

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: (Second Reading: 2-19-25)
February 4, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to
annexations and incorporations;
suspending consideration of
certain proposed annexations and
incorporations; creating section
20-10 of the Code; providing
time period for expiration of
annexation applications;
providing for exemptions;
requiring a report

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera.



Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001

Memorandum



Date: February 19, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava". The signature is fluid and cursive, written over the printed name.

Subject: Fiscal Impact Statement for Ordinance Suspending Consideration of Certain Proposed Annexations and Incorporations

The proposed ordinance suspends all annexation and incorporation efforts for at least five years. The ordinance allows the applications received for Florida City Area J and City of Doral Areas 6 and 15, any proposed annexation that entirely consists of RU-zoned areas, and the proposed incorporation of the North Central Dade Municipal Advisory Committee to continue moving forward. Additionally, it creates Section 20-10 of the Code of Miami-Dade County, requiring all applications for municipal boundary changes that remain pending for five years or more to be deemed expired.

The trend of municipalities annexing revenue-generating commercial areas out of the Unincorporated Municipal Service Area (UMSA) has a negative fiscal impact to the County and may require the County to either adjust vital services, such as public safety, parks, and public works, or to increase taxes in the future. The UMSA budget largely goes to support public safety and is critically important to ensuring the continued safety and wellbeing of our residents and visitors. The County continues to face new budgetary pressures and challenges with the transition to constitutional offices, and we are working hard to ensure we can continue providing critical services to residents while keeping costs as low as possible for taxpayers. This proposed ordinance will ensure that the County can fully assess the financial impacts of the transition to constitutional offices before additional annexation and incorporation efforts can proceed, which would further strain our resources.

Furthermore, should the annexation applications for Florida City Area J and City of Doral Areas 6 and 15, any proposed annexation that entirely consists of RU-zoned areas, and the proposed incorporation of the North Central Dade move forward, a fiscal impact of these legislative actions will be provided to the Board at that time. There are no additional staffing costs anticipated as a result of this ordinance.

A handwritten signature in blue ink that reads "Carladenise Edwards". The signature is fluid and cursive, written over a horizontal line.

Carladenise Edwards
Chief Administrative Officer

Date: February 19, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

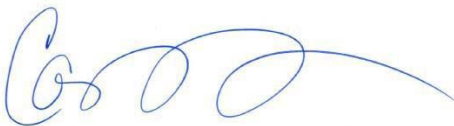
From: Daniella Levine Cava
Mayor



Subject: Social Equity Impact Statement for Ordinance Suspending Consideration of Certain Proposed Annexations and Incorporations

The proposed ordinance suspends all annexation and incorporation efforts excluding the annexation applications received for Florida City Area J and City of Doral Areas 6 and 15, any proposed annexation that consists entirely of RU-zoned areas, and the proposed incorporation of the North Central Dade Municipal Advisory Committee. This item will not effect the municipalities and residents that are excluded from the suspension.

As stated in the July 10, 2024 report, Report on Continued Annexation and Incorporation of Commercial and Industrial Areas – Directive No. 231623, the cumulative impact of annexations will require the County to either adjust the services in the unincorporated area – including critical services such as public safety, parks, public works – or to increase the millage rate in the Unincorporated Municipal Service Area (UMSA). This ordinance will allow the County time to fully assess the financial impacts of further annexation or incorporation as the full financial impact of the County’s recent transition to constitutional offices has not been realized. Additional annexations or incorporations could result in the reduction of services in the unincorporated area which will have a negative social and financial impact. The services funded by the UMSA budget are not only essential to the 1.2 million residents in the unincorporated area, but to residents across the County who work and spend time in UMSA. The suspension enables time to do a comprehensive assessment of the impact of future annexations and incorporations.



Carladenise Edwards
Chief Administrative Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: February 19, 2025

FROM: 
Cliff Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(A)

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 ____, majority plus one ____, 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) ____, 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(A)
2-19-25

ORDINANCE NO. _____

ORDINANCE RELATING TO ANNEXATIONS AND INCORPORATIONS; SUSPENDING CONSIDERATION OF CERTAIN PROPOSED ANNEXATIONS AND INCORPORATIONS; CREATING SECTION 20-10 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING TIME PERIOD FOR EXPIRATION OF ANNEXATION APPLICATIONS; PROVIDING FOR EXEMPTIONS; REQUIRING A REPORT; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, within Miami-Dade County, both municipal boundary changes, which are commonly referred to as annexations, and the incorporation of new municipalities are governed by chapter 20 of the Code of Miami-Dade County (“Code”) and the Miami-Dade County Home Rule Charter, and there are various processes and procedures in the Code related to the consideration of proposed annexations and incorporations; and

WHEREAS, as illustrated by the County’s recently adopted budget, Miami-Dade County is facing various fiscal and financial challenges as the County transitions certain functions or matters to constitutional offices; and

WHEREAS, the Countywide and Unincorporated Municipal Service Area (UMSA) budgets for the next five years are expected to develop operational shortfalls; and

WHEREAS, as acknowledged in the County Mayor’s recent report dated July 10, 2024, related to proposed annexations of commercial and industrial areas, the annexation and incorporation of industrial and commercial areas into municipalities has the potential to have significant financial impacts on Miami-Dade County, including on UMSA; and

WHEREAS, as stated in this July 10, 2024 report, “[w]hile small annexations may not have an immediate impact on UMSA, over time, these annexations will require the Board to either adjust the remaining UMSA services or increase the UMSA millage rate”; and

WHEREAS, the report further stated that, “[a]lthough UMSA has experienced very good growth, should these annexations of high value areas continue, it may no longer be feasible to have an unincorporated area”; and

WHEREAS, the report also states that, “[u]ltimately, any annexation of industrial and commercial areas will require the County’s budget and operations to be adjusted to account for the reduced revenues and adjusted services”; and

WHEREAS, in addition, the report elaborates that, “[a]s large areas begin to incorporate, services provided to UMSA will need to adjust or cease to exist as services provided to the remaining UMSA may cost more, causing diseconomies of scale”; and

WHEREAS, with respect to the County’s transition to the constitutional officers, the report further stated that, “[t]he possibility of increased UMSA budget demands may arise following the transition to the constitutional offices,” and “[t]he transition is a major restructure of how our local government operates, and the creation of the new offices could further strain resources and ultimately diminish the availability of UMSA funding for other essential purposes”; and

WHEREAS, over 65 percent of the County’s UMSA budget is used to fund patrol services in UMSA; and

WHEREAS, UMSA funding is also used to fund certain parks in UMSA, public works, and various other important services and functions; and

WHEREAS, the changes related to Miami-Dade County’s transition to the constitutional officers, such as the County Sheriff, “could further strain resources and ultimately diminish the availability of UMSA funding for other essential purposes,” as noted in the report; and

WHEREAS, in light of these impending financial concerns, and also the uncertainty about the full fiscal impacts of the County’s transition to the constitutional officers, this Board wishes to impose a moratorium that will suspend consideration of proposed annexations and incorporations so that the County has time to fully assess its financial situation and the possible fiscal impacts of future annexations and incorporations; and

WHEREAS, there is precedent for such a moratorium; and

WHEREAS, this Board has previously suspended the consideration of proposed annexations and incorporations for various periods of time to study particular issues, receive recommendations from the administration, and develop particular criteria related to future annexations and incorporations; and

WHEREAS, for example, in 2001, Ordinance No. 01-218 suspended the consideration of annexation or incorporation proposals until such time as the Board of County Commissioners adopted additional comprehensive guidelines and policies for the evaluation of such proposals; and

WHEREAS, in 2005, pursuant to Ordinance No. 05-192, this Board again suspended the consideration of annexation or incorporation proposals until a particular Mayoral report related to such matters was prepared and presented to the Board of County Commissioners; and

WHEREAS, in addition, in 2007, pursuant to Ordinance No. 07-120, this Board again suspended the consideration of proposed incorporations until a separate Mayoral report related to annexations and incorporations was presented to and considered by the Board of County Commissioners; and

WHEREAS, with respect to the moratorium created by Ordinance No. 07-120, such moratorium was in place for close to five years, from 2007 until 2012, when such moratorium was repealed by Ordinance No. 12-24; and

WHEREAS, this Board now wishes to suspend consideration of proposed annexations and incorporations for a period of at least five years to allow the County an opportunity to fully assess the financial impacts of the transition to constitutional officers, assess other fiscal impacts and challenges, and review potential fiscal impacts to future annexations and incorporations; and

WHEREAS, in addition, subject to certain exceptions, this Board wishes to provide an expiration period for pending annexation applications, particularly given that there may be applications that have been dormant for some time; and

WHEREAS, this Board wishes to provide for certain exceptions to this moratorium; and

WHEREAS, the pending annexation applications—specifically the application by Florida City for “Area J,” and the two applications by City of Doral for Area 6 and Area 15—that have already been heard by this Board at public hearing would be exempt from the moratorium and expiration period; and

WHEREAS, in addition, any proposed annexation that entirely consists of RU-zoned unincorporated areas (but not including RU-5A), shall also be exempt from this moratorium; and

WHEREAS, the proposed incorporation that is the subject of the North Central Dade Municipal Advisory Committee (MAC), created by Ordinance No. 03-42, would also be exempt from the moratorium, as there is a current proposal to extend the time of study for the North Central Dade MAC,

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

Section 1. The foregoing recitals are approved and incorporated herein.

Section 2. Notwithstanding any other provision in the Code of Miami-Dade County to the contrary, proposed annexations, other than the proposed Florida City annexation of “Area J” and the proposed City of Doral annexations of Area 6 and Area 15, and proposed incorporations pursuant to chapter 20, other than the proposed incorporation that is the subject of the North Central Dade Municipal Advisory Committee, shall not be processed by the Clerk of the Board of County Commissioners or County staff or presented to or considered by the Board of County Commissioners, any committee comprised of County Commissioners, or the Planning Advisory Board, for a period of at least five years from the effective date of this ordinance (the “moratorium”). In addition to the above-mentioned exemptions for the proposed Florida City annexation of “Area J” and the proposed City of Doral annexations of Area 6 and Area 15, any proposed annexation that entirely consists of RU-zoned unincorporated areas (but not including RU-5A), shall also be exempt from this moratorium. This moratorium shall not automatically expire, but after five years and after consideration of the report referenced below in section 2, the moratorium may be lifted or otherwise amended, in the discretion of this Board, through the adoption of an ordinance effectuating such action.

Section 3. Four years after the effective date of this ordinance, and after having studied the financial and budgetary issues discussed herein, the County Mayor or County Mayor's designee shall prepare a written report for this Board related to the County's financial and budgetary status, how such status could be affected by future annexations and incorporations, and recommendations by the County Mayor or County Mayor's designee as to how or whether this Board should consider future annexation and incorporation proposals. In addition, the written report shall include recommendations by the County Mayor or County Mayor's designee as to whether, after the above-referenced five-year period, the Board should lift or otherwise amend the moratorium and whether the Board should impose additional conditions or revise the procedures or substantive requirements related to annexations and incorporations, and the reasons for such recommendations. Pursuant to rule 5.06(j) of the Board's Rules of Procedure, the completed report shall be placed on an agenda of the full Board without committee review within five years of the effective date of this ordinance.

Section 4. With the exception of the proposed Florida City annexation of "Area J" and the proposed City of Doral annexations of Area 6 and Area 15, any other annexation applications that were submitted to the County on or before January 1, 2020 and have not yet been approved as of the effective date of this ordinance shall be deemed to be expired and no longer pending with the County.

In addition, section 20-10 of the Code of Miami-Dade County shall not apply to the applications filed before the effective date of this ordinance for the proposed Florida City annexation of "Area J" and the proposed City of Doral annexations of Area 6 and Area 15. Nothing

stated herein shall be deemed to limit or otherwise constrain the discretion of the Board of County Commissioners with respect to the proposed Florida City annexation of "Area J" and the proposed City of Doral annexations of Area 6 and Area 15.

Section 5. Section 20-10 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 20-10 – Expiration of applications.

Any application for municipal boundary changes that remains pending for five years or more shall be deemed to be expired, void and of no effect as of the date that such application was pending for five years, as calculated from the date the respective application was received by the Clerk of the County Commission pursuant to section 20-5(A).

This section is subject, however, to the exemptions provided in Ordinance No. _____.

Section 6. 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 7. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of section 5 of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida, and that the remaining provisions of this ordinance shall be excluded from the Code. 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 8. 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

Prime Sponsor: Commissioner Kevin Marino Cabrera