



MEMORANDUM

Agenda Item No. 4(F)

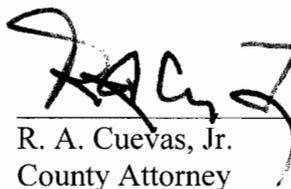
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: April 21, 2009

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

SUBJECT: Ordinance restoring the levying
of two cents to the 1993 Five
Cents Capital Improvements
Local Option Gas Tax Levied
on motor fuel.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: April 21, 2009

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

SUBJECT: Agenda Item No. 4 (F)

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 Mayor'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(F)
4-21-09

ORDINANCE NO. _____

ORDINANCE RESTORING THE LEVYING OF TWO CENTS TO THE 1993 FIVE CENTS CAPITAL IMPROVEMENTS LOCAL OPTION GAS TAX LEVIED ON MOTOR FUEL; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 8 of Ordinance 93-91 levying the 1993 Five Cents Capital Improvements Local Option Gas Tax on motor fuel is hereby amended to restore the levying of two cents of such tax.

Section 2. Nothing contained herein shall operate to impair the obligation of any bonds backed by the proceeds of the 1993 Five Cents Capital Improvements Local Option Gas Tax.

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. This ordinance does not contain a sunset provision.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. 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. In accordance with section 336.025(1)(b) of the Florida Statutes, passage of this ordinance shall require adoption by a majority plus one of the membership of the Board of County Commissioners.

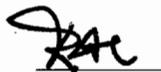
Section 7. The additional two cents to the Local Option Gas Tax shall be assessed commencing January 1, 2010.

Section 8. In accordance with section 336.025 of the Florida Statutes and Section 29-113 of the Code of Miami-Dade, proceeds of the Five Cents Capital Improvements Local Option Gas Tax shall be distributed among the County government and eligible incorporated Municipalities based upon the Interlocal Agreement in the form approved by the Board through Resolution No. R-996-93, adopted on July 27, 1993 and executed by all parties prior to September 1, 1993.

Section 9. The Clerk of the Board is directed to mail, by certified mail return receipt requested, a certified copy hereof to the Florida Department of Revenue in Tallahassee, Florida.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Bruce Libhaber

Prime Sponsor: Commissioner Barbara J. Jordan