

MEMORANDUM

EDSS
Agenda Item No. 2D

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

DATE: October 17, 2012

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

SUBJECT: Resolution providing for
renegotiation of the County's
agreement with its official
Economic Development
Organization (The Beacon
Council, Inc.)

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell and Co-Sponsor Commissioner Xavier L. Suarez.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: November 8, 2012

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

SUBJECT: Agenda Item No.

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

Agenda Item No.

Veto _____

11-8-12

Override _____

RESOLUTION NO. _____

RESOLUTION PROVIDING FOR RENEGOTIATION OF THE COUNTY'S AGREEMENT WITH ITS OFFICIAL ECONOMIC DEVELOPMENT ORGANIZATION (THE BEACON COUNCIL, INC.) AND REQUIRING THE MAYOR OR THE MAYOR'S DESIGNEE TO SUBMIT A WRITTEN REPORT AND RESOLUTION TO ACCOMPLISH ANY AGREED-UPON AMENDMENTS TO SUCH AGREEMENT

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 and authorizes certain counties, including Miami-Dade County, to levy and collect an additional business tax, which 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 strategy"); and

WHEREAS, on June 11, 1987, this Board of County Commissioners (the "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 this additional amount of tax; and

WHEREAS, the Code designates the Miami-Dade Beacon Council, Inc., ("Beacon Council") as the agency to receive this additional local business tax revenues; and

WHEREAS, the County and the Beacon Council entered into an agreement on October 1, 1987 (the "Agreement"), a copy of which is on record with the Clerk of the Board of

County Commissioners, which required the Beacon Council to oversee and implement the economic development strategy for Miami-Dade County as “developed and set forth in a November 15, 1985 report” of the Beacon Council, in consideration for its receipt of the additional local business tax revenues; and

WHEREAS, Article 1 of the Agreement further requires the Beacon Council to render services in overseeing and implementing the economic development strategy for the County, which include but are not limited to: “advertising, promotional activities; stimulation of grants and contributions to Small Business Administration licensed venture capital entities; (MSBICs/Section 301(d) Investment Companies); merchandising; general marketing, in all its forms; direct sales; the securing and encouragement of private sector funding; aggressive recruitment of new industries; and retention and expansion of existing businesses; and any other appropriate sale and marketing techniques to promote Dade County”; and

WHEREAS, the Board has appropriated \$3.750 million from the County’s FY 2012-13 budget to the Beacon Council; and

WHEREAS, these funds are local taxpayer dollars, and every effort should be made to ensure that all such funds are used in a manner that is fiscally responsible, transparent and reflective of the needs of Miami-Dade County, including the pressing economic needs threatening the economic survival of the County’s urban and rural communities; and

WHEREAS, in light of its long history and collaboration, the County and the Beacon Council should come together and negotiate certain amendments and updates to the Agreement to accomplish the purposes herein,

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

Section 1. The foregoing recitals are incorporated in this resolution and are findings of this Board.

Section 2. The Mayor or Mayor's designee, the Chairperson of the Board or the Chairperson's designee, a business person/community leader appointed by the Board and a representative of a regional economic development entity appointed by Board shall meet with no more than four (4) representatives of the Beacon Council to negotiate possible amendments to the Agreement, including but not limited to:

A. Providing for an annual joint meeting between the Executive Committee of the Beacon Council and the Board on or before June 1 of each year at which the following agenda items are to be discussed:

(1) the economic development strategy to be implemented by the Beacon Council pursuant to the Agreement, which requires the Beacon Council to provide the following services: "advertising, promotional activities; stimulation of grants and contributions to Small Business Administration licensed venture capital entities; (MSBICs/Section 301(d) Investment Companies); merchandising; general marketing, in all its forms; direct sales; the securing and encouragement of private sector funding; aggressive recruitment of new industries; and retention and expansion of existing businesses; and any other appropriate sale and marketing techniques to promote Dade County" etc.;

(2) Board input regarding the economic development strategy to be implemented by the Beacon Council, following recommendations by the County's Office of Economic Development and International Trade as to the strategy and

implementation of the strategy to be provided to the Board and the Beacon Council at least thirty (30) days in advance of the annual meeting;

(3) benchmarks and goals, including those for the upcoming year, as well as long range goals, that the Beacon Council should achieve in order to carry out its obligations pursuant to the Agreement;

(4) the Beacon Council's efforts focused on creating, sustaining and/or growing local businesses, including businesses in urban and rural communities; and

(5) the Beacon Council's annual line-item budget providing its anticipated revenues, salaries, and other expenditures and a report detailing the amount of the Beacon Council's salaries and other expenditures which are paid by County funding.

The annual meeting shall be noticed as a public hearing. Regional economic development entities, including but not limited to, the Greater Miami Chamber of Commerce, the Miami-Dade Chamber of Commerce, the Economic Development Council of South Miami-Dade, the Latin Chamber of Commerce of the United States (CAMACOL) and other recognized entities shall be invited by the Chairperson of the Board to speak at the annual meeting.

- B.** Deleting of the automatic renewal provision of the Agreement, as is more fully described in the Agreement, and the addition of a more customary provision for renewal of the Agreement at the option of the Board and the Beacon Council.
- C.** Allowing the Board to appoint one (1) of the voting members to the Beacon Council's Executive Committee.
- D.** Requiring the Beacon Council annually to submit its line-item budget providing its anticipated revenues, salaries, and other expenditures and a report detailing the

amount of the Beacon Council's salaries and other expenditures which are paid by County funding.

- E. Requiring the Beacon Council to create an advisory board comprised of regional economic development organizations to provide recommendations as to the development of the economic development strategy and any subsequent plans to implement such strategy.
- F. Requiring other provisions or amendments which are necessary or appropriate to ensure that business tax dollars are being used responsibly and transparently.
- G. Providing for any changes needed to update the Agreement.

Section 3. Within ninety (90) days from the effective date of this resolution, the negotiations required by this resolution shall be completed. Under sponsorship of the Board, the Mayor shall provide a written report on the negotiations to the Board's committee of jurisdiction, accompanied by a resolution to approve any proposed agreed-upon amendments to the Agreement. The written report and resolution shall be placed on the next available committee and commission agendas, as applicable, following the completion of negotiations.

Section 4. The Mayor or the Mayor's designee, the Chairperson of the County Commission, and the County Attorney's Office shall provide necessary assistance or advice and may take all actions necessary or appropriate to carry out the intent of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Lynda Bell and the Co-Sponsor is Commissioner Xavier L. Suarez. 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 8th day of November, 2012. 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