

MEMORANDUM

HCD

Agenda Item No. 2(A)

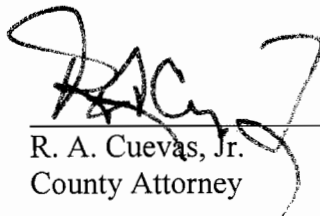
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: November 10, 2009

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

SUBJECT: Resolution directing the Mayor
to negotiate amendments to
interlocal agreements with
each taxing authority

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM

(Revised)

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

DATE: November 3, 2009

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

SUBJECT: Agenda Item No.

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

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

_____ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor Agenda Item No.
Veto _____ 11-3-09
Override _____

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO NEGOTIATE AMENDMENTS TO INTERLOCAL AGREEMENTS WITH EACH TAXING AUTHORITY AND/OR CRA TO ENSURE THAT THE BOARD HAS REPRESENTATION ON THE BOARD OF COMMISSIONERS OF EACH CRA; ESTABLISHING POLICY REQUIRING COUNTY COMMISSIONERS TO SERVE ON NEWLY CREATED CRAS; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO SUBMIT A REPORT TO THE BOARD PROVIDING RECOMMENDATIONS CONCERNING ANY ADDITIONAL ACTIONS THAT MAY BE REQUIRED TO EFFECTUATE THIS RESOLUTION

WHEREAS, the Florida Legislature enacted the Community Redevelopment Act of 1969, which 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 upon counties and municipalities, which in turn are authorized to delegate certain of such powers to a community redevelopment agency ("CRA") created pursuant to the Act; and

WHEREAS, section 163.356(2) of the Florida Statutes requires that after the governing body adopts a resolution declaring the need for a CRA, the governing body, by ordinance, shall appoint the board of commissioners of the CRA; and

WHEREAS, the Florida Statutes further states "[a]s provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority's governing body, whose membership on

the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body”; and

WHEREAS, there are currently three (3) CRAs in the Unincorporated Municipal Services Area (“UMSA”) and nine (9) CRAS located within municipalities; and

WHEREAS, this Board desires to have one or more of County Commissioners to serve as board of commissioners on each of these CRAs and any newly created CRA; and

WHEREAS, this Board believes that by becoming members of these CRAs the County’s interests will be represented,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board

Section 1. Directs the Mayor or the Mayor’s designee to negotiate amendments to the interlocal agreements with each taxing authority and/or CRA to provide for the appointment of one County Commissioner to the board of commissioners of each CRA. Such agreements shall be negotiated to provide for the County Commissioner in whose district the CRA is located to serve on the board of commissioners, or at the option of such County Commissioner as communicated to the Clerk of the Board of County Commissioners by written memorandum, the Board of County Commissioners shall appoint another County Commissioner other than the County Commissioner of the district to serve on the board of commissioners.

Section 2. Establishes as a policy of this Board that as a condition for the creation of a new CRA that one or more County Commissioners shall be appointed to each CRA’s board of commissioners within Miami-Dade County.

Section 3. Directs the Mayor or the Mayor’s designee to submit a report to the Board within sixty (60) days of the effective date of this resolution that provides (a) the status of negotiations undertaken pursuant to this resolution and (b) recommendations of any additional

actions that this Board or the governing body which created the CRA, if such governing body is not the County, may need to take to effectuate this resolution, including the adoption of any ordinances by this Board or other governing body.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson.

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:

Dennis C. Moss, Chairman

Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro

Carlos A. Gimenez

Barbara J. Jordan

Dorrin D. Rolle

Katy Sorenson

Sen. Javier D. Souto

Audrey M. Edmonson

Sally A. Heyman

Joe A. Martinez

Natacha Seijas

Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of November, 2009. 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.



Terrence A. Smith