

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: (Second Reading 7-2-13)
April 2, 2013

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

SUBJECT: Ordinance repealing Ordinance
05-14 for the establishment of
Homestead Educational Facilities
Benefit District; dissolving the
District and authorizing the
Mayor to terminate Interlocal
Agreement with the School
Board of Miami-Dade County,
City of Homestead and the
District

The accompanying ordinance was placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: July 2, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, written over the printed name.

Subject: Ordinance Repealing Ordinance 05-14 for the Establishment of Homestead Educational Facilities Benefit District; Dissolving the District and Authorizing the Mayor to Terminate Interlocal Agreement with the School Board of Miami-Dade County, City of Homestead and the District

The proposed ordinance dissolves the Homestead Educational Facilities Benefit District (District) and authorizes the Mayor to terminate the Interlocal Agreement with the School Board of Miami-Dade County, City of Homestead and the District. Implementation of this ordinance will have no fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Edward Marquez". The signature is fluid and cursive, written over the printed name.

Edward Marquez
Deputy Mayor

Fis6613



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 2, 2013

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 Mayor'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. 7(A)

Veto _____

7-2-13

Override _____

ORDINANCE NO. _____

ORDINANCE REPEALING ORDINANCE 05-14 FOR THE ESTABLISHMENT OF HOMESTEAD EDUCATIONAL FACILITIES BENEFIT DISTRICT (“DISTRICT”); DISSOLVING THE DISTRICT AND AUTHORIZING THE MAYOR OR DESIGNEE TO TERMINATE INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY, CITY OF HOMESTEAD AND THE DISTRICT; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade Board of County Commissioners approved the establishment of the Homestead Educational Facilities Benefit District (the “District”) by adopting Ordinance No. 05-14; and

WHEREAS, pursuant to Resolution No. 82-05, Miami-Dade County entered into an Interlocal Agreement with the School Board of Miami-Dade County, City of Homestead and the District to implement the provisions Ordinance No. 05-14; and

WHEREAS, the Board of Supervisors of the District, by Resolution 2012-05 (Attachment I), requests the District be dissolved and the Interlocal Agreement be terminated; and

WHEREAS, the District has no outstanding financial obligation and no operating or maintenance responsibilities,

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

Section 1. The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

Section 2. The Resolution of the District that requests that the District be dissolved and the Interlocal Agreement be terminated is hereby granted.

Section 3. As a result of the granting of the District's Resolution, Ordinance No. 05-14 is hereby repealed.

Section 4. The Mayor or his designee is authorized to execute all instruments necessary to terminate the Interlocal Agreement.

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 be excluded from the Code of Miami-Dade County.

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:



Craig H. Coller

Prime Sponsor: Vice Chair Lynda Bell

RESOLUTION NO. 2012-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HOMESTEAD EDUCATIONAL FACILITIES BENEFIT DISTRICT ("HEFBD") AUTHORIZING TERMINATION OF THE INTERLOCAL AGREEMENT ESTABLISHING THE HEFBD AND THE DISSOLUTION OF THE HEFBD BY MIAMI-DADE COUNTY; REQUESTING, SUBJECT TO THE CONDITIONS CONTAINED HEREIN, THAT THE CITY OF HOMESTEAD AND THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA EACH TAKE APPROPRIATE ACTION TO SUPPORT THE TERMINATION OF THE INTERLOCAL AGREEMENT AND THE DISSOLUTION OF THE HEFBD; AND FURTHER REQUESTING THAT MIAMI-DADE COUNTY AUTHORIZE TERMINATION OF THE INTERLOCAL AGREEMENT AND APPROVE AN ORDINANCE OR TAKE SUCH OTHER REQUIRED ACTION TO FORMALLY DISSOLVE THE HEFBD; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the HEFBD was established pursuant to Miami-Dade County Ordinance 05-14 enacted by the Board of County Commissioners on January 20, 2005, and effective January 30, 2005, and the Interlocal Agreement between the HEFBD, Miami-Dade County, the City of Homestead, and the School Board of Miami-Dade County, Florida, which Interlocal Agreement is dated September 5, 2005 as more particularly set forth in Miami-Dade County Resolution No. 82-05, recorded at Official Records Book 25329, Page 762 of the Public Records of Miami-Dade County, Florida.

WHEREAS, the HEFBD has acted in accordance with Chapters 189, Florida Statutes, Section 101.3.355, Florida Statutes, the Interlocal Agreement and the Ordinance in conducting its business and taking such action to fulfill the fiscal obligations of the HEFBD; and

WHEREAS, the HEFBD expects that such fiscal obligations will be paid in full on or before March 1, 2013; and

WHEREAS, the District Board of Supervisors has determined that once any and all such debts of the District have been paid in full, that it is in the best interest of the District, and those residing or owning land within the boundaries of the District, to terminate the Interlocal Agreement and formally dissolve the HEFBD, with such HEFBD having no further action to take; and

WHEREAS, the HEFBD Board of Supervisors requests that Miami-Dade County, the City of Homestead, and the School Board of Miami-Dade County, Florida, support the pronouncements of this resolution and take such actions as necessary to fulfill the intent of the resolution, terminating the Interlocal Agreement and formally dissolving the HEFBD, effective March 1, 2013 or whenever the fiscal obligations of the HEFBD are fully satisfied, whichever is earlier.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HOMESTEAD EDUCATIONAL FACILITIES BENEFIT DISTRICT, THAT:

SECTION 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby incorporated into and made a part of this Resolution.

SECTION 2. Pursuant to Miami-Dade County Ordinance 05-14, the Interlocal Agreement, and Sections 189.4042 and 1013.355, Florida Statutes, the HEFBD consents to the termination of the Interlocal Agreement and the formal dissolution of the HEFBD, provided that any and all such debts of the HEFBD have been paid in full and that any remaining funds of the HEFBD have been properly disposed of in accordance with applicable law and the direction of the HEFBD Board of Supervisors.

SECTION 3. The HEFBD requests that the City of Homestead, Miami-Dade County and the School Board of Miami-Dade County, Florida join in this resolution and consent to the termination of the Interlocal Agreement and the dissolution of the HEFBD, taking such actions as necessary to effectuate such intent. Any authorization or consent to such termination shall be effective March 1, 2013 or whenever the fiscal obligations of the HEFBD have been fully satisfied, whichever is earlier.

SECTION 4. District Staff and the Chairman of the HEFBD Board of Supervisors are hereby authorized and directed to take any and all necessary actions for the purpose of terminating the Interlocal Agreement and dissolving the HEFBD as set forth in this resolution.

SECTION 5. This Resolution shall become effective immediately upon adoption.

THIS RESOLUTION PASSED AND ADOPTED THIS 23rd DAY OF AUGUST, 2012.

ATTEST:



Secretary/Assistant Secretary

**HOMESTEAD EDUCATIONAL FACILITIES
BENEFIT DISTRICT**



Chairman