

MEMORANDUM

Agenda Item No. 5(B)

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

DATE: (Public Hearing: 5-3-22)
March 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to
municipal boundary changes
and incorporations of new
municipalities; amending
sections 20-9 and 20-23 of the
Code; providing that when an
election is called by the Board
of County Commissioners related
to a proposed annexation or
incorporation, such election shall
only be held in conjunction with
a general election; making
technical changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Date: May 3, 2022

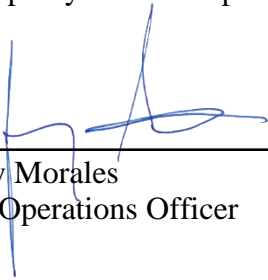
To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Incorporation Annexation Vote

This ordinance will not have a fiscal impact on the County. Currently, any election costs for a proposed boundary change are paid by the municipality initiating the boundary change and usually occur at a special election, most of which are mail ballot as they are small areas. Incorporation election costs for elections that do not occur during a general election cycle, are borne by the County. Should the incorporation election vote be positive (electors vote to create a municipality), the charges for the election will be the responsibility of the new municipality. The approval of this ordinance will require all annexation or incorporation elections to occur during a countywide election cycle. However, if the placement of an annexation item on a general election cycle requires the Election Department to incur additional costs, the municipality will be responsible for those costs.

A handwritten signature in blue ink that reads "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Memorandum



Date: May 3, 2022

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

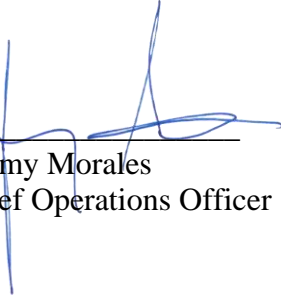
From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Social Equity Statement for Ordinance Relating to Special Elections (Boundary Changes) to be held in conjunction with a general election

The proposed ordinance relates to the rules of procedure of the Board of County Commissioners; amending Section 20-9 of the Code of Miami-Dade County, Florida. If approved, this ordinance will provide that elections related to municipal boundary changes, more commonly referred to as annexations, and the incorporation of new municipalities may only be held during a general election.

General elections typically have higher rates of voter participation than special elections, so holding such elections in conjunction with a general election will ensure greater turnout and provide some consistency for voters. There is also the potential for such municipal annexation / incorporation questions to be overlooked on a long and complex general election ballot that includes questions on Federal, State, judicial and local offices plus State and local referenda.

No additional social equity issues were identified.


Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

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

DATE: May 3, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(B)

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. 5(B)
5-3-22

ORDINANCE NO. _____

ORDINANCE RELATING TO MUNICIPAL BOUNDARY CHANGES AND INCORPORATIONS OF NEW MUNICIPALITIES; AMENDING SECTIONS 20-9 AND 20-23 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT WHEN AN ELECTION IS CALLED BY THE BOARD OF COUNTY COMMISSIONERS RELATED TO A PROPOSED ANNEXATION OR INCORPORATION, SUCH ELECTION SHALL ONLY BE HELD IN CONJUNCTION WITH A GENERAL ELECTION; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, both municipal boundary changes, more commonly referred to as annexations, and the incorporation of new municipalities are governed by the Miami-Dade County Home Rule Charter (“Charter”) and chapter 20 of the Code of Miami-Dade County; and

WHEREAS, pursuant to both the Charter and chapter 20, before a new municipality may be incorporated, an election is always required; and

WHEREAS, for municipal boundary changes to be effectuated, an election is required by the Charter and chapter 20 under certain circumstances, such as when there are more than 250 resident electors in an annexation area; and

WHEREAS, a general election may only be held at the beginning of November, and typically general elections have greater turnout than other types of elections; and

WHEREAS, decisions related to municipal boundary changes and incorporations may be of the utmost importance to residents of this County, but neither the Charter nor the Code require such elections be held in conjunction with a general election; and

WHEREAS, in contrast, elections on proposed Charter amendments can only be held in conjunction with a general election; and

WHEREAS, in addition to the above, holding an election in conjunction with a general election should also reduce the cost of holding such election; and

WHEREAS, for all of these reasons, in the event that this Board calls for an election related to a proposed municipal boundary change or incorporation, it is desired that all such elections be held in conjunction with a general election,

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

Section 1. Section 20-9 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-9. Election on municipal boundary changes; required.

- (a) If a boundary change involves the annexation or separation of an area having two hundred fifty (250) or fewer resident electors, and the area is more than fifty (50) percent developed residential, no proposed boundary change shall be accomplished unless a majority of resident electors voting at such an election approve such boundary change. All costs of such elections shall be paid in advance by the persons, group or municipality initiating the proposed boundary change. If a boundary change involves the annexation or separation of an area having two hundred fifty (250) or fewer resident electors, and the area is less than fifty (50) percent developed residential, the Commission may by ordinance effect the boundary change in accordance with Section >>6.04(B)<< ~~[[5.04.B]]~~ of the Home Rule Charter. The determination of whether an area is more or less than fifty (50) percent developed residential shall be made in the sole discretion of the Director of the Department of Planning and Zoning.

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.

(b) In the event that a boundary change involves the annexation or separation of an area of which more than two hundred fifty (250) residents are electors, the Board of County Commissioners, pursuant to Section >>6.04(B)<< ~~[[5.04(B)]]~~ of the Home Rule Charter of Miami-Dade County, Florida may call an election to be held for the purpose of submitting to these electors the question whether the proposed boundary change shall be approved or disapproved. All costs of such elections shall be paid in advance by the persons, group or municipality initiating the proposed boundary change.

>>(c) Any election called by the Board of County Commissioners pursuant to this section shall only be held in conjunction with a general election, unless this requirement is waived by a two-thirds vote of the membership of the Board of County Commissioners.<<

Section 2. Section 20-23 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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

* * *

- (C) The Board of County Commissioners shall at the conclusion of the public hearing take one (1) of the following actions:
- (1) Call for the election of the area electors on the incorporation petition as presented by the applicant(s),
 - (2) Call for the election of the area electors on the incorporation petition as modified with respect to boundaries or other aspects,
 - (3) Deny the proposed incorporation petition, or
 - (4) Defer such petition for further consideration by the applicant(s), Board of County Commissioners, the County >>Mayor<< ~~[[Manager]]~~ or the Planning Advisory Board.

>>(D) Any election called by the Board of County Commissioners pursuant to this section shall only be held in conjunction with a general election, unless this requirement is waived by a two-thirds vote of the membership of the Board of County Commissioners.<<

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 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 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:

Prepared by:

Abbie Schwaderer-Raurell
James Eddie Kirtley

Prime Sponsor: Commissioner Raquel A. Regalado