MEMORANDUM

Agenda Item No. 7(C)

(Second Reading 11-5-14)

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

DATE: September 3, 2014

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

SUBJECT: Ordinance amending Section 29-6 of the Code relating to tax increment financing for Southeast/Overtown Park West Redevelopment Area

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: November 5, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Amending Section 29-6 of The Code Of Miami-Dade County Relating To Tax Increment Financing For Southeast/Overtown Park West Redevelopment Area

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The proposed ordinance relating to Tax Increment Financing for the Southeast/Overtown Park West Redevelopment Area amends Section 29-6 of the Code of Miami-Dade County, which among other things removes the cap as it pertains to the County's annual appropriation to the trust fund.

On August 5, 2014, the County Attorney opined that once the Southeast/Overtown Park West Redevelopment Agency (Agency) issues debt, the County can no longer impose a cap. In August of 2014, the Agency issued $49.9 million in bonds authorized by the Board of County Commissioners on June 18, 2013 through Resolution No. R-480-13. Implementation of this ordinance will not have a fiscal impact to the County.

Edward Marquez
Deputy Mayor

Fis9814

MEMORANDUM
(Revised)

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

DATE: November 5, 2014

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

SUBJECT: Agenda Item No. 7(C)

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. 7(C)
11-5-14

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 29-6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO TAX INCREMENT FINANCING FOR SOUTHEAST/OVERTOWN PARK WEST REDEVELOPMENT AREA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, by Resolution No. R-1677-82, the County approved a redevelopment plan for the Southeast Overtown/Park West Community Redevelopment Area; and

WHEREAS, pursuant to Ordinance No. 82-115, which was subsequently codified into Section 29-6 of the Miami-Dade County Code, the County approved the annual appropriation of tax increment funds into a trust fund to be used for redevelopment purposes in the redevelopment area and set forth certain limits on the obligation to appropriate; and

WHEREAS, the Southeast Overtown/Park West Community Redevelopment Area is the only community redevelopment area in the County subject to the appropriation restrictions sets forth in Section 29-6 of the Miami-Dade County Code; and

WHEREAS, pursuant to Resolution No. R-480-13, the County authorized the Southeast Overtown/Park West Community Redevelopment Agency (Agency) to issue up to $60,000,000.00 of tax increment revenue bonds for certain specified projects located in the Redevelopment Area; and

WHEREAS, the County Attorney's Office has opined that once the Agency issues indebtedness approved by the County which is secured by the tax increment, the County cannot impose the restrictions set forth in Section 29-6 of the Miami-Dade County Code as long as such debt is outstanding; and

WHEREAS, this Board has determined it to be in the best interest of the County to amend Section 29-6 of the Miami-Dade County Code,

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

Section 1. Section 29-6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 29-6. Tax increment financing for Southeast Overtown/Park West Redevelopment Area.

* * *

(c) *Obligation to appropriate; duration of obligation; limitations on [[~~obligation,~~]] bond sales and refunding; accounting requirements for County increment.* The County shall annually appropriate to the fund the tax increment due the fund by January first of each year.[[~~The County's obligation to appropriate to the fund shall be rescindable, at the discretion of the County, if a period of four (4) years passes from the date of the initial bonding or indebtedness described below without the sale of bonds or other new commitment of County tax increment dollars to the payment of debt service for capital improvement or land acquisition bonds, except that the rights of existing bondholders shall be protected.~~]]The County's obligation to annually appropriate to the fund shall commence immediately upon the effective date of this section (ten (10) days after December 21, 1982) and continue until all loans, advances and indebtedness incurred as a result of the community redevelopment project have been paid [[~~or for four (4) years from the effective date of this section, if there has not been, at the end of that four-year period, a pledge of the tax increment funding granted by this section through the issuance, sale and delivery of an instrument of indebtedness such as bond or tax anticipation notes described in Section 163.385, Florida Statutes~~]]. In no year shall the County's obligation to the fund exceed the amount of that year's tax increment as determined in subsection (b) of this section. [[~~Beginning with the twentieth year after the date of~~

[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.

~~sale of the initial bonding or indebtedness and in every year thereafter, the County's annual appropriation to the fund shall not exceed the amount which is deposited in the nineteenth year.]]~~ Beginning with the twentieth year after the date of sale of the initial bonding or indebtedness, no new sale of bonds or indebtedness supported by the County's tax increment may occur nor may existing indebtedness so supported be refunded without approval of the Board of County Commissioners. The County's increment contributions are to be accounted for as a separate revenue within the fund but may be combined with other revenues for the purpose of paying debt services.

(d) *Review and approval of master bond indenture or other financing instrument or ordinance or resolution authorizing financing instruments; review of subsequent financing instruments to assure compliance with master indenture.* The County Commission shall approve the initial master bond indenture and ordinance or resolution authorizing financing instruments and instruments of indebtedness such as bonds or tax anticipation notes as described in Section 163.385, Florida Statutes, as to its provisions relating to refunding, prepayment and redemption, other provisions relating to the governance of financing instruments and instruments of indebtedness, the application of funds necessary to pay costs of necessary residential property acquisition, moving expenses and relocation benefits as provided under the redevelopment plan. Subsequent financing instruments or instruments of indebtedness prepared pursuant to the master indenture shall be reviewed by the County >>Mayor or Mayor's designee<< [[~~Manager~~]] and shall be approved unless he >>or she<< determines that the instruments do not conform with the terms of the approved initial master indenture and ordinance or resolution authorizing financing instruments.

* * *

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: JRA

Prepared by: JRA

Juliette Antoine
Gerald Heffernan
Terrence A. Smith

Prime Sponsor: Commissioner Audrey M. Edmonson