval by a city before a deannexation can occur. (Page 4, Recommendation 11)
- Continually reexamine the division of responsibility between the two tiers of government to improve the ability of Metro and existing and newly incorporated municipalities to function more efficiently and effectively. (Pages 7 and 8, Recommendations 9, 10, and 11)

BACKGROUND

The Citizens Task Force on Incorporation was created in July 1993 by the Board of County Commissioners in response to its concerns about pending incorporation and annexation requests and the fiscal impacts of its actions on these requests. The Commission directed the Task Force, by means of Ordinance 93-78, to:

1. Review the 1992 report of the Dade County Citizens' Advisory Committee on Countywide Incorporation and make recommendations based on that report,
2. Study the 1978 report entitled A Review of Two-tier Government in Miami/Dade County prepared by Touche Ross and Company, and
3. Develop an overall Countywide plan, in consultation with the Planning Advisory Board, for annexation and the creation of municipalities with specific attention devoted to the municipal annexation of enclave areas.

The Commission requested that the Task Force make its recommendations with respect to Activities 1 and 3 by February 28, 1994 and Activity 2 by September 30, 1994. The Task Force divided its work into two phases corresponding to the prescribed schedule. An interim report covering the first phase was delivered to the Board of County Commissioners on March 15, 1994. The Task Force completed the second phase of work and adopted this final report covering both phases on May 25, 1994.

The Task Force held its first meeting on December 6, 1993. It has met 19 times. Pursuant to the Commission's directive, the Task Force also held a joint meeting with the Planning Advisory Board to review the Task Force's interim recommendations.

RECOMMENDATIONS ON REPORT OF THE CITIZENS' ADVISORY COMMITTEE ON COUNTYWIDE INCORPORATION

The first of the activities assigned to the Citizens Task Force on Incorporation was to review and make recommendations on the final report of the previous Dade County Citizens' Advisory Committee on Countywide Incorporation. That committee was created in February 1991 by the Board of County Commissioners to fully analyze all issues related to the possible incorporation and annexation of various areas of the County. After conducting nine public hearings and holding 27 meetings, the Committee completed its report in February 1992. At that time the County Commission took no action to implement the report. Subsequently, two of the Committee's recommendations (Nos. 12 and 13) were defeated in an election initiated through a citizens' petition. The current County Commission created this Task Force to accomplish the objective of the recommended Boundaries Commission (No. 7).

As requested, the Citizens Task Force directed its attention to the recommendations of the Citizens' Advisory Committee, as stated in the executive summary of its report. The Task Force's response to each recommendation of the previous committee are as follows:

Citizens' Advisory Committee on Countywide
Incorporation
Recommendation

Citizens Task Force on Incorporation
Recommendation

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1. The Committee believes the lower, or second, tier of our government must be fully established in order to improve local decision making processes in the unincorporated area.
 2. In order to complete the second tier of government, we recommend the entire unincorporated area be incorporated through annexations by neighboring municipalities and through the creation of one or more municipalities, provided however that the County Commission retains control and authority over the location of the Urban Development Boundary line as a countywide function.
 3. We recommend that the County Commission require that County appointed boards dealing exclusively with unincorporated issues include only unincorporated area residents.
 4. We recommend that the Board of County Commissioners adopt an ordinance requiring that all future local government sales tax revenue received on the basis of the unincorporated area population be allocated to the unincorporated area budget.
1. The Task Force concurs that two-tier government should be established in Dade County.
 2. The Task Force agrees that a two tier system of government is needed to improve the local decision making process and the provision of services in the unincorporated area. However, incorporation should be on a voluntary, case-by-case, informed decision basis; not on a mandatory, countywide approach. The Task Force concurs that incorporations and annexations should only occur within the Urban Development Boundary depicted within the County's Comprehensive Development Master Plan.
 3. The Task Force accepts this recommendation
 4. The Task Force recommends that the Board of County Commissioners adopt an ordinance requiring that all revenue sources generated from the Unincorporated Municipal Service Area be separately allocated and treated as a municipal area budget and that those revenue sources not be pledged or used to meet countywide obligations.

Citizens' Advisory Committee on Countywide
Incorporation
Recommendation

Citizens Task Force on Incorporation
Recommendation

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5. We recommend that Section 5.05 of the Dade County Charter be amended to clarify the steps of the incorporation process, and that an ordinance for processing incorporation proposals be adopted.
 6. We recommend that a full analysis be conducted of the implications related to repayment of bonded indebtedness and allocation of utility and franchise fees collected from an annexed area or newly incorporated area.
 7. We recommend that a "Boundaries Commission" be created to develop an overall plan for annexations and for the creation of municipalities. In addition, the Boundaries Commission should conduct a review of the enclave areas.
 8. We recommend, as part of the first phase of modifying our local unincorporated area government, that the County Commission, effective March 1992, conduct separate commission meetings and public budget hearing processes for countywide and unincorporated area concerns.
5. This Task Force does not recommend a change in the Dade County Charter language regarding incorporation. However, it believes it is of paramount importance that the County Code be amended to include a step-by-step process for incorporation. To this end, the Task Force has drafted an ordinance setting forth such a process (see Attachment).
 6. The Task Force agreed that this recommendation be tied to the previous recommendation regarding revenue sources and that repayment of bonded indebtedness and allocation of utility and franchise fees go with the area annexed or incorporated.
 7. The Task Force assumes the responsibility given it to work as a boundaries commission to develop an overall plan for annexation and for the creation of municipalities and in these regards to work with the Planning Advisory Board.
 8. The Task Force concurs that the Board of County Commissioners should hold separate meetings and budget hearings for countywide and unincorporated area matters.

Citizens' Advisory Committee on Countywide
Incorporation
Recommendation

Citizens Task Force on Incorporation
Recommendation

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| <p>9. We recommend, as a preliminary step in the creation of new municipalities that elected "Municipal Matters Advisory Councils" be created.</p> <p>10. We recommend that on zoning matters the County Commission and Zoning Appeals Board hold meetings in various areas of the county where there is a zoning issue concern, in order to increase citizen access to local government.</p> <p>11. We recommend that Section 5.04(B) of the Charter be modified such that residents of larger municipalities would not need the approval of the municipal governing body in order to proceed with a deannexation or separation proposal. The Committee further recommends that the municipality's approval should not be required for an area which includes at least 5,000 electors in a city which has at least 50,000 electors.</p> | <p>9. The Task Force believes that Municipal Matters Advisory Councils which are established through a petition process and are representative of the area may be created as a first step in an incorporation process.</p> <p>10. The Task Force recognizes the problems that exist with zoning hearings in local areas, but does not believe that meetings by the County Commission and Zoning Appeals Board in local areas are practical.</p> <p>11. The Task Force agrees that the Charter should be modified so that areas within municipalities would not need the approval of the municipal governing body to proceed with a deannexation or separation proposal.</p> |
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Citizens' Advisory Committee on Countywide
Incorporation
Recommendation

Citizens Task Force on Incorporation
Recommendation

12. Consistent with the Committees' overall recommendation that the entire unincorporated area become incorporated through annexations by neighboring municipalities or incorporation, any separation/ deannexation proposal should provide that the proposed area must be incorporated into its own municipality or must be included in another municipal unit at the time of separation/deannexation to prevent the creation of an unincorporated area.
13. We recommend that the County Commission create regional zoning boards to bring zoning decisions closer to the smaller communities of interest in the unincorporated area.
14. We recommend that the County develop a brochure on the function and operations of County government and a document/procedures manual that would explain the step-by-step process for annexations, incorporations and separations/ deannexations. It is recommended that the document/procedures manual be written in layman's language and be produced by July 1992.
12. The Task Force, consistent with recommendations it has made, does not support this recommendation.
13. The Task Force opposes this recommendation.
14. This Task Force concurs with this recommendation and suggests such a brochure be developed after the Board of County Commissioners has acted on the Task Force's proposed incorporation procedural ordinance (See Attachment) in order that the most current and complete information may be contained in such a document.

RECOMMENDATIONS ON TOUCHE ROSS REPORT

The Board of County Commissioners requested the Task Force to review the report entitled A Review of Two-tier Government in Miami/Dade County that was prepared by Touche Ross and Company at the request of the City of Miami. This report reviewed and appraised the effectiveness of two-tier metropolitan government structure in Dade County as it existed in 1978. Several of the topics covered are relevant to today's issues of incorporation and annexation. The Task Force's response to each of the Touche Ross recommendations are as follows:

Touche Ross Recommendation	Citizens Task Force On Incorporation Recommendation
CHAPTER II. MIAMI/DADE COUNTY: BACKGROUND TO REFORM	
1. That the County Charter be amended to require that formal review of government in Miami/Dade County be undertaken every five to ten years.	1. Section 8.08 of County Charter provides for review of Charter (i.e. framework for County government) every 5 years. The Task Force has no recommendation.
CHAPTER II. STRUCTURE	
2. That a true two-tier form of metropolitan government be adopted for Miami/Dade County in place of the status quo.	2. Task Force concurs but believes the incorporations and annexations leading to full two-tier government should be voluntary.
CHAPTER IV. LOWER-TIER RESTRUCTURING	
3. That Dade County be composed of a strong central core city surrounded by a group of ten (10) economically viable cities whose populations are in the order of 100,000 - 150,000 persons each.	3. Task Force does not concur. It believes that incorporations and annexations should result in municipalities that are of sizes that render them efficient, effective and diverse.
4. That a local boundaries commission be created to review the situation and recommend a two-tier structure based on the above criterion and taking the following points as guidelines: <ul style="list-style-type: none"> • The core city should have a population ranging from 25 to 30 percent of the County total; • The remaining lower-tier cities should have a base population of between 100,000 and 150,000; 	4. See Recommendation 3 above.

Touche Ross Recommendation

Citizens Task Force On Incorporation
Recommendation

- The analysis should take into account projected growth trends for population both in numbers and geographic location;
- The per capita assessment of the lower tier units should not vary be more than 50 percent; and
- The analysis should take into account existing communities and historical ties to enhance the political feasibility of restructuring.

CHAPTER V. REPRESENTATION

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| 5. That the Dade County Commission be enlarged. | 5. The Task Force makes no recommendation. This issue is not directly related to incorporation and annexation. |
| 6. That the mayor of each city shall be elected as both mayor of his jurisdiction and representative to the Metropolitan Dade County Commission. | 6. See Recommendation 5 above. |
| 7. That two further representatives to the Metropolitan Commission be elected on an at-large basis within the City of Miami. | 7. See Recommendation 5 above. |
| 8. That the existing Commission be expanded from 8 to 13 members plus the Mayor. | 8. See Recommendation 5 above. |

CHAPTER VI. THE ALLOCATION OF SERVICES BETWEEN THE UPPER AND LOWER TIERS

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| 9. That the upper tier should perform upper-tier functions and shared functions but it should not perform lower-tier functions. | 9. The Task Force recommends that the division of responsibility between the two tiers of government in Dade County should be continually re-examined with the intent of improving the ability of Metro and existing and newly incorporated municipalities to function more efficiently and effectively. |
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Touche Ross Recommendation	Citizens Task Force On Incorporation Recommendation
10. That all lower-tier municipalities should perform similar lower-tier functions and shared functions.	10. See Recommendation 9 above.
11. That municipal functions between the local area municipalities and the regional metropolitan government be allocated according to the model presented in this report.	11. See Recommendation 9 above.
CHAPTER VII. MUNICIPAL REVENUE	
12. That the millage cap be eliminated.	12. The Task Force does not concur.
13. That the Dade County Charter be amended so as to prevent the County from taxing properties within municipalities for services which are of no real and substantial benefit to the persons and properties within the municipalities.	13. The Task Force believes that in the present context this issue is no longer relevant.
14. That an assessment pool be created in Dade County of all non-residential assessment and this assessment pool should be redistributed on the basis described in this report.	14. The Task Force recommended it be dealt with at another time as part of continuing consideration of fiscal disparity.
15. That the Dade County delegation to the state legislature be urged to introduce a proposal which would alter the population factor calculation used in the apportionment of state revenue sharing.	15. The Task Force has no recommendation.

OVERALL PLAN FOR INCORPORATION AND ANNEXATION

The Task Force addressed each of the processes it was asked to examine; incorporation, annexation and enclave elimination. However, it felt compelled to also address the County Commission's concern about fiscal impact.

Fiscal Impact

The impact of incorporation of new cities, and to some extent annexation to existing cities, on the financial resources of the unincorporated area was perhaps the primary concern of the Board of County Commissioners that led to the creation of the Task Force. In recognition of this, considerable discussion was devoted to the topic.

The Task Force believes fiscal disparity is a legitimate concern for all of the people of Dade County which at some point in the future should be carefully and thoughtfully addressed by Dade County.

In the meantime, fiscal disparity should not be the basis for denying the application of any area to incorporate because:

1. Many areas already enjoy the benefit of municipal government and denying the right to those remaining in UMSA would be unfair.
2. Any negative fiscal impact on UMSA caused by the loss of certain tax base areas may be addressed in other ways which would fairly allocate the cost of sharing with all areas of Dade County whether incorporated or not.

Incorporation

Dade County lacks a clear, step-by-step procedure to guide its incorporation process. It is the only County in Florida that is exempt from the State Statutes governing this activity. The following section of the County Charter are the only statutory provisions governing the process.

Section 5.05 CREATION OF NEW MUNICIPALITIES.

The Board of County Commissioners and only the Board may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries. The Board of County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 5.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the constitution and general laws of the State of Florida.

A 1962 County Attorney Opinion has provided some additional guidance.

In the absence of a clear procedure, each of the three requests for incorporation that have been completed since the adoption of the Charter have been processed differently. This Task Force, as have previous ones (see Citizens' Advisory Committee on Countywide Incorporation Recommendation 5), believes it is important that a clear step-by-step procedure be provided to guide this basic means of fully implementing two tier government.

The Task Force has drafted a proposed ordinance that would add a section to the County Code, similar to the one currently covering municipal boundary changes. Within the context of the Charter provisions, the Task Force's objectives were that the proposed ordinance be clear, concise and informative about the incorporation process to all participants. The resultant proposed ordinance is found in the Appendix to this interim report.

Annexation

The Task Force directed less attention to annexation since there is an existing County Code procedure (Chapter 20, Municipal Boundary Changes) that seems to be working reasonably well. However, the Task Force believes some of the same approaches it recommends for the incorporation process should be included in the current annexation procedures. Its specific recommendations are:

1. Provide for the establishment of a schedule for the review and action on an annexation request at the time of its first consideration by the Board of County Commissioners. (Sec. 20-5)
2. Request the County Attorney to review for legal sufficiency the requirement for approval of a majority of owners of property for completion of annexation (Sec. 20-9a) this is probably illegal according to case law. However, presentations of petitions of owners of property as evidence of support of annexation should be encouraged.
3. Include a listing of the information and issues that the Planning Department, Planning Advisory Board and Board of County Commissioners shall consider in their review and recommendation of a request for annexation. (Sec. 20-6 and 7).
4. Eliminate mandatory retention by the County of electric franchise revenue, utility taxes and cigarette tax revenues (Sec. 20-8.1, 8.2 and 8.3), unless it can be demonstrated on a case-by-case basis that these revenue sources are properly pledged to a specific bonded indebtedness.

The Task Force was asked to give specific attention to the annexation of enclave areas – those relatively small unincorporated areas that are surrounded on all sides by municipalities such that they cannot be efficiently serviced by the County and effectively function as a city. As a result, the Task Force recommends:

1. Adjacent municipalities should be encouraged to annex enclave areas. The Task Force found that enclave areas exist in several places in Dade County. Sometimes residents and property owners in these areas have been excluded by the surrounding city from enjoying the benefits of higher levels of services available within its boundaries. Oftentimes the isolation of these areas renders the provision of services to them by the County inefficient. In conjunction with annexation applications, municipalities that border such enclave areas should indicate why they have not included such areas within the proposed annexation application. However, the elimination of enclave areas through annexation should continue to be voluntary on the part of the area electors.
2. The current requirement for approval of a majority of the electors for the elimination of an enclave area should be retained.
3. No new enclave areas should be allowed to be created, except for areas of Countywide significance or regional benefit such as seaport, airport, or regional parks.

Deannexation

The Task Force has discussed the issue of deannexation or separation of areas from existing municipalities. It believes there should be a ready ability for the electors of some areas to detach themselves from a city.

APPENDIX
PROPOSED ORDINANCE ON
INCORPORATION PROCEDURE

ORDINANCE NO. _____

ORDINANCE RELATING TO INCORPORATION, PROVIDING PROCEDURES FOR FILING AND REVIEW OF REQUEST FOR INCORPORATION; PROVIDING FOR APPOINTMENT OF CHARTER COMMISSION; CREATING ARTICLE II, SECTIONS 20-20 THROUGH 20-24 OF THE CODE OF METROPOLITAN DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Article II, Sections 20-20 through 20-24 are hereby created as follows:

Article II Incorporation Procedure

Sec. 20-20. Request for incorporation initiated by individual or group.

(A) Area residents may file a request for incorporation with the Clerk of the Board of County Commissioners.

(1) The request shall include the following information about the proposed municipality:

(a) legal description and map of area boundaries,

(b) statement of the reason for seeking incorporation,

(c) financial ability of a proposed municipality to generate tax revenue sufficient to provide municipal services.

(2) The request shall also include any straw ballot results, petitions or resolutions indicating support for incorporation by area electors, area property owners, and closest existing municipalities.

- (3) Payment of a review fee pursuant to a schedule established by administrative order shall accompany a request for incorporation.
- (B) The Clerk of the Board of County Commissioners shall upon receipt of a request for incorporation transmit a copy to the Planning Department for determination of completeness and recommendation to County Manager regarding overall schedule for consideration of request.

Sec. 20-21. Initial consideration of request for proposed incorporation.

- (A) The Clerk of the Board of County Commissioners shall schedule for public hearing the proposed request for incorporation at a regular meeting of the Board of County Commissioners.
- (B) The Clerk shall advertise in a daily newspaper of general circulation that a request for incorporation has been received and shall include in the advertisement the following information:
 - (1) map of the area proposed for incorporation,
 - (2) date of hearing for initial consideration by the Board of County Commissioners,
 - (3) contact persons or departments where additional information may be provided.
- (C) The Board of County Commissioners at its initial public hearing for considering a request for incorporation shall:
 - (1) Establish an overall schedule for consideration of the request, after receiving the County Manager's recommendation on such matter.
 - (2) Refer the request to the Planning Advisory Board for its review and recommendations.

Sec. 20-22. Planning Advisory Board's consideration of request for incorporation.

- (A) The Planning Director, prior to transmittal to the Planning Advisory Board, shall request the Budget Director and the directors of all other applicable County departments to review and comment on the incorporation request with respect to their areas of expertise and responsibility.
- (B) The Planning Director, upon receipt of recommendations of other departments, shall prepare a report on the request containing the following information:
 - (1) summary of request,
 - (2) socio-economic profile of area,
 - (3) development profile of area, and
 - (4) other information outlined in Section 20-23(B)(1).
- (C) The Planning Advisory Board, upon receipt of a request and appropriate County department staff review and recommendation, shall:
 - (1) Conduct a properly advertised public hearing within the area proposed for incorporation.
 - (2) Require additional information from appropriate County departments as needed.
 - (3) Make written recommendations with respect to the request which shall include the following:
 - (a) an analysis of the issues outlined in Section 20-23(B)
 - (b) other considerations deemed relevant by the Board
- (D) The Planning Advisory Board shall forward the request and its recommendations together with staff review and recommendation to the County Manager's office for its review and recommendation. The County Manager shall

transmit the request as well as the recommendations of the Planning Advisory Board and County Manager to the Clerk of the Board of County Commissioners.

- (E) The Clerk of the Board of County Commissioners, upon receipt of the recommendations by the Planning Advisory Board and County Manager, shall set the matter of such proposed incorporation for public hearing at a regular meeting of the County Commission and cause notice of such public hearing to be published in a daily newspaper of general circulation in Dade County at least once not less than one week prior to the date of such public hearing. Notice of such public hearing shall be furnished to all property owners within the area and within 600 feet thereof.

Sec. 20-23. Board of County Commissioners for consideration of proposed incorporation request.

- (A) The Board of County Commissioners shall hold a public hearing on the request for incorporation which shall be conducted as follows:
- (1) Persons requesting incorporation shall make a presentation outlining the merits of their request.
 - (2) The County Commission shall consider and review the recommendations of the Planning Advisory Board and the County Manager.
 - (3) The County Commission shall hear from any other interested persons.
- (B) At the conclusion of the public hearing the Board of County Commissioners, in determining the appropriateness of a request for incorporation, shall consider:
- (1) The appropriateness of the proposed boundaries to provide for a municipal community of interest that is both cohesive and inclusive,
 - (2) Evidence of support of area residents and property owners sufficient to warrant costs of balloting of electors,

- (3) Sufficiency of information on existing and proposed municipal-level services and costs to average property owner and/or homeowner and on possible alternatives to incorporation,
 - (4) Consistency with the Dade County Comprehensive Development Master Plan of the development proposed by the new municipality,
 - (5) The impact of the proposal on the revenue base of the unincorporated area, and
 - (6) Potential revenue sources and facilities to be made available to the proposed municipality upon incorporation.
- (C) The Board of County Commissioners shall at the conclusion of the public hearing take one of the following actions:
- (1) Approve the request for incorporation designating the boundaries of the proposed municipality and calling for the election of the area electors on the incorporation request.
 - (2) Approve on a modified basis the incorporation request designating the boundaries of the proposed municipality and calling for the election of the area electors on the incorporation request as modified.
 - (3) Deny the proposed incorporation request or,
 - (4) Defer such request for further consideration by the Board of County Commissioners, the County Manager or the Planning Advisory Board.

Sec. 20-24. Appointment of Charter Commission.

Upon the affirmative vote approving incorporation by a majority of electors voting and residing in the proposed boundaries, in an election conducted pursuant to Section 20-23(C)(1) or (2), the Board of County Commissioners shall appoint a Charter Commission consisting of five electors residing in the proposed boundaries who shall propose a charter be submitted to the electors

in the manner provided in Section 5.03 of the Dade County Home Rule Charter.

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 shall become and be made a part of the Code of Metropolitan 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 ten (10) days after the date of enactment.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:
