MEMORANDUM

CEERC
Agenda Item No. 3(A)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 17, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance appointing Board of County Commissioners of the NW 7th Avenue Corridor Community Redevelopment Agency

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Dorrin D. Rolle.

Murray A. Greenberg
County Attorney

MAG/bw

Memorandum

MIAMI-DADE COUNTY

Date:

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Relating to the NW 7th Avenue Corridor Community Redevelopment Agency Board of Commissioners

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This ordinance relating to the NW 7th Avenue Corridor Community Redevelopment Agency Board of Commissioners will not have a fiscal impact to Miami-Dade County.

The ordinance establishes a citizen board to replace the Board of County Commissioners, who has been acting as the Board for the Agency.

Assistant County Manager

Fiscal00106

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: December 20, 2005

FROM: Murray A. Greenberg County Attorney

SUBJECT: Agenda Item No. 4(H)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(H)
12-20-05

ORDINANCE NO. _____

ORDINANCE APPOINTING BOARD OF COMMISSIONERS OF THE NW 7TH AVENUE CORRIDOR COMMUNITY REDEVELOPMENT AGENCY AND DESIGNATING THEIR RESPECTIVE TERMS OF OFFICE; DELEGATING CERTAIN REDEVELOPMENT POWERS TO SUCH AGENCY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Florida Legislature enacted the Community Redevelopment Act of 1969 during its 1969 Legislative Session, which enactment is presently codified in the Florida Statutes as Part III of Chapter 163, Sections 163.330 through 163.450, as amended from time to time (the "Act"); and

WHEREAS, all powers arising through the Act are conferred by the Act upon counties with Home Rule Charters, which counties in turn are authorized to delegate certain of such powers to a community redevelopment agency created pursuant to the Act; and

WHEREAS, on March 16, 2004 the Board of County Commissioners of Miami-Dade County, Florida (the "Board") adopted Resolution No. R- 293-04 which resolution declared a certain geographic area of the County known as the NW 7th Avenue Commercial Corridor and bounded on the North by NW 119th Street, on the South by the City of Miami, on the East by Interstate 95 (I-95), and on the West by the westernmost property lines of all those parcels of land that abut the westerly right of way line of NW 7th Avenue, (the "NW 7th Avenue Community Redevelopment Area"), to be a slum or blighted area, declared the rehabilitation, conservation or redevelopment, or combination thereof, to be necessary in the interest of public

health, safety, morals or welfare of the residents of the County and found the need for the creation of a community redevelopment agency; and

WHEREAS, this Board adopted Resolution No. R-774-04 to appoint the members of this Board as the Board of Commissioners of the NW 7th Avenue Community Redevelopment Agency; and

WHEREAS, this Board desires to appoint the Board of Commissioners of such agency and to delegate certain community redevelopment powers to the Agency,

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

Section 1. Community Redevelopment Agency created.

Pursuant to the provisions of Section 163.356, Florida Statutes, this Board created a public body corporate and politic to be known as the NW 7th Avenue Community Redevelopment Agency (the "Agency"). The Agency shall be constituted as a public instrumentality and the exercise by the Agency of the powers conferred by the Act and delegated by the Board shall be deemed and held to be the performance of an essential public function.

Section 2. Purpose.

The purpose of the Agency is to carry out the community redevelopment purposes of the Act.

Section 3. Membership.

(a) The board of commissioners of the Agency shall consist of not fewer than five or more than nine commissioners. The terms of office of the commissioners shall be for four (4) years, except that three of the members first appointed shall be designated to serve terms of one (1), two (2) and three (3) years, respectively, from the date of their appointments, and all other

members shall be designated to serve for terms of four (4) years from the date of their appointments. A vacancy occurring during a term shall be filled for the un-expired term. Any person may be appointed as commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the County, and is otherwise eligible for such appointment under the Act. Each commissioner shall hold office until his or her successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the Clerk of the Board, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

(b) A commissioner shall receive no compensation for services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties.

(c) The Board may remove a commissioner for inefficiency, neglect of duty or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least ten (10) days prior to such hearing and has had an opportunity to be heard in person or by counsel.

Section 4. Procedure.

(a) Chair. The Board shall designate a chair and vice-chair from among the commissioners.

(b) Meetings. The powers of the Agency shall be exercised by the commissioners thereof. A majority of the commissioners constitutes a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the

Agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number.

Section 5. Public officials, commissioners and employees subject to code of ethics.

(a) The officers, commissioners and employees of the Agency shall be subject to the provisions and requirements of Part III of Chapter 112, Florida Statutes, and Section 2-11.1 of the Code of Miami-Dade County, Florida.

(b) If any official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two (2) years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in the NW 7th Avenue Corridor Community Redevelopment Area, he or she shall immediately disclose this fact in the manner provided in Part III of Chapter 112, Florida Statutes. Any disclosure required to be made by this section shall be made prior to taking any official action.

(c) No commissioner or other officer of the Agency exercising powers pursuant to the Act shall hold any other public office under the County other than his or her commissionership or office with respect to such Agency.

Section 6. Powers.

(a) The Board hereby delegates the following community redevelopment powers to the Agency in accordance with the Act:

(i) Initiate, prepare and adopt a plan of redevelopment and any amendments thereto, which plan and amendments shall be subject to subsequent review and approval by the Board; and

(ii) All powers not specifically delegated to the Agency are reserved exclusively by the Board.

(b) The Agency cannot commit itself or the County to any expenditure of funds without the specific approval of the Board.

Section 7. Staff.

The County Manager and the Office of the County Attorney shall provide to the Agency adequate staff and support services to enable it to carry out its purposes.

Section 8. Annual Report. No less than once per year, the Agency shall submit a written report to the Board detailing its activities during the past year and outlining its contemplated activities for the ensuing year.

Section 9. Appointments.

Appointments of the initial and all subsequent chairs, vice-chairs and members of the Agency shall be made by resolution of the Board.

Section 10. The Agency shall file with the Board and with the Auditor General, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the Agency shall publish in a newspaper of general circulation in the County a notice to the effect that such report has been filed with the County and that the report is available for inspection during business hours in the office of the Clerk of the Board and in the office of the Agency.

Section 11. 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 12. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County. The sections of this ordinance may be renumbered or re-lettered to

Accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 13. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Terrence A. Smith

Sponsored by Commissioner Dorrin D. Rolle