

MEMORANDUM

Agenda Item No. 11(A)(5)

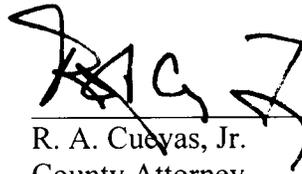
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: July 20, 2010

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

SUBJECT: Resolution directing the Mayor
to deliver written notice that
Miami-Dade County exercises
its right not to renew its
economic development
strategy agreement with
Beacon Council

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

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County Attorney

SUBJECT: Agenda Item No. 11(A)(5)

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)(5)
7-20-10

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO DELIVER WRITTEN NOTICE THAT MIAMI-DADE COUNTY EXERCISES ITS RIGHT NOT TO RENEW ITS ECONOMIC DEVELOPMENT STRATEGY AGREEMENT WITH BEACON COUNCIL; PROVIDING FOR RESCISSION OF THIS DIRECTIVE; AND PROVIDING FOR THE POSSIBLE DESIGNATION OF A NEW ECONOMIC DEVELOPMENT ORGANIZATION UNDER CERTAIN CIRCUMSTANCES

WHEREAS, Section 205.032, Florida Statutes authorizes a county to levy a business tax for the privilege of engaging in or managing any business, profession, or occupation within in its jurisdiction; and

WHEREAS, Section 205.33, Florida Statutes imposes certain conditions on the authority of each county to impose said business tax, including but not limited to requiring that any revenue, plus accrued interest, derived by a county shall be distributed each fiscal year to an organization or agency designated by the county to oversee and implement a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques; and

WHEREAS, on June 11, 1987, this Board adopted Ordinance No. 87-38, codified at Section 8A-171.2 of the Code ("Code"), requiring applicants for new or renewed local business tax receipts to pay an additional amount of tax; and

WHEREAS, the Code designates the Dade County Beacon Council, Inc. ("Beacon Council") as the agency to receive the local business tax revenues and to oversee and implement a comprehensive economic development strategy; and

WHEREAS, the County and the Beacon Council entered into an agreement on October 1, 1987 (the “Agreement”) to ensure the transfer of these revenues from the local business tax to the Beacon Council; and

WHEREAS, Article III of the Agreement provides, in part, that “[t]he term of this Agreement shall be for a period commencing on the date first written above and terminating on the last day of the County’s current fiscal year (September 30, 1988). This Agreement shall stand automatically renewed at the end of such term (and each successive term thereafter) for a period of one year, unless either party delivers to the other, more than thirty days before the date such term expires, a written notice stating that said party does not wish to renew the Agreement, with or without cause, in which event the Agreement shall automatically terminate effective on the last date of that current fiscal year”; and

WHEREAS, on June 7, 1994, the Board passed a motion requiring that eight percent (8%) of the revenues from the local business tax received by the Beacon Council should be allocated by the Beacon Council to Metro-Miami Action Plan Trust (“MMAP”); and

WHEREAS, on September 15, 1995, the Beacon Council and MMAP entered into a Grant Agreement whereby MMAP was required to use said revenues from the local business tax in accordance with state and local laws and to oversee and implement a comprehensive economic development strategy; and

WHEREAS, MMAP utilized such funds to oversee and implement an economic development strategy in economically disadvantaged neighborhoods of Miami-Dade County; and

WHEREAS, on October 7, 2008, the Board rescinded its policy that the Beacon Council allocate 8% of the local business tax revenues to MMAP, pursuant to County Ordinance 08-112; and

WHEREAS, Section 8A-171.2 of the Code was amended by Ordinance No. 08-112 to require the Beacon Council to include in its “annual report a clear statement on its uses of the eight percent (8%) of local business tax revenues previously allocated to the Metro-Miami Action Plan Trust for similar purposes;” and

WHEREAS, in discussing County Ordinance No. 08-112, several commissioners expressed concerns regarding the reporting and monitoring of the Beacon Council’s utilization of the 8% in economically disadvantaged neighborhoods of the County; and

WHEREAS, the Board was given assurances that the Beacon Council would report to the Board on a quarterly and annual basis its usage of such funds; and

WHEREAS, the Beacon Council has not demonstrated in any of its reports, including written reports to the Housing and Community Development Committee that it has overseen and implemented a comprehensive economic development strategy in the economically disadvantaged neighborhoods of Miami-Dade County, as it was carried out by MMAP; and

WHEREAS, MMAP has been renamed, re-purposed and reconstituted as the Miami-Dade County Economic Advocacy Trust (“MDEAT”), pursuant to County Ordinance No. 09-70 and is capable of overseeing and implementing such strategy in the economically disadvantaged neighborhoods of Miami-Dade County,

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

Section 1. The Mayor or the Mayor’s designee is directed to deliver to the Beacon Council, on or before August 27, 2010 a written notice stating that the County, without cause, exercises its right not to renew the Agreement between the County and the Beacon Council, pursuant to Article III of the Agreement.

Section 2. Notwithstanding the foregoing, the aforementioned direction shall automatically be rescinded and nullified if (1) on or before September 21, 2010, the Board of County Commissioners accepts a report from the Beacon Council and finds that the Beacon Council has demonstrated that it used at least 8% of the proceeds of the business tax within economically disadvantaged neighborhoods for purposes authorized by Fla. Stat. Section 205.33; or (2) before September 21, 2010, the Beacon Council enters into a subcontract or similar agreement with MDEAT allocating at least 8% of the business tax to oversee and implement a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques within Targeted Urban Areas designated and defined by Section 30-129(2) of the Code of Miami-Dade County.

Section 3. In the event the Beacon Council fails to comply with Section 2 of this resolution, the Mayor or the Mayor's designee, within thirty (30) days of the automatic termination of the Agreement, shall recommend one or more entities for possible designation by the Board as the organization or agency to oversee and implement a comprehensive economic development strategy; and upon the Board's selection of one organization or agency, the County Attorney is hereby directed to prepare an ordinance designating the selected organization or agency to carry out the purposes of Section 205.033 Florida Statutes and to prepare any necessary amendments to Ordinance No. 08-112 regarding allocation of the 8% local business tax.

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 20th day of July, 2010. 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.



Cynthia Johnson-Stacks
Terrence A. Smith