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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(I)

(Second Reading 10-2-12)

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

DATE: July 3, 2012

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

SUBJECT: Ordinance relating to Community Councils; clarifying procedures for appointments to the Community Councils; amending Section 20-43 of the Code
Ordinance No. 12-85

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2012

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance clarifying procedures for appointment of members to the Community Councils

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Recommendation
It is recommended that the Board of County Commissioners adopt the proposed ordinance amending Section 20-43 of the Code of Miami-Dade County. The proposed ordinance will clarify procedures for the appointment of members to the Community Councils.

Scope
The ordinance affects Community Councils which encompass all portions of unincorporated Miami-Dade County.

Fiscal Impact/Funding Source
There is no fiscal impact to Miami-Dade County.

Track Record/Monitor
The Regulatory and Economic Resources Department will be responsible for implementation of the proposed ordinance.

Background
The community councils were originally created in 1996 for the purpose of making zoning hearings more accessible to the public. Section 20-43 of the Code provides for one appointed position within each of the community councils. In addition, any vacant elected positions within a given community council are also filled through an appointment process. The Code provides that appointed positions shall be filled by the "Commissioner(s) whose district(s) include the boundaries of all or part of the Community Council area" with confirmation by a majority of the members of the Board of County Commissioners (BCC). Prior to 1997, there were sixteen community councils. Over the years the number of community councils has been reduced to the current ten. The remaining community councils now encompass a greater number of commission districts within the boundaries creating a need to clarify the appointment procedures for community council members.

Historically, the commissioner with appointing purview has been interpreted to be the commissioner whose district encompasses the greatest total population within each community council based on decennial Census data. In early 2011, the Census Bureau released decennial population data for the 2010 Census. Additionally, on December 19, 2011, the BCC adopted Ordinance 11-103 which provided new boundaries for County Commission Election Districts. The combination of population growth trends and amendments to the commission districts resulted in amendments to the population totals within the community council boundaries.

The following tables provide Census population data by commission district for each of the ten community councils. The commission district with the greatest population, as indicated with an asterisk, has appointing purview within the community council. As noted below, the appointing purview of Community Councils 2 and 7 has changed as a result of the 2010 Census data.

COMMUNITY COUNCIL 2 (Population by Census Year)

	COMMISSION DISTRICT		
CENSUS YEAR	D1	D2	D4
2010	24,906*	573	22,912
2000	17,754	541	26,594*

COMMUNITY COUNCIL 5 (Population by Census Year)

	COMMISSION DISTRICT		
CENSUS YEAR	D1	D12	D13
2010	42,566	3,580	49,465*
2000	27,356	10,424	43,008*

COMMUNITY COUNCIL 7 (Population by Census Year)

	COMMISSION DISTRICT	
CENSUS YEAR	D3	D4
2010	5,150*	4,283
2000	3,578	5,544*

COMMUNITY COUNCIL 8 (Population by Census Year)

	COMMISSION DISTRICT					
CENSUS YEAR	D1	D2	D3	D5	D6	D12
2010		106,427*	31,462	113		1,123
2000	8,037	105,658*	23,391	118	4	1,080

COMMUNITY COUNCIL 10 (Population by Census Year)

	COMMISSION DISTRICT			
CENSUS YEAR	D6	D10	D11	D12
2010	54,476	111,315*	67,582	22,905
2000	50,127	112,167*	52,232	28,497

COMMUNITY COUNCIL 11 (Population by Census Year)

	COMMISSION DISTRICT				
CENSUS YEAR	D7	D8	D9	D10	D11
2010	10,920	11,838	19,083	51,218	132,247*
2000		12,164	11,834	47,758	125,344*

COMMUNITY COUNCIL 12 (Population by Census Year)

	COMMISSION DISTRICT		
CENSUS YEAR	D7	D8	D10
2010	65,014*	24,074	28,146
2000	50,463*	48,042	18,964

COMMUNITY COUNCIL 14 (Population by Census Year)

	COMMISSION DISTRICT		
CENSUS YEAR	D8	D9	D11
2010	30,024	99,920*	40
2000	18,036	97,979*	

COMMUNITY COUNCIL 15 (Population by Census Year)

	COMMISSION DISTRICT		
CENSUS YEAR	D8	D9	D11
2010	34,813	46,204*	413
2000	23,914	37,951*	

COMMUNITY COUNCIL 16 (Population by Census Year)

	COMMISSION DISTRICT	
CENSUS YEAR	D5	D7
2010	132*	31
2000	467*	6

** Commission District with greatest population within Community Council boundary.*

Jack Osterholt
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: October 2, 2012

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

SUBJECT: Agenda Item No. 7(I)

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(I)
10-2-12

ORDINANCE NO. 12-85

ORDINANCE RELATING TO COMMUNITY COUNCILS; CLARIFYING PROCEDURES FOR APPOINTMENTS TO THE COMMUNITY COUNCILS; AMENDING SECTION 20-43 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Article IV, Section 20-43 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

ARTICLE IV. - COMMUNITY COUNCILS

* * *

Sec 20-43. - Community Councils; membership.

Except as provided in subsection (E), Community Councils shall have seven (7) members, six (6) of whom shall be elected at large within the council area and one (1) of whom shall be appointed by the Board of County Commissioners as follows:

(A) Elected Council Members.

* * *

(7) The County Commissioner [[~~or Commissioners~~]] whose district encompasses [[~~all or part of a Community Council~~]]>>the greatest total population within 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.

Community Council area, based on population data from the decennial Census,<< shall fill any vacant Council positions, by the appointment of an individual meeting the qualifications provided in subsection (1) above from a list of one or more names supplied by the Community Council. A person appointed shall serve until the earlier of the following: (1) the next [[~~state first~~]]primary election; or (2) expiration of the term of office for which the appointment is made. This limitation on term length shall apply to any person appointed by either a Community Council or a County Commissioner, whether appointed prior to or after the effective date of this ordinance. A person elected at such county-wide election shall serve for the remainder of the unexpired term. It is provided, however, in the event there is an insufficient number of Community Council Members in office to constitute a quorum, the County Commissioner [[~~or Commissioners~~]] whose district encompasses >>the greatest total population within the Community Council area, based on population data from the decennial Census,<<[[~~all or part of a Community Council,~~]] shall appoint a sufficient number of members necessary to constitute a quorum. Further, should any Community Council fail to supply a list of one or more names for any vacant Council position within ninety (90) days from the date such position becomes vacant or that the names supplied within such time period are not acceptable to the appointing County Commissioner[[~~or Commissioners~~]], the County Commissioner[[~~or Commissioners~~]] whose district encompasses >>the greatest total population within the Community Council area, based on population data from the decennial Census,<<[[~~all or part of a Community Council~~]] shall appoint an individual meeting the qualifications set forth in subsection (1) above to fill such vacancy. In the event any Council Member no longer resides in a Council subarea for a subarea position or Council area for an at large position, that person shall be deemed to have tendered their resignation from such Council; provided, however, any Council Member who, as a result of a modification to the configuration of a Council subarea pursuant to Section 20-42, is no longer qualified to be an elected member of such Council, shall be permitted to complete the term of office commenced prior to the subarea boundary modification.

(B) Appointed Council Members.

(1) The County Commissioners shall appoint one (1) member to each Community Council following each election of Council Members. Each appointed Community Council Member shall have been for at least six months prior to appointment a resident elector of the Council area, and, for at least three (3) years, a resident elector of Miami-Dade County. No appointed Council Member shall be employed by Miami-Dade County or be a member of the County Commission. These members shall be appointed by the County Commissioner[[~~(s)~~]] whose district[[~~(s) include~~]]>>includes<< the [[~~boundaries of all or part of the Community Council area.~~]] >>greatest total population within the Community Council area, based on population data from the decennial Census.<< Appointments shall be confirmed by a majority of the Board of County Commissioners.

(2) The term of each appointed Council Member shall be four (4) years; provided, however, the term of each member expires when the Commissioner who appointed that member leaves office. Each member shall hold office until a successor has been duly appointed, qualified and confirmed. Vacant Council Member positions shall be filled for the unexpired term in the same manner as other appointed Council Members.

* * *

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 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: Ocrober 2, 2012

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Craig H. Coller