MEMORANDUM

Agenda Item No. 7(A)

(Second Reading 3-20-12)

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

DATE: March 12, 2012

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

SUBJECT: Ordinance relating to road impact fees; amending Section 33E-6.1 of the Code; delaying the scheduled percentage increase of the road impact fee; providing retroactive application

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: March 20, 2012

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance relating to Road Impact Fees

The implementation of this item will not have a fiscal impact on the FY 2011-12 Adopted Budget for the Public Works and Waste Management Department, as the increase was not previously programmed. However, it is estimated that the proposed ordinance will preclude the County from generating additional Road Impact Fee revenue of approximately $750,000 in FY 2012-13.

Office of the Mayor

Fls4712

2

MEMORANDUM

(Revised)

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

DATE: March 20, 2012

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

SUBJECT: Agenda Item No. 7(A)

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. 7(A)
3-20-12

ORDINANCE NO. _____

ORDINANCE RELATING TO ROAD IMPACT FEES; AMENDING SECTION 33E-6.1 OF THE CODE OF MIAMI-DADE COUNTY (CODE); DELAYING THE SCHEDULED PERCENTAGE INCREASE OF THE ROAD IMPACT FEE; PROVIDING RETROACTIVE APPLICATION; 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. Subsection 33E-6.1 of the Code of Miami-Dade County is hereby amended to read as follows:[1]

Sec. 33E-6.1. Payment of Road Impact Fees

* * *

(h) All developments subject to road impact fees paid on or after April 22, 2009, but prior to April 22, 2010, shall be obligated to pay thirty (30) percent of the fee as computed herein. All developments subject to road impact fees paid on or after April 22, 2010, but prior to April 22, [[~~2012~~]] >>2013<<, shall be obligated to pay fifty (50) percent of the fee as computed herein. All developments subject to road impact fees paid on or after April 22, [[~~2012~~]] >>2013<<, but prior to April 22, [[~~2013~~]] >>2014<<, shall

[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.

be obligated to pay sixty-five (65) percent of the fee as computed herein. All developments subject to road impact fees paid on or after April 22, [[~~2013~~]] >>2014<<, but prior to April 22, [[~~2014~~]] >>2015<<, shall be obligated to pay eighty (80) percent of the fee as computed herein. All developments subject to road impact fees paid on or after April 22, [[~~2014~~]] >>2015<<, but prior to January 1, [[~~2015~~]] >>2016<< shall be obligated to pay ninety (90) percent of the fee as computed herein. All developments subject to road impact fees paid on or after January 1, [[~~2015~~]] >>2016<<, shall be obligated to pay one hundred (100) percent of the fee as computed herein. This subsection shall expire on January 1, [[~~2015~~]] >>2016<<.

Section 2. Developments that were obligated to pay sixty-five (65) percent of the road impact fee on or after April 22, 2012, but prior to the effective date of this ordinance shall be reimbursed the difference between the amount paid and fifty (50) percent of the road impact fee as computed pursuant to Section 33E-6.1 of the Code. It is provided, however, that no reimbursement shall be made unless the fee payer submits an application for reimbursement to the Department of Permitting, Environment and Regulatory Affairs Impact Fee Section within one year from the effective date of this ordinance.

Section 3. 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 4. 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 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 5. This ordinance shall become effective ten (10) days after enactment, unless vetoed by the Mayor, and if vetoed, shall become effective on such date only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency: APW

Prepared by: CHC

Craig H. Coller

Prime Sponsor: Commissioner Bruno A. Barreiro