

MEMORANDUM

Amended
Agenda Item No. 7(C)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: September 6, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to procedures
for municipal boundary changes and
annexation; amending sections 20-5
and 20-7 of the Code; providing that
certain motions, resolutions, and
ordinances related to annexation
applications may only be made or
sponsored by the district
commissioner

Ordinance No. 23-65

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


Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



Date: September 6, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Annexation Applications Sponsored by District Commissioner

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink, reading "Edward Marquez".

Edward Marquez
Chief Financial Officer

Memorandum



Date: September 6, 2023

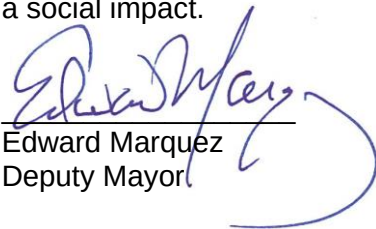
To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Annexation Applications
Sponsored by District Commissioner

The proposed Ordinance provides that any referral to the Planning Advisory Board, or sponsorship of any annexation or incorporation legislative item must be sponsored by the district commissioner representing a majority of the annexation or incorporation area.

A social impact cannot be determined at this time due to the many permutations and types of annexations, including number of residents affected and the location of those residents within an area considered for annexation, the Board representation of the municipality seeking annexation as it relates to the area sought for annexation, and other potential factors that may or may not have a social impact.


Edward Marquez
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: September 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 7(C)

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 _____

Amended
Agenda Item No. 7(C)
9-6-23

ORDINANCE NO. 23-65

ORDINANCE RELATING TO PROCEDURES FOR MUNICIPAL BOUNDARY CHANGES AND ANNEXATION; AMENDING SECTIONS 20-5 AND 20-7 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT CERTAIN MOTIONS, RESOLUTIONS, AND ORDINANCES RELATED TO ANNEXATION APPLICATIONS MAY ONLY BE MADE OR SPONSORED BY THE DISTRICT COMMISSIONER; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in Miami-Dade County, annexations, also referred to as municipal boundary changes, and incorporations are governed exclusively by the Miami-Dade County Home Rule Charter and chapter 20 of the Code of Miami-Dade County (the “Code”); and

WHEREAS, for proposed incorporations, the Code currently provides that certain actions may only be sponsored by the district commissioner; and

WHEREAS, for example, pursuant to section 20-29 of the Code, only the district commissioner may sponsor an ordinance to create a Municipal Advisory Committee (“MAC”) to study the proposed incorporation of a particular area; and

WHEREAS, similarly, with respect to the referral of a proposed incorporation to the Planning Advisory Board, section 20-21 of the Code provides that, “[u]pon receipt of the MAC report and only upon motion of the district commissioner whose district comprises the majority of the area proposed to be incorporated, the Board of County Commissioners, at a regular meeting of the Board of County Commissioners may schedule the petition for consideration by the Planning Advisory Board in accordance with all applicable requirements”; and

WHEREAS, this Board wishes to create similar provisions for proposed annexations so that certain motions, resolutions, and ordinances related to annexation applications may only be made or sponsored by the district commissioner,

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

Section 1. Section 20-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-5. – Initial consideration of proposed boundary changes.

* * *

(C) If the request for boundary change complies with the provisions of Section 20-3.1, the Clerk shall cause such matter to be placed upon the official agenda of an ensuing regular meeting of the County Commission, and shall notify the person, group or municipality initiating the boundary change of the date of the regular meeting at which such matter will be considered by the County Commission. A representative of the petitioners or of such municipality, as the case may be, may be heard briefly by the County Commission in respect to the merits or propriety of the request for such boundary change. The County Commission may, in its discretion, refer such proposed boundary change to the County Planning Advisory Board for review, study, consideration and recommendations>>, however, such referral to the Planning Advisory Board may only be made (a) by resolution, which may only be placed on an agenda of the County Commission if it is prime sponsored or co-prime sponsored, as applicable, by all district commissioners whose district comprises any portion of the area proposed to be annexed; or (b) if the area proposed to be annexed is entirely within one commission district, upon a motion by such district commissioner<<.

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.

Section 2. Section 20-7 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 20-7. – Public hearing.

~~[[The Clerk of the County Commission, upon]]~~ >>Upon<< receipt of the recommendations of the Planning Advisory Board, >>a resolution related to the proposed boundary change may be placed on the agenda of the County Commission for public hearing. Said resolution may only be placed on the agenda if it is prime sponsored or co-prime sponsored, as applicable, by all district commissioners whose district comprises any portion of the area proposed to be annexed.<< ~~[[shall set the matter of such proposed boundary changes for public hearing at a regular meeting of the County Commission and cause notice]]~~>>The County Mayor or Mayor's designee shall publish notice<< of such public hearing ~~[[to be published]]~~ in a daily newspaper of general circulation in Miami-Dade County at least once not less than one (1) week prior to the date of such public hearing. Notice of such public hearing shall be furnished to (a) a representative of the petitioner or the municipality initiating the proposed boundary change, (b) all registered voters within the area of such proposed boundary change and within six hundred (600) feet thereof, (c) all property addresses, as listed by the Property Appraiser's Office, within the area of such proposed boundary change and within six hundred (600) feet thereof, (d) all property owners within the area of such proposed boundary change and within six hundred (600) feet thereof, and (e) any adjacent municipality. The cost of such notice shall be paid by the individual, group or municipality initiating the proposed change. In addition, owners of rental properties are urged to provide a courtesy copy of this notice to their tenants, for example by posting the notice on a common bulletin board. At such public hearing, the County Commission shall review and consider the recommendations of the Planning Advisory Board, and shall afford to all interested persons an opportunity to be heard upon the merits and propriety of the proposed boundary changes.

- (A) At the conclusion of the public hearing the Board of County Commissioners, in evaluating the appropriateness of a petition for boundary change shall consider the following guidelines:

* * *

- (B) At the conclusion of such public hearing, the County Commission, in the exercise of its discretion, may deny the requested boundary change, by motion, or may direct the County Attorney to prepare an appropriate ordinance accomplishing the proposed boundary change, which ordinance shall be placed on the official agenda of a subsequent regular meeting of the County Commission for consideration and adoption on first reading, or the County Commission may defer such requested boundary change for further consideration at a subsequent meeting, at which no public hearing or discussion by others than members of the County Commission shall be required. >>Any ordinance accomplishing a proposed boundary change, as well as associated resolutions to approve the respective annexation interlocal agreement and, if applicable, the election on said annexation, may only be placed on an agenda of the County Commission if the respective ordinance or resolution is prime sponsored or co-prime sponsored, as applicable, by all district commissioners whose district comprises any portion of the area proposed to be annexed.<<

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:

September 6, 2023

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK

Prepared by:

ASR

Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Kevin Marino Cabrera
Co-Sponsor: Commissioner Juan Carlos Bermudez