

MEMORANDUM

Agenda Item No. 4(E)

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

DATE: February 4, 2014

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

SUBJECT: Ordinance pertaining to the incorporation of new municipalities; amending Section 20-26 of the Code; amending the Code to require that any new municipality receive and pay for local patrol services from Miami-Dade County for longer than the currently required three year period

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM
(Revised)

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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
Veto _____
Override _____

Agenda Item No. 4(E)
2-4-14

ORDINANCE NO. _____

ORDINANCE PERTAINING TO THE INCORPORATION OF NEW MUNICIPALITIES; AMENDING SECTION 20-26 OF THE CODE OF MIAMI-DADE, FLORIDA; AMENDING THE CODE TO REQUIRE THAT ANY NEW MUNICIPALITY RECEIVE AND PAY FOR LOCAL PATROL SERVICES FROM MIAMI-DADE COUNTY FOR LONGER THAN THE CURRENTLY REQUIRED THREE YEAR PERIOD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Section 20-26(b) Code of Miami-Dade County currently requires that, as a condition of incorporation, each new municipality shall include a provision in its charter and shall agree to contract with the Miami-Dade County Police Department and pay for local patrol police services for three years or such longer period of time as may be requested by the municipality; and

WHEREAS, this requirement to utilize the County's police department for the provision of local patrol services should be increased to five years with an additional one-year transitional period; and

WHEREAS, hiring and training of the County's sworn police personnel takes over a year before the new employees are able to be state certified and assigned as a law enforcement officer; and

WHEREAS, additional lead time is necessary to allow the Miami-Dade County Police Department to plan in the long-term for its staffing needs, including hiring new sworn personnel, in order to appropriately allocate current and future County resources,

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

Section 1. Section 20-26 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-26. - Future Municipalities' Obligations to the County.

- (a) As a condition of incorporation approved pursuant to ~~[[Article V]]~~ >>Section 6.05(A)<< of the Miami-Dade County Home Rule Charter, each new municipality shall include a provision in its charter and shall agree to remain a part of the Miami-Dade County Fire-Rescue District and the Miami-Dade County Library System in perpetuity.
- (b) As a condition of incorporation approved pursuant to Article V>>I<< of the Miami-Dade County Home Rule Charter, each new municipality shall include a provision in its charter and shall agree in perpetuity to contract with the Miami-Dade County Police Department ("MDPD") and pay for specialized police services from its municipal millage or other municipal funds. For purposes of this subsection, specialized police services include, but are not limited to, narcotics, criminal intelligence, economic crimes, homicide, robbery, sexual crimes, environmental crimes, domestic crimes, and crime scene investigations; property and evidence efforts; tactical operations activities; and aviation patrol.
- (c) As a condition of incorporation approved pursuant to ~~[[Article V]]~~ >>Section 6.05(A)<< of the Miami-Dade County Home Rule Charter, each new municipality shall include a provision in its charter and shall agree to contract with the Miami Dade County Police Department ("MDPD") and pay for local patrol police services for ~~[[three years]]~~ >>five years with an additional one year transitional period<< or such longer period of time as may be requested by the municipality.

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.

- (d) The fiscal impact of an incorporation on the remainder of the unincorporated area shall be revenue neutral; provided, however, any municipality which does not meet the foregoing requirement, as a condition of incorporation pursuant to ~~[[Article V]]~~ >>Section 6.05(A)<< of the Miami-Dade County Home Rule Charter, shall agree to make an annual mitigation payment to the County's Municipal Services Trust Fund in the Unincorporated Municipal Service Area Budget, the amount of which shall be determined by the Board of County Commissioners, in the event of a negative fiscal impact of the municipality's incorporation on the unincorporated area. For purposes of this subsection, "a revenue neutral municipality" is defined as an area that previously, as part of the unincorporated municipal service area, generated revenues equal to or less than the cost of services provided to the area by the County. Any annual mitigation amount determined by the Board of County Commissioners pursuant to the provisions of this paragraph shall be established so as not to trigger "most-favored-nation-status" clauses which are contained in any municipal charter.
- (e) As a condition of incorporation approved pursuant to ~~[[Article V]]~~ >>Section 6.05(A)<< of the Miami-Dade County Home Rule Charter, each new municipality shall include in its charter that such municipality shall be responsible for (i) its pro-rata share of any County debt outstanding at the time the municipality incorporates and with respect to the Stormwater Utility, outstanding at the time the municipality elects to be separate from the Stormwater Utility through an interlocal agreement or by exemption and (ii) its prorata share of any refunding of such debt. The municipality's annual pro-rata share of debt service shall be determined by multiplying the total debt service in each Fiscal Year by the municipality's percentage share of pledged revenues (revenues pledged by the County to the repayment of the debt). The municipality's percentage share shall be determined by dividing the pledged revenues collected within the municipality during the County's Fiscal Year in which municipality incorporates, and with respect to the Stormwater Utility in the Fiscal Year in which the municipality elects to separate from the Stormwater Utility district; by the total pledged revenues collected in that same Fiscal Year. It is further provided that the municipality's charter shall authorize the

County to continue to collect and distribute the pledged revenues in a manner that is consistent with the requirements of the debt and shall recognize the municipality's obligations pursuant to this subsection.

- (f) The Board of County Commissioners may by way of resolution allow the distribution of existing unincorporated bond proceeds to municipalities created after September 1, 2000 for the same type of project originally described in the bond documents.
- (g) As a condition of incorporation approved pursuant to ~~[[Article V]]~~ >>Section 6.05(A)<< of the Miami-Dade County Home Rule Charter, each new municipality, as a part of its charter, shall provide for adoption of Miami-Dade County's workforce housing development program established at Chapter 33, Article XIIA of the Code of Miami-Dade County, as amended, provided, however, that any municipality may establish and enforce more stringent regulations as necessary to ensure provision of workforce housing units within its jurisdiction.

Section 2. 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 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a 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 4. 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:



Cynthia Johnson-Stacks
Craig H. Coller

Prime Sponsor: Commissioner Barbara J. Jordan