

**MEMORANDUM**

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Agenda Item No. 3(C)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

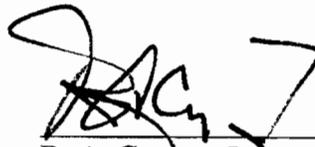
**DATE:** November 10, 2008

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution approving  
Interlocal Agreement  
between Miami-Dade  
County and Miami Shores

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The accompanying resolution was placed on the agenda by Prime Sponsor Board of County Commissioners.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/bw



# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: October 7, 2008

FROM:   
R. A. Cuevas, Jr.  
County Attorney

SUBJECT: Agenda Item No.

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.  
10-7-08

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND MIAMI SHORES VILLAGE IN CONNECTION WITH THE PROPOSED ANNEXATION BY MIAMI SHORES; AUTHORIZING THE COUNTY MAYOR TO EXECUTE THE AGREEMENT IN SUBSTANTIALLY THE FORM ATTACHED AND TAKE ANY ACTION REQUIRED BY THE COUNTY HEREIN

**WHEREAS**, Section 6.04 of the Home Rule Charter establishes the framework by which the Board of County Commissioners of Miami-Dade County, after obtaining the approval of the municipal governing bodies concerned, after hearing the recommendations of the Planning Advisory Board, and after a public hearing, may by ordinance effect boundary changes; and

**WHEREAS**, on September 15, 2004, Miami Shores submitted an application for the annexation of unincorporated areas adjacent to the Village; and

**WHEREAS**, Ordinance \_\_\_\_\_ of the Code of Miami-Dade County approved the annexation subject to conditions, including that Miami-Dade County and Miami Shores enter into this Interlocal Agreement,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that the Agreement by and between Miami-Dade County, Florida, and Miami Shores is hereby approved and the Board authorizes the Mayor or designee to execute the agreement in substantially the form attached and take any action required by the County herein.

The Prime Sponsor of the foregoing resolution is Board of County Commissioners. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

- |                                    |                    |
|------------------------------------|--------------------|
| Bruno A. Barreiro, Chairman        |                    |
| Barbara J. Jordan, Vice-Chairwoman |                    |
| Jose "Pepe" Diaz                   | Audrey M. Edmonson |
| Carlos A. Gimenez                  | Sally A. Heyman    |
| Joe A. Martinez                    | Dennis C. Moss     |
| Dorrin D. Rolle                    | Natacha Seijas     |
| Katy Sorenson                      | Rebeca Sosa        |
| Sen. Javier D. Souto               |                    |

The Chairman thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of October, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Craig H. Coller

## **Interlocal Agreement**

This agreement is entered into this \_\_\_ day of \_\_\_\_\_, 200\_\_, by and between Miami-Dade County, Florida (“County”) and Miami Shores Village (“Village”), a Florida municipal corporation.

### **WITNESSETH**

**WHEREAS**, section 6.04 of the Home Rule Charter for Miami-Dade County authorizes the County to approve changes to municipal boundaries; and

**WHEREAS**, the Village desires to change its boundary to include and annex the tract of land described in the accompanying ordinance; and

**WHEREAS**, the Village and the County desire to enter into an agreement that will provide for points of compromise and other matters.

**NOW, THEREFORE**, the Village and the County agree as follows:

**A. Debt Service. Obligations of the Village.**

1. **Utility Taxes and Franchise Fees.** Pursuant to current applicable law and the Code of Miami-Dade County, the County shall continue to receive and retain the electrical franchise fee generated from the annexation area through the life of the franchise agreement, and utility tax revenues derived from the annexation area in perpetuity.
2. **Stormwater Utility Debt Service.** The Village agrees to pay the County the annexation area’s remaining stormwater utility debt service payments calculated at \$38,482 a one time payment, or a yearly payment of \$2,537 until 2029 due September 1 of each year hereafter. If the Village desires to make the one time payment, the Village will make this payment 30 days after the execution of this agreement.

**C. Solid Waste Disposal** Pursuant to Section 20-8.4 of the Miami-Dade County Code, the County shall forever continue to collect and dispose of all residential waste within the annexation area in the same manner as though such annexed area remained part of the unincorporated areas of the County, unless the authority to collect such waste is delegated by the County to the governing body of a municipality through a twenty (20) year interlocal agreement which provides for the collection services, and a twenty (20) year interlocal agreement which provides for disposal services in substantially the form approved by Resolution R1198-95.

**D. Term.**

The provisions of this agreement shall be in full force and effect commencing on the date of the execution of this agreement and continuing in perpetuity.

**E. Representation by the Village and the County.**

Each party represents that his agreement has been duly approved and executed by its governing body and that it has the required power and authority to enter into and perform the obligations hereunder.

**F. Invalidation of Provisions, Severability.**

Wherever possible, each provision of this agreement shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of this agreement is prohibited or invalid under applicable law, the remaining provisions of this interlocal agreement shall not be affected by such invalidity.

**G. Existing Agreements.**

Any and all existing interlocal agreements between the County or any of its departments of agencies (such as but not limited to DERM, WASD, Public Safety, etc.) and Miami Shores Village shall remain in full force and effect and shall not be altered, changed, modified, amended or terminated as a result of this agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective and duly authorized representatives.

Attest: MIAMI SHORES VILLAGE, FLORIDA

By: \_\_\_\_\_

By: \_\_\_\_\_  
Date

Approved for legal sufficiency and form:

\_\_\_\_\_  
Village Attorney

Attest: MIAMI-DADE COUNTY, FLORIDA

Harvey Ruvlin, Clerk

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mayor Carlos Alvarez or designee Date

Approved for legal sufficiency and form:

\_\_\_\_\_  
County Attorney