

North Central Dade Municipal Advisory Committee



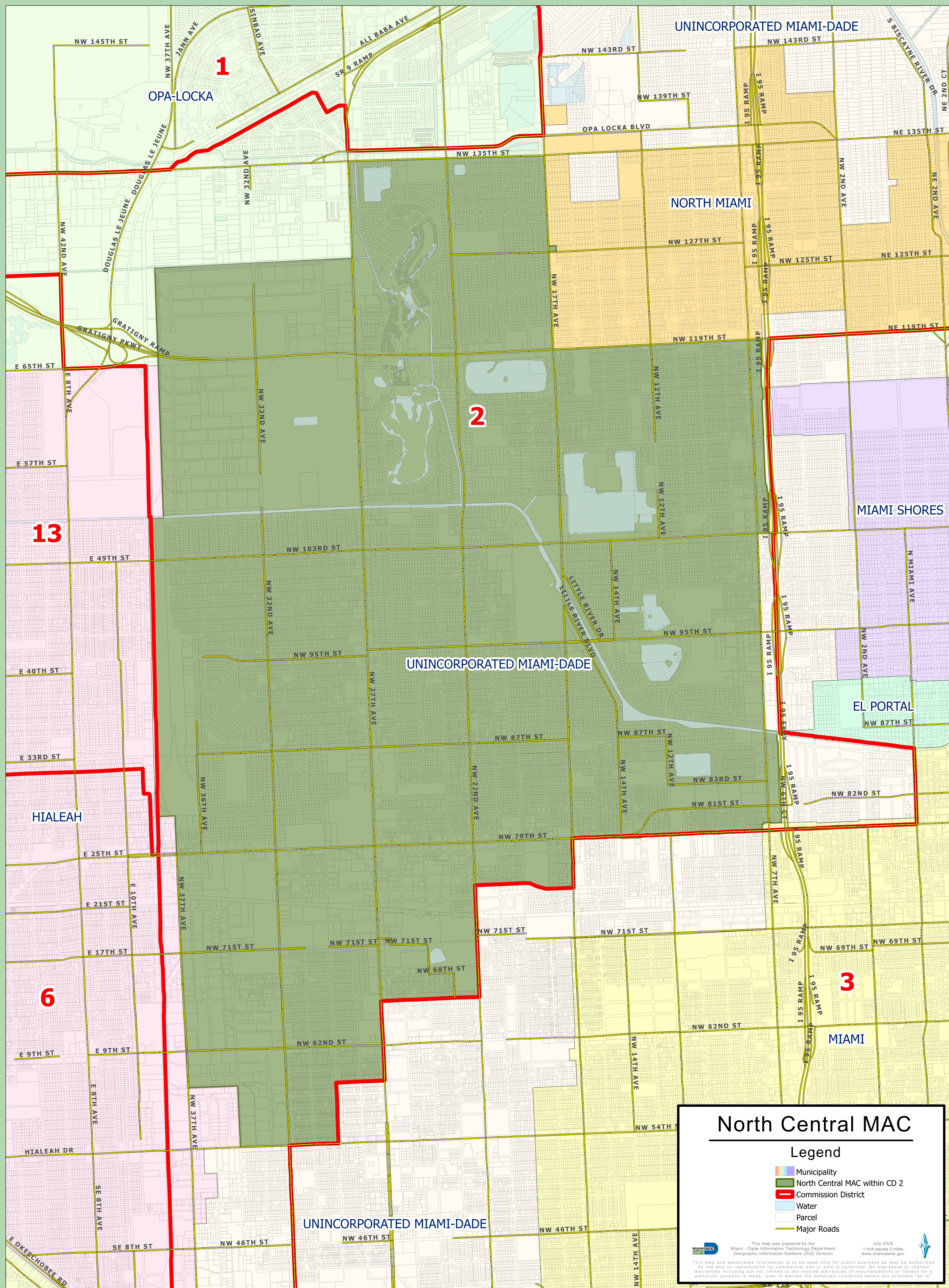
Arcola Lakes Senior Center - 8401 NW 14 Avenue
July 29, 2025 - 6:00 p.m.

County Commission Rules - Rule 6.05 DECORUM

Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission, shall be barred from further audience before the commission by the presiding officer, unless permission to continue or again address the commission be granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. No signs or placards shall be allowed in the commission chambers. Persons exiting the commission chamber shall do so quietly.

1. Call to Order & Roll Call
 - Introductions
 - Designation & Election of Board Chair, Vice-Chair & Secretary
2. Reasonable Opportunity for Public Comments
3. Commission on Ethics Staff Presentation
 - Sunshine Law, Public Records, Conflict of Interest, Code of Ethics
4. Office of Management & Budget Staff Presentations:
 - North Central Area Proposed Incorporation History
 - Overview of Area Incorporation Efforts Since 2001
 - North Central MAC Mission, Process, & County Code
 - Board's Task & Incorporation Process
 - Miami-Dade County Code, Chapter 20, Article II
 - https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances
5. Discussion Items
 - North Central MAC Workplan
 - Presentation(s) for next meeting
 - North Central MAC Budget Committee or Budget Person Designation
6. Next Meeting Dates and Location
 - Tuesday, August 26, 2025, Arcola Lakes Senior Center, 6:00 PM
7. Adjournment

<https://www.miamidade.gov/global/government/boards/north-central-mac.page>



North Central Municipal Advisory Committee's (MAC) Timeline

- 2001 December 18 - Board of County Commissioners (BCC) adopts **Resolution 1445-01** creating MAC
- 2003 March 11 - BCC adopts **Ordinance 03-42** reestablishing MAC; containing a repeal provision effective upon presentation of the final report to the BCC
- June 18 – MAC held a public hearing to discuss with area residents the proposed conditions to incorporate the area into a municipality
- 2004 March 25 – MAC held a second public hearing to discuss with area residents the proposed conditions to incorporate the area into a municipality
- April 20 - MAC held third public hearing to discuss with area residents the proposed conditions to incorporate the area into a municipality
- September 29 - Boundaries Commission adopts resolution 12-04 recommending denial of the proposed incorporation due to lack of economic feasibility and because the proposed boundaries will create two enclaves
- December 6 - Planning Advisory Board considers North Central proposed incorporation and adopts resolution recommending to the Board of County Commission denial of proposed incorporation
- 2005 January 27 - BCC adopts Resolution **R-130-05** requiring Independent Consultant Review of proposed incorporations revenue and expenditure
- December – PMG, Inc. submits Independent Consultant Review/Analysis, noting that the proposed estimated budget does not permit a viable municipality
- 2007 September 4 - BCC adopts **Ordinance 07-120** suspending consideration of proposed incorporations
- 2012 March 12 - BCC adopts **Ordinance 12-24** repealing Ordinance 07-120 lifting the moratorium on incorporations
- 2013 June 20 - North Central MAC reconvenes;
- MAC holds a total of five meetings
- 2014 December 18 - North Central MAC adopts Conceptual Agreement;
- MAC holds a total of five meetings
- 2015 May 5 – BCC adopts **Ordinance 15-32** extending the MAC to no later than May 15, 2017

- 2017 May 15 – Due to lack of sufficient members to meet quorum, MAC sunset without completing a revised pro-forma budget
- 2018 June 5 - BCC adopts **Ordinance 18-64** extending the MAC for another two years for the completion of feasibility study; however, the MAC membership remained below the needed for quorum and was unable to complete feasibility study
- 2020 August 31 – BCC adopts **Ordinance 20-88** extending the MAC sunset date for another two years to complete feasibility study; Ordinance effective date 10 days after adoption; two-year extension expires on September 10, 2022
- 2021 October 22 – Office of Management and Budget (OMB) is informed that appointments to the North Central MAC Board are completed; meeting required seven minimum board membership
- November 30 – North Central MAC reconvenes to continue incorporation feasibility study for the area; received historical information, work plan, draft of Conceptual Agreement reviewed by the former MAC Board and the 2005 Independent Consultant Analysis Report for the Area; discussed Chapter 20 of County Code relating to creation of new municipality; advised to initiate a municipal comparable study on area's with similar tax roll, size of the area and population to identify annual budget allocation for general expenditures in addition to researching State and Federal sources of revenues that may be available for the proposed municipality
- December 15 – MAC received presentation from Miami Dade Police Department regarding proposed minimum & enhance staffing levels for proposed municipality; and Miami Dade Fire Rescue area calls for service; OMB presentations on area demographics, taxable values, NW 7th Avenue and 79th Street CRAs tax increment revenues
- 2022 January 26 – OMB presentation on population, taxable values and millage rates comparison analysis and revenue information
- February 16 – MAC received presentation from various Departments: Parks, Open Spaces and Recreation, and Regulatory and Economic Resources (RER); including Building Information and Permit Support, Code Compliance Division and Planning and Zoning Divisions coordinated updated information from key departments, (Parks, Police, RER), and provided information regarding revenues and expenditures in the area; distribution of Budget Analysis Comparison Binder containing pro forma budgets for two Municipal Advisory Committees, South "A" and Biscayne Gardens, and independent consultant analysis reports; and adopted Fiscal Year 2022 budget for comparable municipalities Homestead, Miami Gardens, and North Miami.
- 2023 June 28 – Scheduled meeting cancelled due to lack of quorum at Arcola Lakes Library. Agenda i Included pending completion of following MAC tasks: pro forma budget, public hearing to ascertain desirability to incorporate, and adopt a conceptual agreement, if seeking incorporation

2025 January 22 – BCC adopts **Ordinance 25-2** allowing the MAC to remain in existence for another two years to complete feasibility study; Ordinance effective date 10 days after adoption; two-year extension expires on February 1, 2027

Tasks for the Board to complete:

- Develop a pro forma budget for the proposed municipality
- Conduct a public hearing to ascertain area's desirability to incorporate
- Adopt a conceptual agreement, if seeking incorporation
- Adopt a resolution advising the BCC of MAC recommendation whether to remain as an unincorporated municipal service area or create a new municipality

February 19 – BCC adopts **Ordinance 25-13** suspending consideration of certain 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; for at least four years for proposed annexations and for a period of at least two years for proposed incorporations.

The Three Phases of a Municipal Advisory Committee

I. Educational Phase

- Learning from County departments about UMSA services provided to the area
Police, Fire, Library, Public Works, Waste Management, Parks & Recreation, Regulatory and Economic Resources (RER), Planning & Zoning, Building Department
- Chapter 20-26 (i) of the County Code requires that as a condition of incorporation a community redevelopment area (CRA) operating within the boundaries of a municipality at the time of incorporation shall continue to exist until the expiration of the life of the CRA.
 - There are two CRAs within the North Central MAC boundaries
 - NW 7th Avenue Corridor – Sunsets 2034
 - NW 79th Street Corridor – Sunsets 2041
 - See Attached Map with CRA boundaries
- Analysis of the estimated revenues and expenditures
 - The MAC must decide if municipal services can be provided by the area's current millage rate
 - The FY 2024 -25 adopted millage rate is 1.9090 mills
 - Alternatively, the MAC must recommend a millage rate to sustain provision of services to the area
- Adopting a Pro Forma Budget
 - The MAC prepares a report that addresses revenues and expenditures for the proposed municipality to present to the community including findings and recommendations
- Independent Analysis of Proposed Pro Forma Budget
 - Conducted by a County Vendor with experience in the field
- Community Public Hearings to seek input and ascertain desire to incorporate
 - Consideration may include a revision of boundaries
 - If boundaries are revised a new analysis of revenues and expenditures must be completed

II. Negotiation Phase

- Developing and adopting a Conceptual Agreement outlining the conditions to incorporate
- Conduct at least two more public hearings
- Adopt a Feasibility Study Report to be sent to the Board of County Commissioners

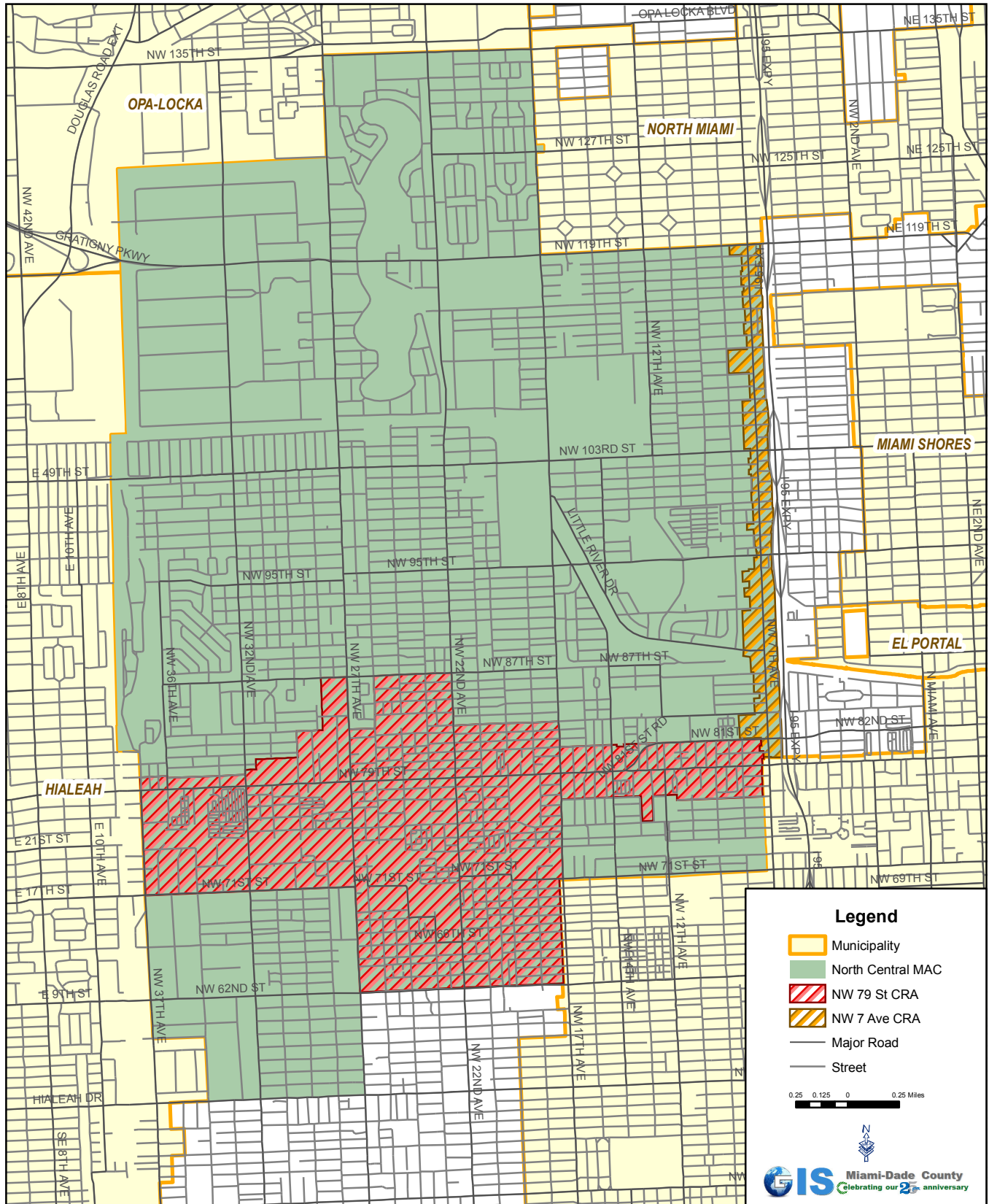
III. Approval Phase

- BCC accepts the report and forwards it to the Planning Advisory Board for consideration
- Planning Advisory Board conducts public hearings to consider the report and hear from the area residents
- Planning Advisory Board may forward the report to the BCC with a favorable consideration or without a favorable consideration
- BCC conducts public hearing to consider the feasibility report and hear from area residents
- BCC may call for an election for area residents to decide whether or not to incorporate

- If a vote to incorporate is adopted by majority of area voters, the BCC will establish a Charter Commission to create a municipal charter
- Once the BCC approves the proposed Charter an election will be set for the area residents to vote on the proposed Charter
- If the Charter is adopted, the municipality is then created

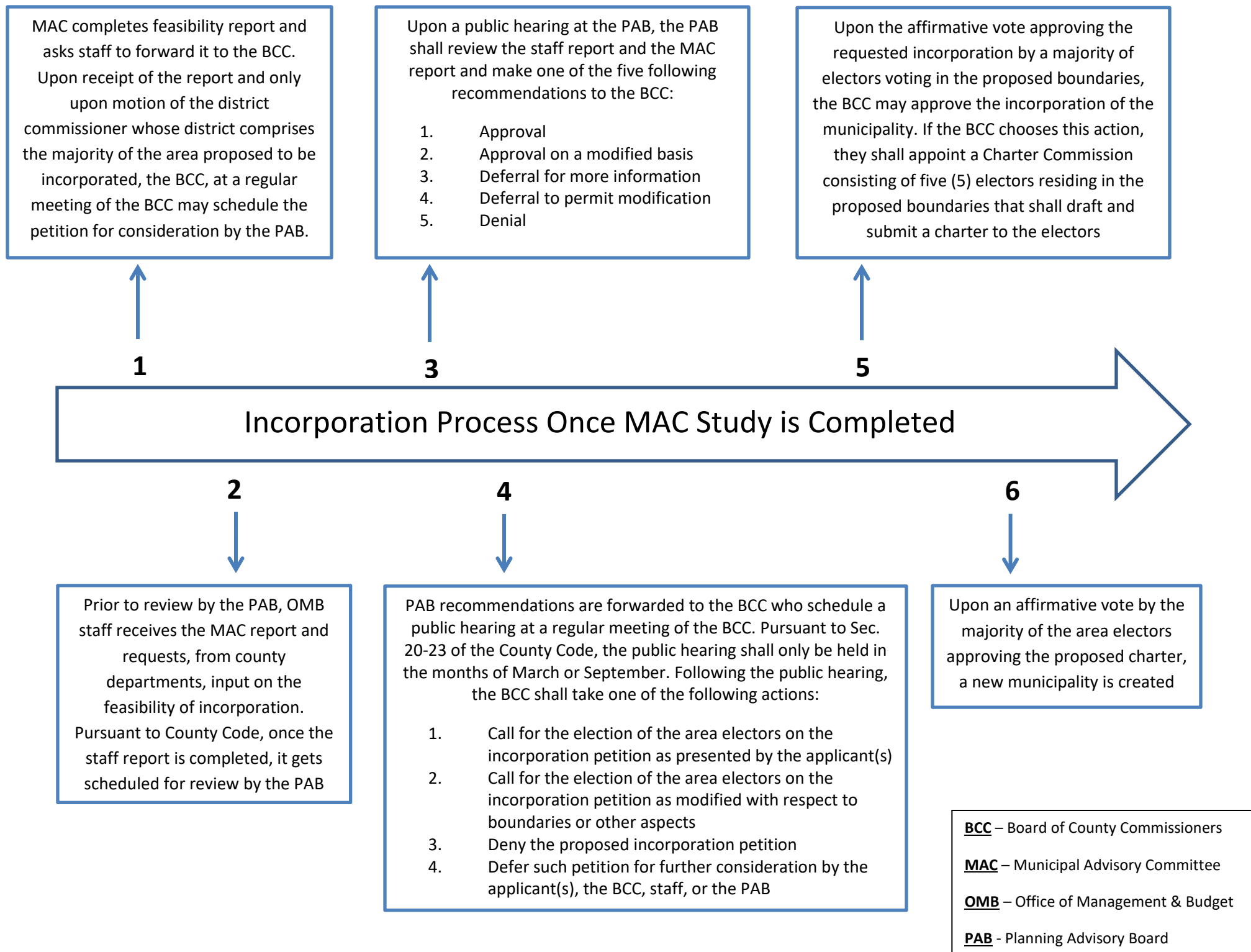
MIAMI-DADE COUNTY

NORTH CENTRAL MAC



This map was prepared by the Miami Dade County Information Technology Department Geographic Information Systems (GIS) Division For the Office of Management and Budget
June 2013

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Miami - Dade County, Florida - Code of Ordinances

Chapter 20 - MUNICIPALITIES

ARTICLE II. - INCORPORATION PROCEDURE

Sec. 20-20. - Petition for incorporation initiated by individual or group; Creation of Municipal Advisory Committee related to petition.

- (A) An individual or group of area residents may file a request for approval of the form of a petition and authorization to circulate such petition for incorporation with the Clerk of the Board of County Commissioners.
- (1) The petition form shall provide for the following information about the proposed municipality:
 - (a) General description and map of area boundaries, and
 - (b) Statement of the reason for seeking incorporation.
 - (2) The Clerk of the Board of County Commissioners shall report to the Commission that a request to approve the form of a petition for incorporation and authorize the circulation of such petition has been received. The Board of County Commissioners may approve the form of the petition and may authorize the petitioners to circulate the petition for incorporation and obtain signatures of resident electors within the area.
 - (3) In order for the submitted petition to be complete, the petition shall include consent from no less than twenty (20) percent of the electors in the area proposed for incorporation. Each circulator of the petition shall certify that the circulator has witnessed the signatures of all resident electors signing such petition. Where a circulator certifies that the circulator has witnessed the signatures, but has failed to do so, such failure shall constitute a violation of this Code and upon conviction shall be punished by a fine of not to exceed five hundred dollars (\$500.00) or imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment.
 - (4) Signed petitions shall be submitted to the Clerk of the Board within 180 days of the date the County Commission approves the form and authorizes the circulation of the petition in order for the petition to receive any further review or consideration by the County. Petitioners should submit any resolutions of support or opposition, if any exist, from the closest existing municipality within such 180 day period.
- (B) The Clerk of the Board of County Commissioners shall upon receipt of a petition for incorporation transmit a copy to the Office of Strategic Business Management for determination of completeness in accordance with the requirement of subsection (A)(1) and to the Department of Elections for certification as to the sufficiency of signatures on the petition. Upon determining that the petition is complete and that a sufficient number of valid signatures has been obtained, the Office of Strategic Business Management shall notify the Clerk of the Board of such occurrence.
- (C) The Clerk of the Board of County Commissioners shall notify the County Commission that the petition is complete and contains sufficient signatures. Upon notification of the completeness and sufficiency of the petition and upon sponsorship of the County Commissioner whose district comprises the majority of the area proposed to be incorporated by the petition, the Board of County Commissioners may create a Municipal Advisory Committee ("MAC"), which shall carry out the functions set forth in the resolution or ordinance creating the MAC and be subject to the requirements of Section 20-29 of the Code of Miami-Dade County (the "Code"), excluding the requirement of consent of resident electors. Notwithstanding the creation of a MAC, the procedures for consideration of a petition set forth in Section 20-20 et seq. of the Code shall apply. If the boundaries in the completed petition differ from the boundaries of the MAC study area, the boundaries of the MAC study area shall supplant and be substituted for the boundaries included in the petition; provided, however, 20% of the electors residing

within the boundaries as revised to conform to the MAC study area shall have signed the completed petition indicating their interest in incorporating the area.

- (D) The requirement of filing a petition for incorporation pursuant to Section 20-20 of the Code of Miami-Dade County (the "Code") and the procedures for such filing contained in Section 20-21(A) of the Code shall not apply to incorporation proposals by the County Commission or County Manager. It is provided, however, that a Commission or Manager-initiated incorporation proposal shall be deemed a petition for proposed incorporation for purposes of Section 20-21; 20-22, and 20-23 and shall be required to comply therewith. Notwithstanding Section 20-23A herein, the Board of County Commissioners may hold a public hearing on a Commission initiated incorporation proposal during any regular or special meeting of the Board of County Commissioners.

(Ord. No. 95-78, § 1, 5-2-95; Ord. No. 95-131, § 1, 7-13-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-136, § 1, 9-17-96; Ord. No. 98-125, § 13, 9-3-98; Ord. No. 00-124, § 1, 10-3-00; Ord. No. 01-168, § 1, 10-23-01; Ord. No. 01-183, § 1, 11-6-01; Ord. No. 05-140, § 1, 7-7-05; Ord. No. 13-113, § 1, 12-3-13)

Sec. 20-21. - Initial consideration of petition for proposed incorporation.

- (A) Upon creation of a MAC pursuant to Section 20-20(C) of the Code and receipt of the final resolution and report of the MAC created to study the issues involved in the incorporation petition (the "Municipal Advisory Committee or MAC report"), the Clerk of the Board of County Commissioners shall submit the MAC report to the Board of County Commissioners. Upon 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. The provisions of this section shall apply to petitions filed prior to and subsequent to the effective date of this ordinance. No MAC in existence prior to the effective date of this ordinance shall fulfill the requirements of this Section. No petitions having had their initial public hearing pursuant to Section 20-21(C) prior to the effective date of this ordinance shall receive further consideration by the County Commission or any county established board, unless and until the provisions of this section and Section 20-20(C) have been met.
- (B) The Clerk shall advertise in a daily newspaper of general circulation that a petition for incorporation has been received and shall include in the advertisement the following information:
- (1) Map of the area proposed for incorporation,
 - (2) Date of hearing for initial consideration by the Board of County Commissioners, and
 - (3) Contact persons or departments where additional information may be provided.
- (C) The Board of County Commissioners at its initial public hearing for considering a petition for incorporation, after determining the requirements for showing of support set forth in Section 20-20 (A)(2) have been fulfilled, may:
- (1) Establish an overall schedule for consideration of the petition, after receiving the County Manager's recommendation on such matter; and
 - (2) Refer the petition to the Planning Advisory Board for its review and recommendations.

(Ord. No. 95-78, § 1, 5-2-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 13, 9-3-98; Ord. No. 01-168, § 1, 10-23-01; Ord. No. 05-140, § 2, 7-7-05)

Sec. 20-21.1. - Exception to Filing and Consideration of Requests for Incorporation.

Notwithstanding anything in this article to the contrary, no incorporation request shall be filed, nor shall any filed request be heard, considered, or approved, pursuant to Section 20-23, by the Board of County Commissioners, prior to December 1, 1998, except upon a prior two-thirds ($\frac{2}{3}$) vote of the membership of the County Commission to allow such filing, hearing consideration or approval.

(Ord. No. 96-146, § 1, 10-8-96; Ord. No. 97-211, § 2, 12-2-97; Ord. No. 01-218, § 2, 12-18-01)

Editor's note— Ord. No. 01-218, § 2, adopted Dec. 18, 2001 amended section 20-21.1. Section 6 of said ordinance provided for the repeal of said ordinance 90 days from its effective date.

Sec. 20-22. - Planning Advisory Board's consideration of petition for incorporation.

- (A) The Director of the Office of Management and Budget, prior to transmittal to the Planning Advisory Board, shall request the directors of all other applicable County departments to review and comment on the incorporation petition with respect to their areas of expertise and responsibility.
- (B) The Director of the Office of Strategic Business Management, upon receipt of comments and information from other departments, shall prepare a report on the petition containing the following information:
 - (1) Summary of petition,
 - (2) Socio-economic profile of area,
 - (3) Development profile of area,
 - (4) Any Municipal Advisory Committee Report, and
 - (5) Other information outlined in Section 20-23(B)(1).

The report shall be transmitted to the Planning Advisory Board.

- (C) The Planning Advisory Board, upon receipt of a petition and appropriate County department staff review and comment shall:
 - (1) Conduct a properly advertised public hearing within the area proposed for incorporation. Notice of such public hearing shall be furnished to (a) all registered voters within the area of such proposed boundary change and within six hundred (600) feet thereof, (b) 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, and (c) all property owners within the area of such proposed boundary change and within six hundred (600) feet thereof. 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.
 - (2) Require additional information from appropriate County departments as needed.
 - (3) Make written recommendations with respect to the petition and any Municipal Advisory Committee Report which shall include the following:
 - (a) An analysis of the issues outlined in Section 20-23(B);
 - (b) Whether the proposed incorporation:
 - (1) will divide a historically recognized community;
 - (2) is compatible, to the degree possible, with existing planned land uses and zoning of the areas surrounding the proposed municipality;
 - (3) will, if currently qualified, continue to be eligible for any benefits derived from inclusion in federal or state enterprise zones, or targeted area assistance provided by federal, state and local government agencies;

- (4) will impact public safety response times;
 - (5) creates barriers to municipal traffic circulation due to existing security taxing districts, walled communities and/or private roads;
 - (6) if identified by the federal government as a flood zone or by emergency planners as an evacuation zone, has the proposed municipality indicated its preparedness to address any extraordinary needs that may arise;
 - (7) to the degree possible, will be contained in one or more school district boundaries governing admission to elementary, middle and high schools;
 - (8) contains an existing community redevelopment area operating within its boundaries.
- (c) Other considerations deemed relevant by the Board.
- (D) The Planning Advisory Board recommendation to the Board of County Commissioners shall be either:
- (1) Approval of the petition;
 - (2) Approval of the petition on a modified basis;
 - (3) Deferral of the petition for more information;
 - (4) Deferral of the petition to permit modification; or
 - (5) Denial of the petition.
- (E) The Director of the Office of Strategic Business Management shall forward the petition and recommendations of the Planning Advisory Board as well as the Municipal Advisory Committee Report, to the County Manager for review and recommendation. The County Manager shall transmit the Manager's recommendation, the petition, the recommendation of the Planning Advisory Board, as well as the Municipal Advisory Committee Report, to the Clerk of the Board of County Commissioners.
- (F) The Clerk of the Board of County Commissioners, upon receipt of the recommendations by the Planning Advisory Board and County Manager, shall set the matter of such proposed incorporation for public hearing at a regular meeting of the County Commission and cause 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) all registered voters within the area of such proposed boundary change and within six hundred (600) feet thereof, (b) 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, and (c) all property owners within the area of such proposed boundary change and within six hundred (600) feet thereof. 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.

(Ord. No. 95-78, § 1, 5-2-95; Ord. No. 95-176, § 2, 10-5-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 13, 9-3-98; Ord. No. 01-168, § 1, 10-23-01; Ord. No. 05-86, § 3, 5-3-05; Ord. No. 05-140, § 3, 7-7-05; Ord. No. 14-19, § 2, 2-27-14; Ord. No. 17-33, § 2, 6-6-17; Ord. No. 22-127, § 6, 10-6-22)

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

- (A) The Board of County Commissioners shall only hold a public hearing on the petitions for incorporation during the period between September 1 and September 30 inclusive and during the period between March 1 and March 31 inclusive in each year, which shall be conducted as follows:
- (1) Persons requesting incorporation shall make a presentation outlining the merits of their petition,
 - (2) The County Commission shall consider and review the recommendations of the Planning Advisory Board and the County Manager, and

- (3) The County Commission shall hear from any other interested persons.
- (B) At the conclusion of the public hearing the Board of County Commissioners, in evaluating the appropriateness of a petition for incorporation, shall consider the following guidelines:
- (1) The suitability of the proposed boundaries to provide for a municipal community of interest that is both cohesive and inclusive. Specifically, the area should:
 - (a) Not divide a U.S. Census Designated Place, to the extent feasible,
 - (b) Include adjacent areas of ethnic minority and lower income residents in which a majority of those residents have so petitioned,
 - (c) Have contiguity and not create any unincorporated enclave area(s). An unincorporated enclave area is defined as an area that would be 1) surrounded on more than eighty (80) percent of its boundary by one (1) or more municipalities and of a size that could not be serviced efficiently or effectively,
 - (d) Have natural or built barriers as boundaries, to the extent feasible, and
 - (e) Include a mixture of residential and non-residential land uses.
 - (2) Evidence of support of area residents and property owners sufficient to warrant the costs of balloting of electors,
 - (3) Existing and projected property tax costs for municipal-level services to average homeowner in the area as currently unincorporated and as incorporated as a comparable Miami-Dade County city with a similar per capita property tax base,
 - (4) There are no suitable alternatives to incorporation, including annexation to an existing municipality,
 - (5) Is totally contained within the Urban Development Boundary depicted on the future Land Use Plan map of the Miami-Dade County Comprehensive Development Master Plan,
 - (6) The impact of the proposal, as updated by the Office of Strategic Business Management prior to the public hearing, on the revenue base of the unincorporated area, and on the ability of the County to efficiently and effectively provide services to adjacent remaining unincorporated areas, including the potential for the area to:
 - (a) Continue to participate in the County's Fire-Rescue and Library Districts, and
 - (b) Contract with the County for other municipal services,
 - (7) Potential revenue sources and facilities to be made available to the proposed municipality upon incorporation,
 - (8) The financial impacts of the proposed incorporation on the remaining unincorporated areas of Miami-Dade County. Specifically in order to insure fiscal equity the per capita taxable property value of the area proposed for incorporation should fall between twenty thousand dollars (\$20,000.00) and forty-eight thousand dollars (\$48,000.00) in order to assure that fiscal viability is maintained in both the potential new municipality and the remaining unincorporated area,
 - (9) Any other factor that arises by virtue of recommendations of the Planning Advisory Board, pursuant to Section 20-22 of the Code, and
 - (10) Any other factor that arises by virtue of any special or unique circumstances of a given area.
- (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 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 or a regularly scheduled municipal election, unless this requirement is waived by a two-thirds vote of the membership of the Board of County Commissioners.

(Ord. No. 95-78, § 1, 5-2-95; Ord. No. 95-131, § 1, 7-13-95; Ord. No. 95-176, § 2, 10-5-95; Ord. No. 02-99, § 1, 6-18-02; Ord. No. 05-86, § 3, 5-3-05; Ord. No. 07-177, § 1, 12-4-07; Ord. No. 22-43, § 2, 5-3-22)

Sec. 20-24. - Appointment of Charter Commission.

Upon the affirmative vote approving the requested incorporation by a majority of electors voting and residing in the proposed boundaries, in an election conducted pursuant to Section 20-23(C)(1) or (2), the Board of County Commissioners may approve the incorporation of the municipality. If they so act, the Board of County Commissioners shall appoint a Charter Commission consisting of five (5) electors residing in the proposed boundaries who shall propose a charter be submitted to the electors in the manner provided in Section 5.03 of the Miami-Dade County Home Rule Charter.

(Ord. No. 95-78, § 1, 5-2-95)

Sec. 20-25. - Retention of garbage and refuse collection and disposal.

The County shall forever retain authority for residential garbage and refuse collection and disposal in all areas which incorporate subsequent to the effective date of this ordinance.

(Ord. No. 96-30, § 7, 2-6-96)

Sec. 20-26. - Future Municipalities' Obligations to the County.

- (a) As a condition of incorporation approved pursuant to Article 6 of the Miami-Dade County Home Rule Charter, each new municipality shall include a provision in its charter and shall agree to remain a part of the Miami-Dade County Fire-Rescue District and the Miami-Dade County Library System in perpetuity.
- (b) As a condition of incorporation approved pursuant to Article 6 of the Miami-Dade County Home Rule Charter, each new municipality shall include a provision in its charter and shall agree in perpetuity to contract with the Miami-Dade County Police Department ("MDPD") and pay for specialized police services from its municipal millage or other municipal funds. For purposes of this subsection, specialized police services include, but are not limited to, narcotics, criminal intelligence, economic crimes, homicide, robbery, sexual crimes, environmental crimes, domestic crimes, and crime scene investigations; property and evidence efforts; tactical operations activities; and aviation patrol.
- (c) As a condition of incorporation approved pursuant to Article 6 of the Miami-Dade County Home Rule Charter, each new municipality shall include a provision in its charter and shall agree to contract with the Miami-Dade County Police Department ("MDPD") and pay for local patrol police services for three years or such longer period of time as may be requested by the municipality.
- (d) The fiscal impact of an incorporation on the remainder of the unincorporated area shall be revenue neutral; provided, however, any municipality which does not meet the foregoing requirement, as a condition of incorporation pursuant to Article 6 of the Miami-Dade County Home Rule Charter, shall agree to make an annual mitigation payment to the County's Municipal Services Trust Fund in the

Unincorporated Municipal Service Area Budget, the amount of which shall be determined by the Board of County Commissioners, in the event of a negative fiscal impact of the municipality's incorporation on the unincorporated area. For purposes of this subsection, "a revenue neutral municipality" is defined as an area that previously, as part of the unincorporated municipal service area, generated revenues equal to or less than the cost of services provided to the area by the County. Any annual mitigation amount determined by the Board of County Commissioners pursuant to the provisions of this paragraph shall be established so as not to trigger "most-favored-nation-status" clauses which are contained in any municipal charter.

- (e) As a condition of incorporation approved pursuant to Article 6 of the Miami-Dade County Home Rule Charter, each new municipality shall include in its charter that such municipality shall be responsible for (i) its pro-rata share of any County debt outstanding at the time the municipality incorporates and with respect to the Stormwater Utility, outstanding at the time the municipality elects to be separate from the Stormwater Utility through an interlocal agreement or by exemption and (ii) its prorata share of any refunding of such debt. The municipality's annual pro-rata share of debt service shall be determined by multiplying the total debt service in each Fiscal Year by the municipality's percentage share of pledged revenues (revenues pledged by the County to the repayment of the debt). The municipality's percentage share shall be determined by dividing the pledged revenues collected within the municipality during the County's Fiscal Year in which municipality incorporates, and with respect to the Stormwater Utility in the Fiscal Year in which the municipality elects to separate from the Stormwater Utility district; by the total pledged revenues collected in that same Fiscal Year. It is further provided that the municipality's charter shall authorize the County to continue to collect and distribute the pledged revenues in a manner that is consistent with the requirements of the debt and shall recognize the municipality's obligations pursuant to this subsection.
- (f) The Board of County Commissioners may by way of resolution allow the distribution of existing unincorporated bond proceeds to municipalities created after September 1, 2000 for the same type of project originally described in the bond documents.
- (g) As a condition of incorporation approved pursuant to Article 6 of the Miami-Dade County Home Rule Charter, each new municipality, as a part of its charter, shall provide for adoption of Miami-Dade County's workforce housing development program established at Chapter 33, Article XIIA of the Code of Miami-Dade County, as amended, provided, however, that any municipality may establish and enforce more stringent regulations as necessary to ensure provision of workforce housing units within its jurisdiction.
- (h) As a condition of incorporation approved pursuant to Article 6 of the Miami-Dade County Home Rule Charter, each new municipality shall provide, as a part of the charter, that the Board of County Commissioners retains jurisdiction over the modification or deletion of (i) declarations of restrictive covenants accepted by either the Board of County Commissioners or a Community Zoning Appeals Board in connection with a Comprehensive Development Master Plan application or zoning application, and (ii) development agreements subject to the Florida Local Government Development Agreement Act (Sections 163.3220—163.3243, Florida Statutes, regardless of whether such declaration or agreement provides for modification or deletion by a successor governmental body. It is provided, however, that the Board of County Commissioners may not exercise such jurisdiction unless the applicable municipality has first approved the modification or deletion.
- (i) As a condition of incorporation approved pursuant to Article 6 of the Miami-Dade County Home Rule Charter, each new municipality shall agree that any community redevelopment agency which is operating wholly or partially within the boundaries of the municipality at the time of the incorporation of the municipality shall continue to exist until the expiration of the life of the community redevelopment agency in accordance with the terms of the community redevelopment plan in existence on the date that the new municipality is incorporated or as otherwise provided by law. The new municipality shall also agree to pay, when due, the tax increment from municipal ad valorem tax revenues that Miami-Dade County would have been required to pay if the area were not annexed. The amount of these payments will be calculated on an annual basis by the County's Office of Management and Budget or successor office.

The governing body of the municipality shall have the right to approve any amendments to the community redevelopment plan or bond issuances that will extend the life of the community redevelopment agency that are proposed after the incorporation of the area, subject to approval by the Board of County Commissioners and applicable taxing authorities.

If the Board of County Commissioners is acting as the governing body of the community redevelopment agency, the Board of County Commissioners, in its sole discretion, may upon the request of the municipality delegate those certain delegable powers under Chapter 163, Part III, Florida Statutes, to the governing body of the municipality or to a board of commissioners established in accordance with Section 163.356, Florida Statutes.

If the governing body of the community redevelopment agency is comprised of members appointed by the Board of County Commissioners, the new municipality, the community redevelopment agency, Miami-Dade County and other taxing authorities will have to agree in order to delegate or transfer those certain delegable powers to the governing body of the new municipality or to a board of commissioners selected by the municipality. If the delegable powers are not transferred to the governing body of the new municipality, as provided herein, upon each vacancy in office of the governing body of the community redevelopment agency, the Board of County Commissioners, may in its sole discretion, allow the governing body of the municipality to fill the vacancy.

The provisions of this section shall be considered a condition of incorporation of a new municipality. Therefore, unless waived by a two-thirds ($\frac{2}{3}$) vote of the membership of the Board of County Commissioners, (1) any ordinance of the Board of County Commissioners authorizing the incorporation of an area containing a community redevelopment agency, in whole or in part, shall set forth the provisions of this section as a condition of incorporation and (2) each new municipality shall include a provision in its charter and enter into an interlocal agreement agreeing to the requirements of this section.

(Ord. No. 02-26, § 2, 2-26-02; Ord. No. 05-97, § 2, 5-17-05; Ord. No. 05-98, § 1, 5-17-05; Ord. No. 05-142, § 2, 7-7-05; Ord. No. 07-05, § 20, 1-25-07; Ord. No. 08-51, § 1, 5-6-08; Ord. No. R-13-06, § 2, 1-23-13; Ord. No. 17-33, § 2, 6-6-17; Ord. No. 17-43, § 10, 7-6-17)

Sec. 20-26A. - Process for Amending Pre-agreed Conditions of Incorporation in a Municipal Charter.

- (a) Any municipality which is desirous of amending the pre-agreed conditions to incorporation contained in its municipal charter shall request the County's approval of the proposed amended charter language indicating language to be added and deleted and stating the ballot question, prior to calling an election on the question of amending the municipal charter.
- (b) The municipality shall submit the proposed amended charter language and ballot question to the Clerk of the Board of County Commissioners with copies to the County Attorney and County Manager for placement by the Clerk on the agenda of the appropriate committee. Upon review of the municipality's proposed amended charter language and ballot question, the Board of County Commissioners may direct the County Attorney to prepare a resolution approving such amendment for placement on a subsequent County Commission agenda.
- (c) If the County Commission by resolution approves the proposed amended charter language and ballot question by an affirmative vote of two-thirds ($\frac{2}{3}$) of its members then in office, the municipality may consider and adopt a resolution calling an election on the proposed charter changes, subject to compliance with Section 5.03 of the Miami-Dade County Home Rule Charter.

(Ord. No. 04-201, § 1, 11-30-04)

Sec. 20-27. - Future Municipalities' Elections.

- (A) As a condition of incorporation approval pursuant to Article V of the Miami-Dade County Home Rule Charter, each new municipality shall conduct its regular election(s) to fill municipal elective offices as follows:
- (1) For those municipalities that elect their officeholders in a single election without a provision for a run-off, elections shall be held on the second Tuesday in March of even numbered years.
 - (2) For those municipalities that elect their officeholders by means of a primary election, used to narrow down the list of candidates to appear on the general election ballot, and a general election, primary elections shall be held on the second Tuesday in March of even numbered years and general elections shall be held on the second Tuesday in April of even numbered years. In those election years where it is not necessary to conduct a primary election, the general election shall be held on the second Tuesday in March.
 - (3) For those municipalities that elect their office holders by means of a general election and a run-off election held for those races in which no candidate receives a majority of the votes cast in the general election, general elections shall be held on the second Tuesday in March of even numbered years and run-off elections shall be held on the second Tuesday in April of even numbered years.
 - (4) The election dates specified in subsection (A)(1)—(3) above shall not apply to the election or elections held to fill the municipal elective offices following the vote to approve the charter of a new municipality.
- (B) As a condition of incorporation approval pursuant to Article V of the Miami-Dade County Home Rule Charter, each new municipality shall provide a period for candidates for municipal elective office to file such qualifying papers and pay such fees as may be required by law with the applicable city clerk no earlier than noon on the first workday in January and no later than noon on the 14th day following the first weekday in January of the calendar year in which the election is to be held.
- (C) As a condition of incorporation approval pursuant to Article V of the Miami-Dade County Home Rule Charter, each new municipality shall provide for all of its elections to be canvassed by a County Canvassing Board as provided under the election laws of this state.

(Ord. No. 04-19, § 2, 1-20-04)

Sec 20-28. - Policy Regarding Incorporation and Annexation of Commercial, Business, or Industrial Areas.

- (1) Policy. It is the policy of the Board of County Commissioners that any proposed municipal incorporation which would result in a donor municipality having any Commercial Business or Industrial or "CBI Area" within its boundaries or any municipality that proposes the annexation of any CBI Area in the area it proposes to annex shall as a condition of incorporation or annexation, pay to the County 100% of the net excess of revenues minus expenses attributable to the CBI Area within the boundaries of the proposed municipality or the annexed area. In the case of incorporation, the agreement to pay net excess of revenues minus expenses shall be included in the charter of the proposed municipality. In the case of annexation, the agreement to pay net excess of revenues minus expenses shall be included in an interlocal agreement between the municipality and the County.
- (2) Exceptions: (a) Any annexing municipality having a below average per capita taxable value as compared to all other cities within Miami-Dade County, including UMSA, and an above average tax effort as compared to all other cities in Miami-Dade County, including UMSA, shall be exempt from the application of Section 1 to the extent necessary to achieve an average per capita taxable value. It is provided, however, that if after the annexation, the municipality reduces its tax effort to below the average tax effort as compared to all cities including UMSA, it shall pay a mitigation fee into a municipal services trust fund equal to the revenues generated in the proposed annexed area less the cost of services which the County provided to the area prior to annexation; (b) Any annexing municipality having a below average per capita taxable value as compared to all cities in Miami-Dade County, including UMSA, wherein over ten per cent (10%) of families or individuals are below the poverty level

status, as reported by the United States Bureau of the Census, shall be exempt from the application of Section 1, provided they maintain their existing tax effort at the time of the annexation. Provided, however, the County may negotiate the terms of mitigation with such municipality.

(3) Definitions. For purposes of this section, the term:

- (a) "Donor Municipality" is defined as a municipality where the revenue generated from the area as part of UMSA is more than the expenses incurred by the County to serve that area.
- (b) "Commercial, Business or Industrial Area ("CBI Area") is a high-value area used primarily for commercial, business or industrial purposes and each of which is identified and described in Composite Exhibit I hereto, which is incorporated herein by reference.

(Ord. No. 05-73, § 1, 4-19-05)

Editor's note— Ord. No. 05-73, § 1, adopted April 19, 2005, amended the Code with the addition of a new § 20-27. In order to avoid duplication of section numbers, the provisions of said ordinance have been included herein as § 20-28 at the discretion of the editor.

Sec. 20-28.1. - Areas and Facilities of Countywide Significance.

- (a) Definition. "Areas and Facilities of Countywide Significance" consist of any private or public lands, including surface, subsurface, and appurtenant airspace and improvements thereupon, located in unincorporated Miami-Dade County as of the date of this ordinance that are deemed necessary by the Board of County Commissioners for the coordinated use of lands, development and service delivery within the County to promote the health, safety, order, convenience, prosperity, and welfare of the current and future residents and tourists of this County.
- (b) Designation. The Board of County Commissioners hereby designates each of the following lands listed on Exhibit A, as an "Area or Facility of Countywide Significance". Any future designation of lands as an Area or Facility of Countywide Significance may be made by resolution of the Board of County Commissioners, upon a finding that:
 - 1) The area or facility is susceptible to substantial change and development that will detrimentally affect the facility or land;
 - 2) There is a need for the continued, unimpaired functioning of the area or facility by the greater community and;
 - 3) The service provided at or by the area or facility, or at a combination of areas or facilities, is a significant resource to the greater community.

If the Board of County Commissioners determines that an area or facility no longer meets the definition of an "Area or Facility of Countywide Significance" as defined herein, the Commission, by resolution, may relinquish regulatory control to the municipality in which such area or facilities are located.

- (c) Regulatory Jurisdiction Over Areas or Facilities of Countywide Significance Reserved to the County. Jurisdiction for purposes of comprehensive planning, zoning and building and other development approvals (including but not limited to land use, site plan approvals, issuance of building permits, building inspections, issuance of certificates of occupancy, zoning applications, special exceptions, variances, building or zoning moratoria, and all other types of functions typically performed by the departments responsible for building, planning and/or zoning), water and sewer installations, compliance with environmental regulations, and utility regulation shall be and are hereby vested in Miami-Dade County regardless of any municipal code, charter, or ordinance provision to the contrary. If an "Area or Facility of Countywide Significance" is located in an area which is sought to be annexed to a municipality or incorporated, the County shall not transfer operation, maintenance, or regulatory jurisdiction of such Area or Facility to a municipality, unless expressly permitted herein.

- (d) Applicability. The requirements of this ordinance apply to municipalities created after the effective date of this ordinance.
- (e) Condition of Incorporation. The provisions of this section shall be considered a condition of incorporation for any area incorporated after the effective date of this ordinance and shall be included in the municipal charter of such area.

(Ord. No. 05-141, § 3, 7-7-05)

Editor's note— Ord. No. 05-141, § 3, adopted July 7, 2005, amended the Code with the addition of a new § 20-28. In order to avoid the duplication of section numbers, the provisions of said ordinance have been included herein as § 20-28.1 at the discretion of the editor.

Sec. 20-29. - Municipal Advisory Committee—Creation and Limitation of Study Area.

- (A) A Municipal Advisory Committee may only be created by ordinance of the Board in accordance with the provisions of this section to study and give advice to the County Commission regarding the creation of a proposed municipality. However, as of the effective date of this ordinance, no Municipal Advisory Committee shall be created by the County Commission, unless no less than twenty (20) percent of the resident electors in the area to be studied consent to the creation of a Municipal Advisory Committee on a consent form which shall be approved by the Office of Management and Budget. The signed consent forms shall be submitted to the Clerk of the Board of County Commissioners. Upon submission of the signed consent forms, the Clerk of the Board of County Commissioners shall submit the signed consent forms to the Department of Elections for certification as to the sufficiency of signatures on the consent forms. Upon notification of certification by the Department of Elections, the Clerk of the Board shall forward to the County Commission the signed consent forms of area residents and the certification of the sufficiency of the consent forms. No ordinance to create a Municipal Advisory Committee may be placed 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, as required in this subsection. Following public hearing, the County Commission may create a Municipal Advisory Committee by ordinance. It is provided, however, that where a Municipal Advisory Committee has been established, prior to the effective date of this ordinance, no consent of resident electors shall be required for the adoption of an ordinance creating a Municipal Advisory Committee involving the same study area. Upon receipt of the Municipal Advisory Committee report, which shall include findings of fiscal feasibility, evidence of desirability, and a plan for the development of a viable community, and upon motion of the district commissioner whose district comprises the majority of the proposed area to be incorporated, the Board of County Commissioners, at a regular meeting of the Board, may schedule the Municipal Advisory Committee report and resolution for consideration by the Planning Advisory Board.
- (B) In the event a Municipal Advisory Committee is created where part of the study area is outside the sponsoring Commissioner's district, such area shall automatically be excluded from the Municipal Area Committee's consideration.
- (C) The restriction set forth in Paragraph (B) may be waived by the Commissioner(s) whose district the study area comes within by filing a memorandum with the Clerk of the Board indicating consent to all or part of the study area.
- (D) This section shall apply to existing as well as to all future Municipal Advisory Committee's created after the effective date of the ordinance from which this section derives.
- (E) Notices of any public hearings held by a municipal advisory committee shall be furnished to (a) all registered voters within the area of such proposed boundary change and within six hundred (600) feet thereof, (b) 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, and (c) all property owners within the area of such proposed boundary change and within six hundred (600) feet thereof, and shall include a summary of the municipal advisory committee's pro forma budget for the proposed

municipality, as well as a summary of the budget review report submitted by the consultant retained to advise the municipal advisory committee, pursuant to County Resolution No. R-130-05 (Consultant). Such notices shall also include a side-by-side comparison of the following budgetary information for the proposed new municipality as estimated by the municipal advisory committee and the Consultant: (1) total annual revenues, (2) total annual expenditures, (3) millage rate and (4) increase, decrease or lack of change in ad valorem taxes. The full budgetary information described in such notices shall be displayed on the website related to municipal advisory committees that is maintained by the Office of Management and Budget or its successor department. 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. Additionally, the Consultant shall be present at any such public hearings to make a presentation regarding the municipal advisory committee's pro forma budget, the Consultant's budget review report and the Consultant's conclusions regarding the proposed new municipality, prior to the commencement of public testimony at the public hearing. Notwithstanding the preceding provisions, this ordinance does not require a municipal advisory committee to hold any additional public hearings beyond the two public hearings required by ordinances of the Board of County Commissioners. The Municipal Advisory Committee shall complete the required feasibility and desirability study within twenty-four (24) months of its initial creation. If the Municipal Advisory Committee does not meet the required deadline, the Municipal Advisory Committee shall automatically sunset. Any Municipal Advisory Committee in existence as of the effective date of this Section shall include as part of its report a study of the feasibility and desirability of incorporating and shall be required to complete its study and submit the required report within twenty-four (24) months of the adoption of this section. If a Municipal Advisory Committee in existence as of the effective date of this Section does not meet this required deadline it shall automatically sunset. It is provided however, in the event that the Board of County Commissioners adopts an ordinance which suspends the processing of incorporation requests, the calculation of the twenty-four (24) month period of time provided by this section shall be tolled during the pendency of such suspension.

- (F) Any public hearing held by the Board of County Commissioners to consider a proposed incorporation of an unincorporated area shall require that prior to such hearing the Office of Strategic Business Management provide the Board an updated Impact to the Unincorporated Municipal Service Area Analysis.

(Ord. No. 02-130, § 1, 7-23-02; Ord. No. 03-128, § 1, 6-3-03; Ord. No. 05-140, § 4, 7-7-05; Ord. No. 07-177, § 2, 12-4-07; Ord. No. 13-113, § 2, 12-3-13; Ord. No. 17-47, § 1, 7-6-17; Ord. No. 17-99, § 1, 12-5-17; Ord. No. 22-127, § 7, 10-6-22)

North Central Dade Municipal Advisory Committee

| Stages | Steps | Date * | Proposed Work Plan |
|------------------------------|--------------|---------------|--|
| MAC Educational Stage | 1 | 07/29/25 | Committee responsibilities, Election of officers, Establish meeting locations and dates, Sunshine Law & Ethics Presentation, Budget Committee or Liaison Designation, Work Plan Distribution |
| | | | Discussion of Commission District Boundaries |
| | 2 | 08/26/25 | Update on Discussion Regarding Commission District Boundaries Discussion of Area Values & Comparison with Prior Values |
| | 3 | 09/23/25 | Presentation Miami-Dade Fire Rescue Department Presentation Miami-Dade County Public Library System Presentation Miami-Dade Solid Waste |
| | 4 | 10/28/25 | Presentation Regulatory and Economic Resources - Planning/Zoning Presentation Building Department - RER Presentation Parks, Recreation & Open Spaces Department |
| | 5 | 11/18/25 | Presentation Miami Dade Sheriff Office Discussion of Revenues and Expenses - Impact to UMSA Discussion on Pro Forma Budget Outlining Estimated Revenues and Expenditures for Proposed Municipality |
| | 6 | 12/16/25 | Continue Discussion or Adopt a Pro-Forma Budget Discussion on Projected 2026 Public Meeting to Present Proposed Budget |
| | 7 | TBD | Present Pro Forma Budget to Independent Consultant (BCC R-130-05) |
| | 8 | TBD | Discuss Issues Arising from Independent Consultant Review of Pro Forma Budget |
| | 9 | TBD | Prepare for Public Hearing - Designate Presenter(s) at Public Hearing |
| | 10 | TBD | Hold Public Hearing - Discussion Pros and Cons of Incorporation |
| Negotiation Stage | 11 | TBD | Consider Public Hearing Input - Revise Pro Forma Budget if needed |
| | 12 | TBD | Adopt Resolution Determining Finding of Feasibility Study |
| | 13 | TBD | If Recommending Incorporation, Discussion of Conceptual Agreement |
| | 14 | TBD | If not Recommending Incorporation, Forward MAC Resolution Stating Feasibility Study Findings to BCC |
| Approval | 15 | TBD | Continue Discussion or Finalize Conceptual Agreement |
| | 16 | TBD | Preparation for presentation to Planning Advisory Board |
| | 17 | TBD | Planning Advisory Board Public Hearing on Proposed Incorporation |
| POST MAC | 18 | TBD | Board of County Commissioners Public Hearing on Proposed Incorporation |
| | 19 | TBD | Election to vote on whether or not to Incorporate and Charter Commission. Creation if area voters agree on creating new municipality |
| Post Incorporation | 20 | TBD | Transition period of municipal type services |

The Proposed Work Plan DRAFT is intended to provide a general overview of the process and therefore this DRAFT is subject to change.

MEMORANDUM

Agenda Item No. 5(A)

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

DATE: (Public Hearing: 1-22-25)
November 6, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the North
Central Dade Municipal
Advisory Committee created to
study the possible incorporation
of a municipality; providing that,
notwithstanding any other
ordinance or Code section to the
contrary, the North Central Dade
Municipal Advisory Committee
shall continue in existence for a
prescribed period of time to
complete its responsibilities;
providing for retroactivity

Ordinance No. 25-2

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


Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: January 22, 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".

Subject: Fiscal Impact Statement for Ordinance Relating to the North Central Dade Municipal
Advisory Committee

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County. Existing staff in the Office of Management and Budget will provide support to the North Central Dade Municipality Advisory Committee (MAC).

A handwritten signature in blue ink, appearing to read "Carladenise Edwards".

Carladenise Edwards
Chief Administrative Officer

Memorandum



Date: January 22, 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".

Subject: Social Equity Statement for Ordinance Relating the North Central Dade Municipal Advisory Committee

The proposed ordinance extends the life of the North Central Dade Municipal Advisory Committee (MAC) to allow the residents of the area to meet and discuss, through a series of publicly noticed meetings in the community, whether to create a new municipality or remain unincorporated. This item offers the community an opportunity to further evaluate their options.

The study will determine if the residents, after being provided information at public meetings, will request that the Board consider the creation of a new municipality. Until the committee's evaluation is complete, the full social impact of the North Central Dade MAC cannot be determined.

A handwritten signature in blue ink, appearing to read "Carladenise Edwards".

Carladenise Edwards
Chief Administrative Officer



MEMORANDUM

(Revised)

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

DATE: January 22, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(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. 5(A)
1-22-25

ORDINANCE NO. 25-2

ORDINANCE RELATING TO THE NORTH CENTRAL DADE MUNICIPAL ADVISORY COMMITTEE CREATED TO STUDY THE POSSIBLE INCORPORATION OF A MUNICIPALITY; PROVIDING THAT, NOTWITHSTANDING ANY OTHER ORDINANCE OR CODE SECTION TO THE CONTRARY, THE NORTH CENTRAL DADE MUNICIPAL ADVISORY COMMITTEE SHALL CONTINUE IN EXISTENCE FOR A PRESCRIBED PERIOD OF TIME TO COMPLETE ITS RESPONSIBILITIES; PROVIDING FOR RETROACTIVITY; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on December 18, 2001, the Board adopted Resolution No. R-1445-01 creating the North Central Dade Municipal Advisory Committee and directing the committee to study the possible incorporation of a municipality in the North Central Dade area; and

WHEREAS, on March 11, 2003, due to the anticipated existence of this committee beyond one year, the Board adopted Ordinance No. 03-42 establishing the North Central Dade Municipal Advisory Committee; and

WHEREAS, on November 3, 2005, the Board adopted Ordinance No. 05-192, and on September 4, 2007, the Board adopted Ordinance No. 07-120, which, in relevant part, resulted in the suspension of the processing of incorporation proposals; and

WHEREAS, on April 3, 2012, the Board adopted Ordinance No. 12-24 repealing the moratorium created by Ordinance No. 07-120; and

WHEREAS, in June of 2013, the North Central Dade Municipal Advisory Committee was reorganized and began to meet again; and

WHEREAS, on May 5, 2015, the Board adopted Ordinance No. 15-32 extending the existence of the North Central Dade Municipal Advisory Committee to no later than May 15, 2017; and

WHEREAS, in addition, on June 5, 2018, the Board adopted Ordinance No. 18-64 further extending the existence of the North Central Dade Municipal Advisory Committee to no later than June 15, 2020; and

WHEREAS, on August 31, 2020, the Board adopted Ordinance No. 20-88, which provided an extension of the North Central Dade Municipal Advisory Committee up to an additional two years from the effective date of that ordinance; and

WHEREAS, most recently, on October 6, 2022, the Board adopted Ordinance No. 22-128, which provided another extension of the North Central Dade Municipal Advisory Committee up to an additional two years from the effective date of that ordinance; and

WHEREAS, section 20-29(A) of the Code states, in part, that “where a Municipal Advisory Committee has been established, prior to the effective date of [Ordinance No. 05-140, effective on July 17, 2005], no consent of resident electors shall be required for the adoption of an ordinance creating a Municipal Advisory Committee involving the same study area”; and

WHEREAS, additional time is needed for the North Central Dade Municipal Advisory Committee to conduct its public hearings and attend to other required duties,

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

Section 1. The foregoing recitals are incorporated into this ordinance.

Section 2. Notwithstanding any provision of Ordinance No. 22-128 or any other ordinance or provisions of the Code to the contrary, the North Central Dade Municipal Advisory

Committee shall remain in existence until the earlier of: (i) the date that the Board votes to defer, approve, or deny a resolution submitting the incorporation question to the resident electors of the North Central Dade area; or (ii) two years from the effective date of this ordinance. This ordinance shall be retroactive to the date of sunset of the North Central Dade Municipal Advisory Committee, thereby ratifying all previous actions.

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:

January 22, 2025

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK

Prepared by:



Abbie Schwaderer-Raurell
James Eddie Kirtley

Prime Sponsor: Commissioner Marleine Bastien

MEMORANDUM

Amended
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

Ordinance No. 25-13

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

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".

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, appearing to read "Carladenise Edwards".

Carladenise Edwards
Chief Administrative Officer

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, reading "Daniella Levine Cava".

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.

A handwritten signature in blue ink, reading "Carladenise Edwards".

Carladenise Edwards
Chief Administrative Officer



MEMORANDUM

(Revised)

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

DATE: February 19, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

Amended
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 _____

Amended
Agenda Item No. 7(A)
2-19-25

ORDINANCE NO. 25-13

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 the number of years provided herein, 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 by Florida City for “Area J,” and by City of Doral for Area 15 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 annexation of 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 four years for proposed annexations, and for a period of at least two years for proposed incorporations, 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 annexation of Area 15, any proposed annexation that entirely consists of County zoning districts that exclusively allow residential uses (including, for example, RU-zoned unincorporated areas, but not including RU-5A) shall also be exempt from this moratorium. This moratorium shall not automatically expire, but after four years for annexations and after two years for incorporations, and after consideration of the respective report referenced below in section 2, the respective moratorium related to annexation or incorporations, as applicable

based on the time frames provided herein, may be lifted or otherwise amended, in the discretion of this Board, through the adoption of an ordinance effectuating such action.

Section 3. 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 written reports 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 reports shall include recommendations by the County Mayor or County Mayor's designee as to whether, after the respective four-year period for annexations and the two-year period for incorporations, 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. The recommendations in the first such report shall be focused on future incorporations, but the report shall include the analysis and considerations as otherwise required in this section, including but not limited to analysis related to annexations and the County's financial and budgetary status, and 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 two years of the effective date of this ordinance. The second such report shall be focused on both future annexations and incorporations, and 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 four 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 annexation of 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 annexation of 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 annexation of 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. 25-13.

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:

February 19, 2025

Approved by County Attorney as
to form and legal sufficiency:

MAG for GBK

Prepared by:



Abbie Schwaderer Raurell

Prime Sponsor: Commissioner Kevin Marino Cabrera