



MEMORANDUM

Agenda Item No. 11(A)(6)

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

DATE: November 17, 2009

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

SUBJECT: Resolution directing County Mayor to initiate negotiations on behalf of Miami-Dade County with each Community Redevelopment Agency within Miami-Dade County to amend current interlocal agreements to have net surplus tax increment revenues retained or returned to Miami-Dade County

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



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(Revised)

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and Members, Board of County Commissioners

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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
Veto _____
Override _____

Agenda Item No. 11(A)(6)
11-17-09

RESOLUTION NO. _____

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO INITIATE NEGOTIATIONS ON BEHALF OF MIAMI-DADE COUNTY WITH EACH COMMUNITY REDEVELOPMENT AGENCY WITHIN MIAMI-DADE COUNTY TO AMEND CURRENT INTERLOCAL AGREEMENTS TO HAVE NET SURPLUS TAX INCREMENT REVENUES RETAINED OR RETURNED TO MIAMI-DADE COUNTY, AND PROVIDE NEGOTIATED AMENDED INTERLOCAL AGREEMENTS TO BOARD FOR FINAL APPROVAL WITHIN SIXTY (60) DAYS FROM EFFECTIVE DATE OF RESOLUTION, OR, IF NEGOTIATIONS ARE INCOMPLETE, SUBMIT A WRITTEN REPORT TO BOARD REGARDING STATUS OF SUCH NEGOTIATIONS WITHIN SIXTY (60) DAYS FROM EFFECTIVE DATE OF THIS RESOLUTION

WHEREAS, pursuant to County Resolution No. R-994-09, a copy of which is attached to and incorporated in this resolution, the County Mayor or the County Mayor's designee was directed to conduct a study to determine whether Community Redevelopment Areas ("CRAs") in Miami-Dade County possessed "net surplus revenue" which would be available to be returned or retained by the Taxing Authorities; and

WHEREAS, for each CRA for the 2009-2010 and 2010-2011 fiscal years, there may exist, after appropriations to the each CRA's Trust Fund for such fiscal years, receivables and other revenues, minus outstanding CRA obligations, including loans, advances, indebtedness (if any), and interest thereon, and any binding contractual obligations, a surplus amount of funds remaining in the Trust Fund ("Net Surplus Funds"); and

WHEREAS, the County is experiencing declining tax revenues because of the current economic downturn, which in turn has negatively impacted County services, and has made it necessary to explore alternative ways of generating and retaining County funds; and

WHEREAS, the County should have at its disposal all necessary tools to address the County's current and future budgeting concerns; and

WHEREAS, the County's payment to the Trust Funds ("TIF") for the all of the CRAs in Miami-Dade County for Fiscal Year 2009-2010 is anticipated to be \$50.777 million, according to the Office of the Commissioner Auditor; and

WHEREAS, the retention or return of a portion of the TIF contributed to the County CRAs by the County would be of great benefit to the County in this current economic climate; and

WHEREAS, the only means to require that any CRA Net Surplus Funds are retained or returned to the County is by interlocal agreement authorized by Fla. Stat. Section 163.387(3)(b) which would allow the County to supersede and amend its obligation to appropriate to the respective Trust Funds, subject to the Taxing Authorities providing for payment of outstanding debt; and

WHEREAS, for CRAs within the unincorporated area, the parties to such interlocal shall be the CRA and the County; and

WHEREAS, for CRAs within a municipality, the parties to such interlocal shall be the municipality, the CRA and the County; and

WHEREAS, the County should seek to amend interlocal agreements with CRAs and applicable municipalities to provide for the retention or return of Net Surplus Funds to the County,

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

Section 1. The foregoing recitals are incorporated in this resolution.

Section 2. This Board directs the Mayor or the Mayor's designee to initiate negotiations on behalf of the County with each CRA and applicable municipalities to amend interlocal agreements among the parties to have Net Surplus Revenues retained or returned to the County for fiscal years 2009-2010 and 2010-2011.

Section 3. This Board requests that the Mayor or his designee provide fully negotiated interlocal agreements with each County CRA and applicable municipality to the Board for final approval within sixty (60) days from the effective date of this resolution, or, if negotiations are incomplete, submit a written report to the Board within sixty (60) days on the status of negotiations with the CRA and applicable municipalities.

The Prime Sponsor of the foregoing resolution is Commissioner Carlos A. Gimenez. 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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th 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.



Prepared by:

Cynthia Johnson-Stacks
Martin W. Sybblis