

MEMORANDUM

TO:	Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners	DATE:	Agenda Item No. 7(F) (Second Reading: 7-2-24) May 21, 2024
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance relating to Community Councils and Zoning in the unincorporated area; amending section 20-43 of the Code; revising provision relating to the filling of vacancies on Community Councils and Community Zoning Appeals Boards

Ordinance No. 24-76

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



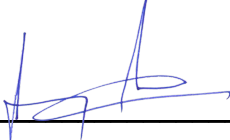
Date: July 2, 2024

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

From: Daniella Levine Cava
Mayor 

Subject: Fiscal Impact Statement for Ordinance Relating to Community Councils and Zoning Appeals
Boards and the Filling of Vacancies

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



Jimmy Morales
Chief Operating Officer

Date: July 2, 2024

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 Community Council
Appointments

The proposed ordinance amends Section 20-43 of the Code of Miami-Dade County (Code) to allow for the appointment of persons who reside anywhere in the unincorporated area within the appointing County Commissioner's district, regardless of whether it is outside the Community Council area, to fill vacancies on the Community Councils. Currently, persons appointed to fill vacancies must reside within the Community Council area.

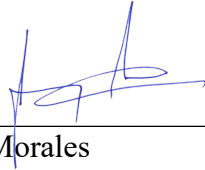
Community Councils play an important role in the review of both Comprehensive Development Master Plan (CDMP) and zoning applications. Each Council has seven positions, six of whom are elected and one who is appointed by the County Commissioner whose district includes the greatest population within the Community Council area. Although Regulatory and Economic Resources staff and Commission staff work together regularly to fill vacancies, all of the Councils currently have vacancies. Staff have also advertised vacancies in the Miami Herald and will continue to do so through this and other forums in order to provide outreach and information to prospective Council Members.

These vacancies have made it difficult, and in some instances impossible, for certain Community Councils to regularly achieve quorum and perform their prescribed functions. Applications that would normally appear before a Community Council are thus being heard by the Board of County Commissioners instead of their respective Council due to lack of quorum, in accordance with section 20-42(E) of the Code. This lack of quorum may pose additional inconvenience for residents who may need to travel downtown for a hearing that is unavailable through their neighborhood council site.

Community Councils were created to provide more localized forums for land use and zoning decisions in Miami-Dade County. Applications heard at the Board of County Commissioners are typically reserved for larger developments, or developments associated with or occurring in areas of policy interest to the Board, such as Rapid Transit Zone areas. When vacancies remain on the Community Councils for extended periods of time, the Board's zoning agendas are expanded to include more minor applications that would otherwise be heard by Community Councils within their neighborhood venues.

Expanding the area for appointments may make it easier to find residents who are able to serve on the Councils. In accordance with the current code, the term of an appointment to a vacant position shall be until the earlier of: (1) the expiration of the term of office for which the appointment is made; or (2) the Commissioner making the appointment to fill the vacancy leaves office. In addition, such appointee shall hold office until a successor has been duly

appointed, qualified, and confirmed, whether by election or by appointment. The proposed code change would not alter the qualifications or process applicable to the filling of seats by appointment or election outside of when there is a vacancy. Although this amendment would allow new appointees to fill vacancies to reside outside the Council area, members would still be required to be a resident of the unincorporated area of the appointing Commissioner's District. It is anticipated that this code change will streamline the process for filling vacant seats, which is critical to efficiently process applications and avoid unnecessary delays.



Jimmy Morales
Chief Operating Officer



MEMORANDUM

(Revised)

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

DATE: July 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(F)

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(F)
7-2-24

ORDINANCE NO. 24-76

ORDINANCE RELATING TO COMMUNITY COUNCILS AND ZONING IN THE UNINCORPORATED AREA; AMENDING SECTION 20-43 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING PROVISION RELATING TO THE FILLING OF VACANCIES ON COMMUNITY COUNCILS AND COMMUNITY ZONING APPEALS BOARDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Community Councils and Community Zoning Appeals Boards (“CZAB”s) fulfill various planning and zoning functions in unincorporated Miami-Dade County; and

WHEREAS, each Community Council and CZAB for a given area is comprised of the same seven members, six of whom are elected within the council area and one who is appointed by the Board of County Commissioners; and

WHEREAS, from time to time, vacancies occur on the Community Councils and CZABs, and section 20-43 of the County Code provides a process for filling vacancies to both elected and appointed positions on these boards; and

WHEREAS, to be eligible for appointment to fill a vacancy, section 20-43 currently requires an individual to have been a resident elector of the Community Council area for at least six months, and a resident elector of Miami-Dade County for at least three years, prior to appointment; and

WHEREAS, it is sometimes difficult to find qualified individuals who are both willing and able to serve on Community Councils and who satisfy the residency requirements noted above; and

WHEREAS, recently, the County has experienced difficulty in having enough board members to constitute a quorum on some Community Councils, which in turn has meant that such Community Councils have not been able to completely fulfill their responsibilities of hearing and deciding certain zoning applications and making recommendations on certain planning matters; and

WHEREAS, this Board wishes to provide additional flexibility in filling vacancies on Community Councils in order to ensure that vacant positions can more readily be filled; and

WHEREAS, accordingly, this Board wishes to allow individuals residing in certain locations outside of a Community Council area to be eligible for appointment to fill vacancies on such Community Council,

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

Sec. 20-43. Community Councils; membership.

Except as provided herein, Community Councils shall have seven members, six of whom shall be elected at large within the council area and one of whom shall be appointed by the Board of County Commissioners, as follows:

(A) *Requirements for all board members.*

- (1) >>Except as provided in subparagraph (D) pertaining to the filling of vacancies, each<<
[[Each]] board member shall have been a resident

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.

elector of the Council area for at least six months, and a resident elector of Miami-Dade County for at least three years, prior to qualifying for election or to appointment, as applicable.

* * *

(D) *Vacancies.*

- (1) This subsection shall govern the filling of vacancies for elected and appointed positions on Community Councils and Community Zoning Appeals Boards. Article IB of Chapter 2 shall not apply to the filling of such vacancies.
- (2) Where a position becomes vacant, the County Commissioner whose district encompasses the greatest total population within the Community Council area, based on population data from the decennial Census, shall appoint an individual >>who: (i) meets<< [[meeting]] the qualifications provided in subsection (A) above, regardless of whether the appointee resides within the subarea represented by the vacant position>>; or (ii) resides anywhere in the unincorporated area within the appointing County Commissioner's district, regardless of whether it is outside the Community Council area<<.
- (3) The term of an appointment to a vacant position shall be until the earlier of the following: (1) expiration of the term of office for which the appointment is made; or (2) the Commissioner making the appointment to fill the vacancy leaves office. It is provided, however, that such appointee shall hold office until a successor has been duly appointed, qualified, and confirmed, whether by election or by appointment.

* * *

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:

July 2, 2024

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



James Eddie Kirtley

Prime Sponsor: Commissioner Keon Hardemon