

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item D

ORDINANCE NO. _____

ORDINANCE APPROVING AND ADOPTING THE UNINCORPORATED MUNICIPAL SERVICE AREA FUND BUDGET FOR MIAMI-DADE COUNTY, FLORIDA, FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012; PROVIDING A SHORT TITLE; INCORPORATING THE FISCAL YEAR 2011-12 PROPOSED BUDGET AS AMENDED; APPROPRIATING ALL BUDGETED EXPENDITURES; AUTHORIZING THE INVESTMENT OF COUNTY FUNDS IN THE TIME WARRANTS OF MIAMI-DADE COUNTY; AUTHORIZING THE TRANSFER OF FUNDS AS CASH ADVANCES PENDING RECEIPT OF TAXES; AUTHORIZING DEPOSIT OF INTEREST EARNED TO THE GENERAL FUND; RATIFYING AND APPROVING IMPLEMENTING ORDERS AND OTHER ACTIONS OF THE BOARD WHICH SET CHARGES, AUTHORIZING FEES CONSISTENT WITH APPROPRIATIONS AND PROVIDING FOR THEIR AMENDMENT; RECOGNIZING AND CONTINUING THE UNINCORPORATED MUNICIPAL SERVICE AREA; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE CERTAIN FUNDING AGREEMENTS; WAIVING PROVISIONS OF SECTION 2-1799(e) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATED TO THE DISPOSITION OF UNEXPENDED COMMISSION DISTRICT OFFICE BUDGETS; AMENDING, WAIVING OR RESCINDING, IF NECESSARY, VARIOUS CHAPTERS OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AND CREATING SECTION 1-4.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO CONFORM THE CODE, APPLICABLE IMPLEMENTING ORDERS AND OTHER LEGISLATIVE ENACTMENTS TO THE COUNTY'S FISCAL YEAR 2011-12 ADOPTED BUDGET AS IT RELATES TO VARIOUS ADMINISTRATIVE DEPARTMENTS AND DELEGATIONS OF COMMISSION AUTHORITY, POWER, AND RESPONSIBILITY ASSOCIATED THEREWITH; SUPERSEDING CONFLICTING PROVISIONS OF PRIOR ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. This ordinance shall be known and may be cited as the "2011-12 Miami-Dade County Unincorporated Municipal Service Area Budget Ordinance".

Section 2. Pursuant to Section 5.03(B) of the Home Rule Charter, the County Mayor has recommended a proposed budget for Miami-Dade County, Florida, for the fiscal year commencing October 1, 2011. Said proposed budget document as submitted to the Board of County Commissioners ("Board") is incorporated herein by reference and is amended to >>: (a)<< include all of the applicable changes contained in this Ordinance >>; (b) include the changes contained in<< [[and]] the September 8, 2011 memorandum entitled "Information for First Budget Hearing – FY 2011-12 Proposed Budget" [[:]] >>, except those provisions relating to the reorganization of the County's administrative departments; and, (c) to remove the entire appropriation to, and expenditures by, the Office of Agenda Coordination, together with the revenues supporting such appropriations and the four budgeted positions, and said revenues, expenditures, and budgeted positions shall be appropriated to the Office of the Chair division under the Board of County Commissioners fund.<<

Section 3. The Unincorporated Municipal Service Area budget, including the five-year financial plan contained therein, is hereby approved and adopted, and the budgeted revenues and expenditures therein are hereby appropriated. Department expenditure allocations established by the County Mayor as revised and summarized in the attached budget are adopted as limitations of all expenditures, except as hereinafter provided; and appropriations have been hereby provided for outstanding indebtedness for the payment of vouchers that have been incurred in the current or prior year, but are not expected to be paid until the commencement of the new fiscal year. Receipts from sources not anticipated in the attached budget may be appropriated and expended by ordinance duly enacted by the Board in accordance with Section 129.06(2)(d), Florida Statutes, and Section 1.02(A) of the Miami-Dade County Home Rule Charter. Adjustments within the same fund to departmental appropriations made in the attached budget may be approved from time to time by motion duly adopted by the

Board in accordance with Section 129.06(2)(a), Florida Statutes and Ordinance No. 07-45, as amended. The Director of the Office of Management and Budget is authorized to approve adjustments to expenditure code allocations within the limit of the departmental or other appropriations made in the attached budget. All adjustments made in accordance with this ordinance are approved and ratified.

Section 4. Pursuant to the authority of Chapter 8015, Special Acts of Florida, 1919, which authorizes the Board of County Commissioners of Miami-Dade County, Florida, to borrow money and to issue time warrants, and pursuant to the authority of Section 129.02(5), Florida Statutes, which permits funds of the County to be invested in securities of the federal government and of the local governments in Florida, or both, the Finance Director is hereby authorized to invest these monies in the time warrants of Miami-Dade County, Florida.

Section 5. As provided in Section 5.03(C) of the Home Rule Charter, the Board hereby authorizes the transfer of any portion of the earnings or balance of the several funds, other than sinking funds, for obligations not yet retired, to the general funds of the County provided that such transfer be deemed a cash advance to meet operating and other expenses approved by the Board, and that all such advances shall be reimbursed before the end of the fiscal year upon receipt of adequate tax or other appropriate revenues. Provided, however, that this section in no way limits or restricts the power of the Board to transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund or agency to another as provided by law pursuant to Section 5.03(C) of the Home Rule Charter.

Section 6. The Finance Director, pursuant to Section 5.03(C) of the Home Rule Charter, is hereby authorized to deposit to the accounts of the General Fund any interest on deposits earned or accrued to the benefit of any trust funds, revolving accounts, working capital reserves or other funds held in trust by Miami-Dade County, unless specifically prohibited from doing so by trust or other agreements.

Section 7. The provisions of Section 2-1799(e) of the Code of Miami-Dade County, Florida, requiring that unexpended funds in Commission district office budgets be designated as reserves at the end of the fiscal year in which the funds were unexpended and added to the respective commission district office budget in the following fiscal year, are waived to permit the use of unexpended funds as of the September 30, 2011 from each of the Commission District office budgets as FY 2010-11 General Fund carryover revenue for appropriation to the FY 2011-12 Adopted Budget as approved by the Board.

Section 8. All Implementing Orders, as amended hereby, and other actions of the Board setting fees and charges as well as all fees and charges consistent with appropriations adopted herein, are hereby ratified, confirmed and approved; and may be amended by subsequent Board action during the fiscal year.

Section 9. The Unincorporated Municipal Service Area is hereby recognized and continued. All funds budgeted for this area are provided by general taxes and other revenue related to this area.

Section 10. The County Mayor or his or her designee is hereby authorized to execute agreements for funding allocations for Community-based Organizations approved in this ordinance as a result of a Request for Proposal or other formal selection process or individual allocations approved by the Board in the form approved by the County Attorney.

~~[[Section 11, Section 1-4.3 of the Code of Miami-Dade County, Florida, is hereby created to read as follows: ⁺~~

~~>>Section 1-4.3. Reorganization of County Administrative Departments~~

~~(a) The powers, functions and responsibilities of the Enterprise Technology Services Department provided in all enactments of this Board including, but not limited to, ordinances, resolutions, implementing orders, regulations, rules, and provisions in the~~

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

~~Code of Miami-Dade County ("Legislative Enactments") are hereby transferred to the Information Technology Department. All references in Legislative Enactments relating to the Enterprise Technology Services Department shall be deemed to be references to the Information Technology Department. All delegations of Commission authority, power and responsibility to the Director of the Enterprise Technology Services Department shall be deemed to be a delegation to the Director of the Information Technology Department or, at the County Mayor's discretion, to the County Mayor's designee.~~

~~(b) — The powers, functions and responsibilities of the Government Information Center provided in Legislative Enactments are hereby transferred to the Department of Community Information and Outreach. All references in Legislative Enactments relating to the Government Information Center shall be deemed to be references to the Department of Community Information and Outreach. All delegations of Commission authority, power and responsibility to the Director of the Government Information Center shall be deemed to be a delegation to the Director of the Department of Community Information and Outreach or, at the County Mayor's discretion, to the County Mayor's designee.~~

~~(c) — The powers, functions and responsibilities of the Departments of Building and Neighborhood Compliance, Planning and Zoning (only those powers, functions and responsibilities that set forth, define or otherwise affect zoning functions) and Environmental Resources Management provided in Legislative Enactments are hereby transferred to the Department of Permitting, Environment and Regulatory Affairs. All references in Legislative Enactments relating to the Departments of Building and Neighborhood Compliance, Planning and Zoning (only those references that set forth, define or otherwise affect the zoning functions) and Environmental Resources Management shall be deemed to be references to the Department of Permitting, Environment and Regulatory Affairs. All delegations of Commission authority, power~~

~~and responsibility to the Directors of the Departments of Building and Neighborhood Compliance, Planning and Zoning (only those delegations that set forth, define or otherwise affect zoning functions) and Environmental Resources Management shall be deemed to be a delegation to the Director of the Department of Permitting, Environment and Regulatory Affairs or, at the County Mayor's discretion, to the County Mayor's designee.~~

~~(d) — The powers, functions and responsibilities of the Community Action Agency, Office of Human Rights and Fair Employment Practices and the Department of Human Services provided in Legislative Enactments are hereby transferred to the Department of Community Action and Human Services. All references in Legislative Enactments relating to the Community Action Agency, Office of Human Rights and Fair Employment Practices and the Department of Human Services shall be deemed to be references to the Department of Community Action and Human Services. All delegations of Commission authority, power and responsibility to the Directors of the Community Action Agency, Office of Human Rights and Fair Employment Practices and Department of Human Services shall be deemed to be a delegation to the Director of the Department of Community Action and Human Services or, at the County Mayor's discretion, to the County Mayor's designee.~~

~~(e) — The powers, functions and responsibilities of the Departments of Planning and Zoning (except for those powers, functions and responsibilities that set forth, define or otherwise affect zoning functions), Economic Development and International Trade, Small Business Development, Film and Entertainment, Sustainability and Consumer Services provided in Legislative Enactments are hereby transferred to the Department of Sustainability, Planning and Economic Enhancement. All references in Legislative Enactments relating to the Departments of Planning and Zoning (except for those references that set forth, define or otherwise affect the zoning functions), Economic~~

~~Development and International Trade, Small Business Development, Film and Entertainment, Sustainability and Consumer Services shall be deemed to be references to the Department of Sustainability, Planning and Economic Enhancement. All delegations of Commission authority, power and responsibility to the Directors of the Departments of Planning and Zoning (except for those delegations that set forth, define or otherwise affect zoning functions), Economic Development and International Trade, Small Business Development, Film and Entertainment, Sustainability and Consumer Services shall be deemed to be a delegation to the Director of the Department of Sustainability, Planning and Economic Enhancement or, at the County Mayor's discretion, to the County Mayor's designee. Notwithstanding the foregoing, the Director of the Department of Sustainability, Planning and Economic Enhancement shall hold the powers and responsibilities and possess the qualifications of the planning director as set forth in Section 5.07 of the Miami-Dade County Home Rule Charter.~~

~~(f) The powers, functions and responsibilities of the Department of Emergency Management provided in Legislative Enactments are hereby transferred to the Department of Fire Rescue. All references in Legislative Enactments relating to the Department of Emergency Management shall be deemed to be references to the Department of Fire Rescue. All delegations of Commission authority, power and responsibility to the Director of the Department of Emergency Management shall be deemed to be a delegation to the Director of the Department of Fire Rescue or, at the County Mayor's discretion, to the County Mayor's designee.~~

~~(g) The powers, functions and responsibilities of the Office of Americans with Disabilities Act Coordination and the Departments of General Services Administration (except for those powers, functions and responsibilities that set forth, define or otherwise affect infill housing), Procurement Management, Capital Improvement (except for those powers, functions and responsibilities that set forth, define or otherwise affect bond~~

~~programs), and Human Resources provided in Legislative Enactments are hereby transferred to the Department of Internal Services. All references in Legislative Enactments relating to the Office of Americans with Disabilities Act Coordination and the Departments of General Services Administration (except for those references that set forth, define or otherwise affect infill housing), Procurement Management, Capital Improvement (except for those references which set forth, define or otherwise affect bond programs), and Human Resources shall be deemed to be references to the Department of Internal Services. All delegations of Commission authority, power and responsibility to the Directors of the Office of Americans with Disabilities Act Coordination and the Departments of General Services Administration (except for those delegations which set forth, define or otherwise affect infill housing), Procurement Management, Capital Improvement (except for those delegations which set forth, define or otherwise relate to bond programs), and Human Resources shall be deemed to be a delegation to the Director of the Department of Internal Services or, at the County Mayor's discretion, to the County Mayor's designee. Notwithstanding the foregoing, the Director of the Department of Internal Services shall hold the powers and responsibilities of the personnel director as set forth in Section 5.05 of the Miami-Dade County Home Rule Charter.~~

~~(h) The powers, functions and responsibilities of the Departments of Strategic Budget Management, Agenda Coordination, Grants Coordination and Capital Improvements (only insofar those powers, functions and responsibilities set forth, define or otherwise affect bond programs) provided in Legislative Enactments are hereby transferred to the Department of Management and Budget. All references in Legislative Enactments relating to the Departments of Strategic Budget Management, Agenda Coordination, Grants Coordination and Capital Improvements (only those references that set forth, define or otherwise affect bond programs) shall be deemed to be references to~~

~~the Department of Management and Budget. All delegations of Commission authority, power and responsibility to the Director of the Departments of Strategic Budget Management, Agenda Coordination, Grants Coordination and Capital Improvements (only those delegations that set forth, define or otherwise affect bond programs) shall be deemed to be a delegation to the Director of the Department of Management and Budget, or at the County Mayor's discretion, to the County Mayor's designee.~~

~~(i) The powers, functions and responsibilities of the Public Housing Agency, General Services Administration (only those powers, functions and responsibilities that set forth, define or otherwise affect infill housing) and Department of Housing and Community development provided in Legislative Enactments are hereby transferred to the Department of Miami-Dade Housing and Urban Development. All references in Legislative Enactments relating to the Public Housing Agency, General Services Administration (only those references that set forth, define or otherwise affect infill housing) and Department of Housing and Community development shall be deemed to be references to the Department of Miami-Dade Housing and Urban Development. All delegations of Commission authority, power and responsibility to the Directors of the Public Housing Agency, General Services Administration (only those delegations that set forth, define or otherwise affect infill housing) and Department of Housing and Community Development shall be deemed to be a delegation to the Director of the Department of Miami-Dade Housing and Urban Development or, at the County Mayor's discretion, to the County Mayor's designee.~~

~~(j) The powers, functions and responsibilities of the Departments of Park and Recreation and Public Works (only those powers, functions and responsibilities that set forth, define or otherwise affect Right of Way Aesthetic and Assets Management functions) provided in Legislative Enactments are hereby transferred to the Department of Park, Recreation and Open Spaces. All references in Legislative Enactments relating~~

~~to the Departments of Park and Recreation and Public Works (only those references that set forth, define or otherwise affect Right-of-Way Aesthetic and Assets Management functions) shall be deemed to be references to the Department of Park, Recreation and Open Spaces. All delegations of Commission authority, power and responsibility to the Directors of the Departments of Park and Recreation and Public Works (only those delegations that set forth, define or otherwise affect Right-of-Way Aesthetic and Assets Management functions) shall be deemed to be a delegation to the Director of the Department of Park, Recreation and Open Spaces or, at the County Mayor's discretion, to the County Mayor's designee.~~

~~(k) The powers, functions and responsibilities of the Department of Solid Waste Management provided in Legislative Enactments are hereby transferred to the Department of Public Works. All references in Legislative Enactments relating to the Department of Solid Waste Management shall be deemed to be references to the Department of Public Works. All delegations of Commission authority, power and responsibility to the Director of the Department of Solid Waste Management shall be deemed to be a delegation to the Director of the Department of Public Works or, at the County Mayor's discretion, to the County Mayor's designee.~~

~~(l) Any delegation made by the County Mayor pursuant to this Section shall be made in writing and shall become effective upon the filing of the delegation, or any amendment or modification thereto, with the Clerk of the Board, with a copy to the County Attorney and each Commissioner. The Clerk of the Board shall list such delegations on the agenda of the next available Commission meeting and such delegations shall be subject to disapproval by majority vote of those Commissioners present upon a motion made at such meeting.~~

~~(m) Notwithstanding any provision of a Legislative Enactment to the contrary, the qualification and requirements of any Department Director set forth in any Legislative~~

~~Enactment may be satisfied by a designee of the County Mayor who shall (a) report directly to the Department Director and (b) have primary responsibility for overseeing the functions of the Department related to such qualifications. The County Mayor shall report to the Board of County Commissioners in writing which qualifications of a Department Director, if any, will be satisfied by a designee of the Mayor at the time the Mayor presents the appointment of the Department Director to the Board pursuant to Section 2.02(D) of the Miami-Dade County Home Rule Charter and Part 8.1 of the Rules of Procedure of the County Commission.<<]]~~

Section [[42]] >>11<<. Notwithstanding any other provision of the County Code, resolution or Implementing Order to the contrary, non-profit entities awarded grants of County monies from the Elected Officials Discretionary Reserve, Commission Office Funds, or County Services Reserve shall not be required to complete affidavits of compliance with the various policies or requirements applicable to entities contracting or transacting business with the County.

Section [[43]] >>12<<. Unless otherwise prohibited by law, this ordinance shall supersede all provisions of prior ordinances and resolutions in conflict herewith; provided, however, nothing in this ordinance shall amend or supersede the requirements of Ordinance 07-45, as amended.

Section [[44]] >>13<<. 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 [[45]] >>14<<. The provisions of 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 override by this Board. In the event all or any particular component of this ordinance are vetoed, the remaining components, if any, shall become effective ten (10) days

after the date of enactment and the components vetoed shall become effective only upon override by this Board.

Section ~~[[46]]~~ >>15<<. This ordinance does not contain a sunset provision.

~~[[Section 17. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of Section 11 of this Ordinance shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.]]~~

PASSED AND ADOPTED:

Approved by County Attorney as  to form and legal sufficiency.

ORD/ITEM D second reading

**UNINCORPORATED MUNICIPAL SERVICE AREA
GENERAL FUND REVENUE**

	NET* 2011-12 <u>BUDGET</u>
<u>TAXES</u>	
General Property Tax (Tax Roll: \$54,761,862,599)	\$104,479,000
Utility Tax	71,005,000
Communications Services Tax	41,760,000
Franchise Tax	<u>35,352,000</u>
Subtotal	<u>\$252,596,000</u>
<u>OCCUPATIONAL LICENSES</u>	
Business Taxes	<u>\$1,950,000</u>
Subtotal	<u>\$1,950,000</u>
<u>INTERGOVERNMENTAL REVENUES</u>	
State Sales Tax	\$64,691,000
State Revenue Sharing	48,210,000
Alcoholic Beverage Licenses	<u>255,000</u>
Subtotal	<u>\$113,156,000</u>
<u>CHARGES FOR SERVICES</u>	
Sheriff and Police Fees	<u>\$1,172,000</u>
Subtotal	<u>\$1,172,000</u>
<u>INTEREST INCOME</u>	
Interest	<u>\$618,000</u>
Subtotal	<u>\$618,000</u>

**UNINCORPORATED MUNICIPAL SERVICE AREA
GENERAL FUND REVENUE (cont'd)**

	<u>NET*</u> <u>2011-12</u> <u>BUDGET</u>
<u>OTHER</u>	
Administrative Reimbursements	\$11,312,000
Miscellaneous	<u>1,707,000</u>
Subtotal	<u>\$13,019,000</u>
<u>CASH CARRYOVER</u>	
Cash Carryover	<u>\$14,440,000</u>
Subtotal	<u>\$14,440,000</u>
Total	<u>\$396,951,000</u>

* All anticipated receipts have been adjusted as necessary in accordance with Chapter 129.01(2)(b) of the Florida Statutes.

**UNINCORPORATED MUNICIPAL SERVICE AREA*
EXPENDITURES**

	<u>2011-12 Budget</u>	
Office of the Mayor	1,578,000	
Board of County Commissioners (BCC)	4,546,000	
County Attorney	4,358,000	
Miami-Dade Police	302,400,000	
Non-departmental – Public Safety	1,771,000	
[[Cultural Affairs	513,000]]
Park and Recreation	15,145,000	
Non-departmental - Recreation and Culture	118,000	
>> <u>Building and Neighborhood Compliance</u>	<u>656,000</u>	<<
[[Permitting, Environment, and Regulatory Affairs	658,000]]
>> <u>Planning and Zoning</u>	<u>1,508,000</u>	<<
Public Works	5,916,000	
Non-departmental – Neighborhood and Infrastructure	710,000	
Non-departmental - Health and Human Services	59,000	
[[Sustainability, Planning, and Economic Enhancement	1,508,000]]
Non-departmental - Economic Development	317,000	
[[Agenda Coordination	129,000]]
Audit and Management Services	856,000	
>> <u>Enterprise Technology Services</u>	<u>7,669,000</u>	<<
[[Information Technology Services	7,669,000]]
>> <u>Human Rights and Fair Employment Practices</u>	<u>207,000</u>	<<
[[Internal Services Department	16,254,000]]
[[Community Information and Outreach	2,466,000]]
>> <u>General Services Administration</u>	<u>14,357,000</u>	<<
>> <u>Government Information Center</u>	<u>2,465,000</u>	<<
>> <u>Grants Coordination</u>	<u>552,000</u>	<<
>> <u>Human Resources</u>	<u>1,893,000</u>	<<
Management and Budget	677,000	
Non-departmental - General Government	29,193,000	
Total	<u><u>\$396,951,000</u></u>	-

* ***Schedule incorporates first change memo recommendations, including but not limited to, the elimination of the car allowance and technical adjustments. Changes related to the deletion of the reorganization are indicated by underline and strikethrough.***