



MEMORANDUM

Agenda Item No. 11(A)(2)

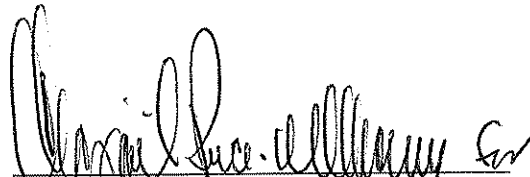
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 6, 2011

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

SUBJECT: Resolution directing Mayor to
negotiate an amendment to
Interlocal Cooperation Agreement
between Miami-Dade County, the
City of Miami and the Southeast
Overtown/Park West Community
Redevelopment Agency

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



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 6, 2011

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

SUBJECT: Agenda Item No. 11(A)(2)

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)(2)
12-6-11

RESOLUTION NO. _____

RESOLUTION DIRECTING MAYOR OR MAYOR'S DESIGNEE TO NEGOTIATE AN AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT BETWEEN MIAMI-DADE COUNTY, THE CITY OF MIAMI AND THE SOUTHEAST OVERTOWN/PARK WEST COMMUNITY REDEVELOPMENT AGENCY RELATED TO PROPOSED DEVELOPMENTS OR PROJECTS, INCLUDING BUT NOT LIMITED TO CASINOS, LOCATED WITHIN THE COMMUNITY REDEVELOPMENT AREA; DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO NEGOTIATE AN AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT TO PERMIT THE INCLUSION OF ONE MIAMI-DADE COMMISSIONER AS A MEMBER OF THE SOUTHEAST OVERTOWN/PARK WEST COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO SECTION 163.356(2), FLORIDA STATUTES AND RESOLUTION NOS. R-1382-09 AND R-871-11; AND REQUIRING A REPORT

WHEREAS, the State of 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, (the "Act"); and

WHEREAS, all powers arising through the Act are conferred upon counties with home rule charters; and

WHEREAS, on October 1, 1969, the Miami-Dade Board of County Commissioners ("Board") approved the establishment of the Southeast Overtown/Park West Community Redevelopment Area ("Agency") when it declared the area to be slum and blighted; and

WHEREAS, on December 7, 1982, the Board of County Commissioners of Miami-Dade County, Florida (the "Board") adopted Resolution No. R-1677-82 and enacted Ordinance No.

82-115, which approved the Agency's Redevelopment Plan (the "Plan") and created the Trust Fund, respectively; and

WHEREAS, on April 19, 1983, the Board adopted Resolution No. R-467-83, which approved an Interlocal Cooperation Agreement ("Interlocal") initially between the County and the City of Miami ("City"); and

WHEREAS, the Interlocal was subsequently amended by the Global Agreement, dated December 31, 2007, between the City of Miami, Miami-Dade County, Southeast Overtown/Park West CRA and Omni CRA to provide funding for Major Projects for the benefit of all parties, and Amendment to 1983 Interlocal Agreement, dated January 22, 2010 between the County, the City and the Agency; and

WHEREAS, on December 1, 2009, the Board adopted Resolution No. R-1382-09 directing the Mayor or the Mayor's designee to negotiate an amendment to each community redevelopment agency's interlocal cooperation agreement to ensure that one member of the Board serves as a member of these community redevelopment agencies as permitted by section 163.356(2) of the Florida Statute; and

WHEREAS, on October 4, 2011, the Board adopted Resolution No. R-871-11 wherein the Board established a policy requiring prior to the Board's approval of every new interlocal cooperation agreement or amendment to an existing interlocal cooperation agreement with a community redevelopment agency, and if applicable a municipality or other taxing authority, that the Mayor or the Mayor's designee shall negotiate with the community redevelopment agency to include a provision in the interlocal cooperation agreement that permits at least one County Commissioner to serve as a commissioner of the Agency as required by Resolution No. R-1382-09; and

WHEREAS, pursuant to Resolution No. R-871-11, the Board further established a policy requiring prior to the Board's approval of every new interlocal cooperation agreement or amendment to an existing interlocal cooperation agreement with a community redevelopment agency, and if applicable a municipality or other taxing authority, that the Mayor or the Mayor's designee shall negotiate with the community redevelopment agency, and if applicable, a municipality or other taxing authority to include a provision in the interlocal cooperation agreement that requires the community redevelopment agency to submit timely budgets for approval by this Board prior to the community redevelopment agency borrowing money, advancing funds or incurring indebtedness proposed to be repaid from or secured by the community redevelopment agency's tax increment financing funds; and

WHEREAS, there have been many media reports that a developer has plans to construct a casino within the geographical boundaries governed by the Agency; and

WHEREAS, the Board has expressed concerns related to the impact that constructing any type of casino and other similar developments in Miami-Dade County and more specifically within community redevelopment areas; and

WHEREAS, in light of these concerns, the Board adopted Resolution No. R-875-11, which directs the Mayor or the Mayor's designee to negotiate an amendment to the Omni CRA Interlocal Cooperation Agreement between the County, the City and the OMNI Community Redevelopment Agency ("Omni Agency") whereby the parties agree to address the future use of properties within the geographical boundaries governed by the Omni Agency; the remittance by the Omni Agency of the County's tax revenue increment generated as a result of any such developments and the inclusion of one County Commissioner to serve as a Omni Agency commissioner; and

WHEREAS, in light of the Board's concerns and direction taken with the Omni Agency, the Board wishes to amend the Interlocal to ensure that any similar developments within the geographical boundaries governed by the Agency are consistent with the Plan approved by the Board; that such developments will serve as a catalyst for the elimination of slum and blight within the Southeast Overtown/Park West community redevelopment area; that such developments will benefit the County, the City and the Agency; and that the County's interest as a stakeholder in the Southeast Overtown/Park West community redevelopment area are protected by ensuring that one of County commissioner serves as a member of the Agency,

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

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

Section 2. The Board directs the Mayor or the Mayor's designee to negotiate an amendment to the Southeast Overtown/Park West Interlocal Agreement between the County, the City and the Agency whereby the parties agree to (1) address future developments and projects, including but not limited to the development of any casino, within the geographical boundaries of the community redevelopment area; (2) to require the Agency, in addition to the requirements set forth in the Interlocal, as amended, to remit annually to the County's General Fund at the end of the Agency's fiscal year a minimum of 45% of the County's tax increment revenue generated as a result of any such developments or project; (3) to negotiate any additional fiscal arrangements in the best interests of the County, while ensuring that the County's, the City's and the Agency's interests are protected; and (4) to ensure that any tax increment revenue funds remitted to the County by the Agency is reinvested by the County into the Southeast

Overtown/Park West community redevelopment area in furtherance of the redevelopment goals set forth in the Agency's Plan, subject to annual appropriation by the Board.

Section 3. The Board directs the Mayor or the Mayor's designee to also negotiate an amendment to the Interlocal between the County, the City and the Agency to provide for the appointment of one County Commissioner to the board of commissioners of the Agency pursuant to Resolution Nos. R-1382-09, R-871-11 and section 163.356(2) of the Florida Statute.

Section 4. The Board 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 the status of negotiations undertaken pursuant to this resolution.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of December, 2011. 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

8