

MEMORANDUM

Agenda Item No. 4 (I)

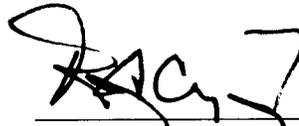
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: July 20, 2010

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

SUBJECT: Ordinance amending 8A-171.2
of the Code relating to 8% local
business tax revenues levied
pursuant to Florida Statutes
Section 205.33

The accompanying ordinance 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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SUBJECT: Agenda Item No. 4 (I)

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. 4 (I)
7-20-10

ORDINANCE NO. _____

ORDINANCE AMENDING 8A-171.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE EIGHT PERCENT LOCAL BUSINESS TAX REVENUES LEVIED PURSUANT TO FLORIDA STATUTE SECTION 205.33 AND THE CODE OF MIAMI-DADE COUNTY; PROVIDING BOARD POLICY THAT THE BEACON COUNCIL MAY ALLOCATE SUCH REVENUES TO THE MIAMI-DADE COUNTY ECONOMIC ADVOCACY TRUST (“MDEAT”) AND THAT SUCH FUNDS SHALL BE USED IN CERTAIN NEIGHBORHOODS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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 (“economic development strategies”); 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 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,

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

Section 1. The matters contained in the foregoing recitals are incorporated in this ordinance by reference.

Section 2. Section 2 of Ordinance No. 08-112 is hereby amended to establish Board policy that 8% of the local business tax revenues may be allocated to the MDEAT.

Section 3. Section 8A-171.2 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

* * *

- (b) The proceeds of such additional tax shall be placed in a separate interest-earning account and this revenue, plus accrued interest, shall be distributed each fiscal year to the Miami-Dade County Beacon Council, Inc.

- (c) The Miami-Dade County Beacon Council, Inc. shall furnish a written annual report to the Board of County Commissioners. The Beacon Council shall include in said annual report a clear statement on its uses of the eight percent (8%) of local business tax revenues ~~[[previously]]~~ >>which, by policy of this Board, may be used by the Beacon Council directly, or through a subcontract or other similar contract, approved by the County Attorney's Office as to form and legal sufficiency, with the<< ~~[[allocated to the Metro Miami Action Plan]]~~ >>Miami-Dade County Economic Advocacy Trust.<< ~~[[Trust for similar purposes]]~~ >>It is further the policy of the Board that such funds shall be used to oversee and implement a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques within Targeted Urban Areas identified by Section 30A-129(2) of the Code of Miami-Dade County.<<

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 4. Any Miami-Dade County Ordinance which is inconsistent with the provisions of this ordinance is hereby amended and superseded by the terms herein.

Section 5. 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 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance 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 7. 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.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.



Prepared by:

Cynthia Johnson-Stacks
Terrence A. Smith

Prime Sponsor: Commissioner Audrey M. Edmonson