

MEMORANDUM

Agenda Item No. 7(E)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Second Reading: 1-19-22)
November 16, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance creating and establishing the Westchester Municipal Advisory Committee; directing such committee to study the possible creation of a new municipality in the Westchester area; waiving provisions of section 20-29(A) of the Code that would otherwise require consent by 20 percent of resident electors of the area before creating a municipal advisory committee and that would prohibit the placement of an ordinance creating a municipal advisory committee on an agenda of this Board unless such consent forms and certification of the sufficiency of such consent forms has been provided to this Board

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


Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: January 19, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Fiscal Impact Statement for Ordinance creating the Westchester Municipal Advisory Committee

The proposed ordinance creates and establishes the Westchester Municipal Advisory Committee. As of today, there is one existing municipal advisory committee. It is anticipated that approval of this item will not have a fiscal impact to Miami-Dade County, and the additional resources required by the Westchester Municipal Advisory Committee can be absorbed by existing staff in the Office of Management and Budget.


Edward Marquez
Chief Financial Officer

Memorandum



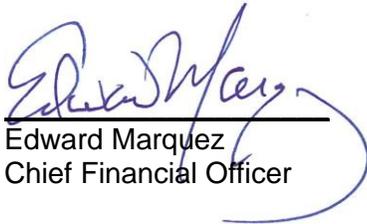
Date: January 19, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Social Equity Statement for Ordinance creating the Westchester Municipal Advisory Committee

The proposed ordinance creates and establishes the Westchester Municipal Advisory Committee (MAC). The ordinance waives Section 20-20(3) requiring consent from 20 percent of the resident electors to create the MAC. Waiving this provision forgoes the direct outreach to the affected residents intended by the Code to gauge interest and begin educating on the prospect of incorporation. Additionally, it also means that staff, public time, and expense will be expended before it is known if there is significant interest. The creation of the MAC will allow the residents of that area to meet and discuss, through a series of publicly noticed meetings in the community, the possibility of creating a new municipality in the area or remain part of the unincorporated area. The creation of a new municipality in the area will bring decisions regarding municipal services closer to the affected residents but may require additional financial and personnel resources to function which would be debated and addressed through recommendations of the MAC.


Edward Marquez
Chief Financial Officer

Memorandum



Date: January 19, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Report Regarding Ordinance Creating and Establishing the Westchester Municipal
Advisory Committee Pursuant to Section 2-11.37 of the Code

This report provides information regarding the Ordinance creating and establishing the Westchester Municipal Advisory Committee. In accordance with Section 2-11.37 of the Miami-Dade County Code, the following information is required to be provided to the Board of County Commissioners (Board) when the Board is considering a new committee.

1. Will the establishment of the committee create sufficient betterment to the community to justify the Board’s delegation of a portion of its authority?

The proposed board is advisory and does not require a delegation of authority from the Board.

2. Is there another board or agency, public or private, which is already in existence that could serve the same purpose?

No. There is no other board that could serve the purpose of the proposed committee. The committee will be made up of members from that community who will study the feasibility and desirability of incorporation.

3. The costs, both direct and indirect, of establishing and maintaining the board.

As noted in the fiscal impact, the proposed ordinance creates and establishes the Westchester Municipal Advisory Committee. It is anticipated that the direct and indirect costs associated with maintaining the board can be absorbed by existing staff.

4. Is it necessary for the board to enable the County to obtain State or Federal grants or other financing?

No. As proposed and based on the scope, the committee is not being created to enable the County to seek State or Federal grants or other financing.

5. Should the board have bonding ability?

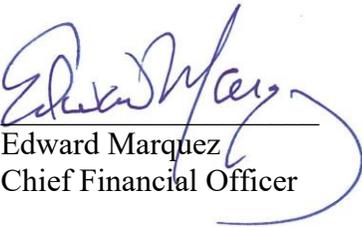
No. Based on the duties of the proposed committee, there is no need to have bonding ability.

6. Explain whether the board should have final authority to enter into contracts and spend County funds, or whether its contracts and expenditures must be ratified by the Board?

As proposed, the committee does not have authority to enter into contracts or to spend County funds.

7. Is the creation of the board the best method of achieving the desired benefit?

Yes. The creation of the Westchester Municipal Advisory Committee will allow the residents of that area to meet and discuss the possibility of creating a new municipality or remaining part of the unincorporated area through a series of publicly noticed meetings in the community.



Edward Marquez
Chief Financial Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 19, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(E)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(E)
1-19-22

ORDINANCE NO. _____

ORDINANCE CREATING AND ESTABLISHING THE WESTCHESTER MUNICIPAL ADVISORY COMMITTEE; DIRECTING SUCH COMMITTEE TO STUDY THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN THE WESTCHESTER AREA; WAIVING PROVISIONS OF SECTION 20-29(A) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA THAT WOULD OTHERWISE REQUIRE CONSENT BY 20 PERCENT OF RESIDENT ELECTORS OF THE AREA BEFORE CREATING A MUNICIPAL ADVISORY COMMITTEE AND THAT WOULD PROHIBIT THE PLACEMENT OF AN ORDINANCE CREATING A MUNICIPAL ADVISORY COMMITTEE ON AN AGENDA OF THIS BOARD UNLESS SUCH CONSENT FORMS AND CERTIFICATION OF THE SUFFICIENCY OF SUCH CONSENT FORMS HAS BEEN PROVIDED TO THIS BOARD; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Municipal Advisory Committee is being created for the purposes of determining the feasibility and other issues relating to possible incorporation of the area; and

WHEREAS, the area proposed to be studied contains portions of County Commission District 10 only,

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

Section 1. The Westchester Municipal Advisory Committee (the “Committee”) is hereby created as follows:

A. Purposes.

- (1) To review the possible incorporation of the area known as Westchester, as generally described by the following boundaries and exclusions:

North: SW 8th Street
South: SW 56th Street
East: State Road 826
West: Florida Turnpike

But excluding the area bounded on the west by SW 107th Avenue and on the south by SW 24th Street. Such study boundaries shall only include areas within District 10 (the “Westchester Study Area” or the “Study Area”).

B. Duties and Responsibilities; Sunset.

(1) The Committee shall prepare an advisory report that shall:

- a. make findings of whether it is feasible or not to incorporate the Westchester Study Area; determine whether there is a desire to incorporate the Westchester Study Area; and propose a plan for the development of the Westchester Study Area as a viable municipality, as required by section 20-29 of the Code of Miami-Dade County.
- b. Address any concerns of members of the Board of County Commissioners regarding incorporation of the area and the manner in which those concerns may be alleviated in the event the area studied by the committee is incorporated as a new municipality.

(2) The Committee shall conduct no less than two duly advertised public hearings, as required by section 20-29, at which the residents of the area shall have the opportunity to express their views and concerns regarding the proposed incorporation of the Westchester Study Area.

(3) Prior to the first public hearing, the Committee shall become familiar with written materials concerning incorporation as presented by the staff of the Office of Management and Budget.

(4) The Committee’s responsibilities shall terminate upon submitting its report to the Board of County Commissioners or within 24 months of the effective date of this ordinance, whichever date is earlier.

C. Composition and Appointment of Members.

The Committee shall consist of seven members who are resident electors of the Westchester Study Area. The Commissioner for District 10 shall appoint the members of the Committee by filing a written memorandum containing the names of such appointees with the Clerk of the Board of County Commissioners.

If a vacancy occurs in the membership of the Committee, the Commissioner for District 10 shall fill the vacancy by filing a written memorandum with the Clerk of the Board of County Commissioners.

The members of the Committee shall select officers from the membership as desirable or necessary.

Section 2. The following provisions of section 20-29(A) of the Code of Miami-Dade County are hereby waived and shall not apply to the creation of this Municipal Advisory Committee: the prohibition on the creation of a municipal advisory committee unless at least 20 percent of the resident electors in the area to be studied consent in writing to the creation of a municipal advisory committee; and the prohibition on the placement of an ordinance creating a municipal advisory committee 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.

Section 3. 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 4. 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 5. 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:

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK

Prepared by:



Abbie Schwaderer-Raurell

Prime Sponsor: Senator Javier D. Souto