

Approved _____ Mayor
Veto _____
Override _____

Agenda Item D

ORDINANCE NO. ____

ORDINANCE APPROVING AND ADOPTING THE UNINCORPORATED MUNICIPAL SERVICE AREA FUND BUDGET FOR MIAMI-DADE COUNTY, FLORIDA, FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013; PROVIDING A SHORT TITLE; INCORPORATING THE FISCAL YEAR 2012-13 PROPOSED BUDGET AS AMENDED; APPROPRIATING ALL BUDGETED EXPENDITURES; AUTHORIZING THE INVESTMENT OF COUNTY FUNDS IN THE TIME WARRANTS OF MIAMI-DADE COUNTY; AUTHORIZING THE TRANSFER OF FUNDS AS CASH ADVANCES PENDING RECEIPT OF TAXES; AUTHORIZING DEPOSIT OF INTEREST EARNED TO THE GENERAL FUND; RATIFYING AND APPROVING IMPLEMENTING ORDERS AND OTHER ACTIONS OF THE BOARD WHICH SET CHARGES, AUTHORIZING FEES CONSISTENT WITH APPROPRIATIONS AND PROVIDING FOR THEIR AMENDMENT; RECOGNIZING AND CONTINUING THE UNINCORPORATED MUNICIPAL SERVICE AREA; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE CERTAIN FUNDING AGREEMENTS; WAIVING FOR FISCAL YEAR 2012-13 PROVISIONS OF SECTION 2-1799(f)1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATED TO THE DISPOSITION OF UNALLOCATED CARRYOVER FUNDING IN THE COUNTYWIDE GENERAL FUND AND THE UNINCORPORATED MUNICIPAL SERVICES AREA BUDGETS; AMENDING, WAIVING OR RESCINDING, IF NECESSARY, VARIOUS CHAPTERS OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AND AMENDING SECTION 1-4.3 OF THE CODE OF MIAMI-DADE COUNTY FLORIDA TO CONFORM THE CODE, APPLICABLE IMPLEMENTING ORDERS AND OTHER LEGISLATIVE ENACTMENTS TO THE COUNTY'S FISCAL YEAR 2012-13 ADOPTED BUDGET AS IT RELATES TO VARIOUS ADMINISTRATIVE DEPARTMENTS AND DELEGATIONS OF COMMISSION AUTHORITY, POWER, AND RESPONSIBILITY ASSOCIATED THEREWITH; SUPERSEDING CONFLICTING PROVISIONS OF PRIOR ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. This ordinance shall be known and may be cited as the "2012-13 Miami-Dade County Unincorporated Municipal Service Area Budget Ordinance".

Section 2. Pursuant to Section 5.03(B) of the Home Rule Charter, the County Mayor has recommended a proposed budget for Miami-Dade County, Florida, for the fiscal year commencing October 1, 2012. Said proposed budget document as submitted to the Board of County Commissioners ("Board") is incorporated herein by reference and is amended to include: (a) all of the applicable changes contained in this Ordinance; and (b) the changes contained in the September 6, 2012 memorandum entitled "Information for First Budget Hearing – FY 2012-13 Proposed Budget."

Section 3. The Unincorporated Municipal Service Area budget, including the five-year financial plan contained therein, is hereby approved and adopted, and the budgeted revenues and expenditures therein are hereby appropriated. Department expenditure allocations established by the County Mayor as revised and summarized in the attached budget are adopted as limitations of all expenditures, except as hereinafter provided; and appropriations have been hereby provided for outstanding indebtedness for the payment of vouchers that have been incurred in the current or prior year, but are not expected to be paid until the commencement of the new fiscal year. Receipts from sources not anticipated in the attached budget may be appropriated and expended by ordinance duly enacted by the Board in accordance with Section 129.06(2)(d), Florida Statutes, and Section 1.02(A) of the Miami-Dade County Home Rule Charter. Adjustments within the same fund to departmental appropriations made in the attached budget may be approved from time to time by motion duly adopted by the Board in accordance with Section 129.06(2)(a), Florida Statutes and Ordinance No. 07-45, as amended. The Director of the Office of Management and Budget is authorized to approve adjustments to expenditure code allocations within the limit of the departmental or other appropriations made in the attached budget. All adjustments made in accordance with this ordinance are approved and ratified.

Section 4. Pursuant to the authority of Chapter 8015, Special Acts of Florida, 1919, which authorizes the Board of County Commissioners of Miami-Dade County, Florida, to borrow money and to issue time warrants, and pursuant to the authority of Section 129.02(5), Florida Statutes, which permits funds of the County to be invested in securities of the federal government and of the local governments in Florida, or both, the Finance Director is hereby authorized to invest these monies in the time warrants of Miami-Dade County, Florida.

Section 5. As provided in Section 5.03(C) of the Home Rule Charter, the Board hereby authorizes the transfer of any portion of the earnings or balance of the several funds, other than sinking funds, for obligations not yet retired, to the general funds of the County provided that such transfer be deemed a cash advance to meet operating and other expenses approved by the Board, and that all such advances shall be reimbursed before the end of the fiscal year upon receipt of adequate tax or other appropriate revenues. Provided, however, that this section in no way limits or restricts the power of the Board to transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund or agency to another as provided by law pursuant to Section 5.03(C) of the Home Rule Charter.

Section 6. The Finance Director, pursuant to Section 5.03(C) of the Home Rule Charter, is hereby authorized to deposit to the accounts of the General Fund any interest on deposits earned or accrued to the benefit of any trust funds, revolving accounts, working capital reserves or other funds held in trust by Miami-Dade County, unless specifically prohibited from doing so by trust or other agreements.

Section 7. The provisions of Section 2-1799(f)1 of the Code of Miami-Dade County, Florida, requiring that fifty (50) percent of the unallocated carryover funds in the Countywide and Unincorporated Municipal Service Area (UMSA) general fund budgets be allocated to the Capital Outlay Reserve fund in the fiscal year following the fiscal year the funds were identified to support County Services, are waived for fiscal year 2012-13 to permit the use of Countywide

and UMSA carryover funds that remain unallocated as of September 30, 2012 for appropriation to the Fiscal Year 2012-13 Proposed Budget as approved by the Board.

Section 8. All Implementing Orders, as amended hereby, and other actions of the Board setting fees and charges as well as all fees and charges consistent with appropriations adopted herein, are hereby ratified, confirmed and approved; and may be amended by subsequent Board action during the fiscal year.

Section 9. The Unincorporated Municipal Service Area is hereby recognized and continued. All funds budgeted for this area are provided by general taxes and other revenue related to this area.

Section 10. The County Mayor or his or her designee is hereby authorized to execute agreements for funding allocations for Community-based Organizations approved in this ordinance as a result of a Request for Proposal or other formal selection process or individual allocations approved by the Board in the form approved by the County Attorney.

Section 11. Section 1-4.3 of the Code of Miami-Dade County, Florida, is hereby amended as follows: ¹

Section 1-4.3. Reorganization of County Administrative Departments

* * *

(c) The powers, functions and responsibilities of the Departments of Building and Neighborhood Compliance, Planning and Zoning (except those powers, functions and responsibilities that set forth, define or otherwise affect the Office of Countywide Healthcare and Planning), Environmental Resources Management, Economic Development and International Trade, Small Business Development, Film and Entertainment, Sustainability, Consumer Services, Sustainability, Planning and Economic Enhancement and Permitting, Environment and Regulatory Affairs, provided

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. The remaining provisions are now in effect and remain unchanged.

in Legislative Enactments are hereby transferred to the Department of Regulatory and Economic Resources. >>Commencing October 1, 2012, the powers, functions and responsibilities that set forth, define or otherwise affect the stormwater utility functions, including but not limited to the administration of the County's Floodplain Management Program, are hereby transferred from the Department of Regulatory and Economic Resources to the Department of Public Works and Waste Management.<< All references in Legislative Enactments relating to the Departments of Building and Neighborhood Compliance, Planning and Zoning (except those powers, functions and responsibilities that set forth, define or otherwise affect the Office of Countywide Healthcare and Planning), Environmental Resources Management, Economic Development and International Trade, Small Business Development, Film and Entertainment, Sustainability, Consumer Services, Sustainability, Planning and Economic Enhancement and Permitting, Environment and Regulatory Affairs, shall be deemed to be references to the Department of Regulatory and Economic Resources. >>Commencing October 1, 2012, the references to the Departments of Building and Neighborhood Compliance, Planning and Zoning (except those powers, functions and responsibilities that set forth, define or otherwise affect the Office of Countywide Healthcare and Planning), Environmental Resources Management, Economic Development and International Trade, Small Business Development, Film and Entertainment, Sustainability, Consumer Services, Sustainability, Planning and Economic Enhancement, Permitting, Environment and Regulatory Affairs, and Regulatory and Economic Resources that set forth, define or otherwise affect the stormwater utility functions, including but not limited to the administration of the County's Floodplain Management Program, shall be deemed to be references to the Department of Public Works and Waste Management.<< All delegations of Commission authority, power and responsibility to the Directors of the Departments of Building and

Neighborhood Compliance, Planning and Zoning (except those delegations that set forth, define or otherwise affect the Office of Countywide Healthcare and Planning), Environmental Resources Management, Economic Development and International Trade, Small Business Development, Film and Entertainment, Sustainability, Consumer Services, Sustainability, Planning and Economic Enhancement and Permitting, Environment and Regulatory Affairs, shall be deemed to be a delegation to the Director of the Department of Regulatory and Economic Resources >> or, at the County Mayor's discretion, to the County Mayor's designee, except, commencing October 1, 2012, for those delegations that set forth, define or otherwise affect the stormwater utility functions, including but not limited to the administration of the County's Floodplain Management Program, which shall be deemed a delegation to the Director of the Department of Public Works and Waste Management,<< or, at the County Mayor's discretion, to the County Mayor's designee.

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(h) The powers, functions and responsibilities of the Miami-Dade Public Housing Agency, General Services Administration (only those powers, functions and responsibilities that set forth, define or otherwise affect infill housing) and Department of Housing and Community development provided in Legislative Enactments are hereby transferred to the Department of Miami-Dade >>Public<< Housing and Community Development. >>Commencing October 1, 2012, the powers, functions and responsibilities that set forth, define or otherwise affect the Enterprise Zone Program, are hereby transferred from the Department of Public Housing and Community Development to the Department of Regulatory and Economic Resources.<< All references in Legislative Enactments relating to the Miami-Dade Public Housing Agency, General Services Administration (only those references that set forth, define or otherwise affect infill housing) and Department of Housing and Community Development

shall be deemed to be references to the Department of Miami-Dade Public Housing and Community Development. >> Commencing October 1, 2012, the references relating to the Miami-Dade Public Housing Agency, General Services Administration (only those references that set forth, define or otherwise affect infill housing), the Department of Housing and Community Development and the Department of Miami-Dade Public Housing and Community Development that set forth, define or otherwise affect the Enterprise Zone Program, shall be deemed to be a reference to the Department of Regulatory and Economic Resources.<< All delegations of Commission authority, power and responsibility to the Directors of the Miami-Dade Public Housing Agency, General Services Administration (only those delegations that set forth, define or otherwise affect infill housing) and Department of Housing and Community Development shall be deemed to be a delegation to the Director of the Department of Miami-Dade Public Housing and Community Development >>, or, at the County Mayor's discretion, to the County Mayor's designee, except, commencing October 1, 2012, for those delegations which set forth, define or otherwise affect the Enterprise Zone Program, which shall be deemed to be a delegation to the Director of the Department of Regulatory and Economic Resources,<< or, at the County Mayor's discretion, to the County Mayor's designee.

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(j) The powers, functions and responsibilities of the Departments of Public Works and Solid Waste Management provided in Legislative Enactments are hereby transferred to the Department of Public Works and Waste Management. >>Commencing October 1, 2012, the powers, functions and responsibilities that set forth, define or otherwise affect platting, roadway concurrency management, land development and permitting functions, are hereby transferred from the Department of Public Works and Waste Management to the Department of Regulatory and Economic Resources.<< All

references in Legislative Enactments relating to the Departments of Public Works and Solid Waste Management shall be deemed to be references to the Department of Public Works and Waste Management. >>Commencing October 1, 2012, those references to the Departments of Public Works, Solid Waste Management and Public Works and Waste Management that set forth, define or otherwise affect platting, roadway concurrency management, land development and permitting functions, shall be deemed to be references to the Department of Regulatory and Economic Resources.<< All delegations of Commission authority, power and responsibility to the Directors of the Departments of Public Works and Solid Waste Management shall be deemed to be a delegation to the Director of the Department of Public Works and Waste Management, >> or, at the County Mayor's discretion, to the County Mayor's designee, except, commencing October 1, 2012, for those delegations that set forth, define or otherwise affect platting, roadway concurrency management, land development and permitting functions, which shall be deemed to be a delegation to the Director of the Department of Regulatory and Economic Resources<< or, at the County Mayor's discretion, to the County Mayor's designee.

(k) Any delegation made by the County Mayor pursuant to this Section shall be made in writing and shall become effective upon the filing of the delegation, or any amendment or modification thereto, with the Clerk of the Board, with a copy to the County Attorney and each Commissioner. The Clerk of the Board shall list such delegations on the agenda of the next available Commission meeting and such delegations shall be subject to disapproval by majority vote of those Commissioners present upon a motion made at such meeting.

(l) Notwithstanding any provision of a Legislative Enactment to the contrary, the qualification and requirements of any Department Director set forth in any Legislative Enactment may be satisfied by a designee of the County Mayor who shall (a) report

directly to the Department Director and (b) have primary responsibility for overseeing the functions of the Department related to such qualifications. The County Mayor shall report to the Board of County Commissioners in writing which qualifications of a Department Director, if any, will be satisfied by a designee of the Mayor at the time the Mayor presents the appointment of the Department Director to the Board pursuant to Section 2.02(D) of the Miami-Dade County Home Rule Charter and Part 8.1 of the Rules of Procedure of the County Commission.

Section 12. Notwithstanding any other provision of the County Code, resolution or Implementing Order to the contrary, non-profit entities awarded grants of County monies from prior years' Elected Officials Discretionary Reserve or County Services Reserve or Commission Office Funds shall not be required to complete affidavits of compliance with the various policies or requirements applicable to entities contracting or transacting business with the County.

Section 13. Unless otherwise prohibited by law, this ordinance shall supersede all provisions of prior ordinances and resolutions in conflict herewith; provided, however, nothing in this ordinance shall amend or supersede the requirements of Ordinance 07-45, as amended.


Section 14. 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 15. The provisions of 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 override by this Board. In the event all or any particular component of this ordinance are vetoed, the remaining components, if any, shall become effective ten (10) days after the date of enactment and the components vetoed shall become effective only upon override by this Board.

Section 16. This ordinance does not contain a sunset provision.

Section 17. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of Section 11 of this ordinance shall become and be made 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.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency. 

ORD/ITEM D Proposed

**UNINCORPORATED MUNICIPAL SERVICE AREA
GENERAL FUND REVENUE**

**NET*
2012-13
BUDGET**

TAXES

General Property Tax (Tax Roll: \$54,368,295,998)	\$99,596,000
Utility Tax	77,970,000
Communications Services Tax	39,117,000
Franchise Tax	<u>38,755,000</u>
Subtotal	<u>\$255,438,000</u>

OCCUPATIONAL LICENSES

Business Taxes	<u>\$1,950,000</u>
Subtotal	<u>\$1,950,000</u>

INTERGOVERNMENTAL REVENUES

State Sales Tax	\$71,005,000
State Revenue Sharing	48,210,000
Alcoholic Beverage Licenses	<u>255,000</u>
Subtotal	<u>\$119,470,000</u>

CHARGES FOR SERVICES

Sheriff and Police Fees	<u>\$1,167,000</u>
Subtotal	<u>\$1,167,000</u>

INTEREST INCOME

Interest	<u>\$364,000</u>
Subtotal	<u>\$364,000</u>

**UNINCORPORATED MUNICIPAL SERVICE AREA
GENERAL FUND REVENUE (cont'd)**

	<u>NET*</u> <u>2012-13</u> <u>BUDGET</u>
<u>OTHER</u>	
Administrative Reimbursements	\$14,297,000
Miscellaneous	<u>1,707,000</u>
Subtotal	<u>\$16,004,000</u>
<u>CASH CARRYOVER</u>	
Cash Carryover	<u>\$1,011,000</u>
Subtotal	<u>\$1,011,000</u>
Total	<u>\$395,404,000</u>

* All anticipated receipts have been adjusted as necessary in accordance with Chapter 129.01(2)(b) of the Florida Statutes.

**UNINCORPORATED MUNICIPAL SERVICE AREA
EXPENDITURES***

	<u>2012-13 Budget</u>
Office of the Mayor	\$1,416,000
Board of County Commissioners (BCC)	4,417,000
County Attorney	4,098,000
Miami-Dade Police	300,941,000
Non-departmental – Public Safety	691,000
Parks, Recreation and Open Spaces	8,146,000
Non-departmental - Recreation and Culture	43,000
Public Works and Waste Management	4,423,000
Non-departmental – Neighborhood and Infrastructure	317,000
Regulatory and Economic Resources	1,651,000
Non-departmental - Economic Development	274,000
Audit and Management Services	671,000
Human Rights and Fair Employment Practices	212,000
Information Technology Services	7,495,000
Internal Services Department	15,638,000
Community Information and Outreach	2,193,000
Management and Budget	1,563,000
Non-departmental - General Government	<u>41,215,000</u>
 Total	 <u><u>\$395,404,000</u></u>

*Schedule incorporates first change memo recommendations including, but not limited to, technical adjustments.