

MEMORANDUM

Alternate No. 2
Agenda Item No. 11(A)(12)

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

DATE: September 3, 2014

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

SUBJECT: Resolution calling countywide special election in Miami-Dade County, Florida, to be held on Tuesday, November 4, 2014, in conjunction with the general election for the purpose of submitting to the electors of Miami-Dade County the bond referendum question whether to approve issuance of general obligation bonds for purpose of funding Capital Improvement Projects for Miami-Dade County Courts

This alternative differs from the original item by excluding the \$132,000,000 refinancing request, including an additional \$58,000,000 for other repairs to the 1928 Courthouse to allow for the continued use of that Courthouse, and reducing the new courthouse request to \$225,000,000 accounting for a smaller new courthouse for a total bond amount of \$315,000,000.

The sponsoring Commissioner has requested that this resolution become effective upon the earlier of: (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM
(Revised)

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

DATE: September 3, 2014

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

Alternate No. 2
SUBJECT: Agenda Item No. 11(A)(12)

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

Mayor

Override _____

RESOLUTION NO. _____

RESOLUTION CALLING COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, IN CONJUNCTION WITH THE GENERAL ELECTION FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE BOND REFERENDUM QUESTION WHETHER TO APPROVE ISSUANCE OF GENERAL OBLIGATION BONDS FOR PURPOSE OF FUNDING CAPITAL IMPROVEMENT PROJECTS FOR MIAMI-DADE COUNTY COURTS

WHEREAS, the availability of judicial review for both public and private matters is one of the bedrock principles of American democracy; and

WHEREAS, adequate court facilities are necessary to properly hear and resolve cases in a timely manner; and

WHEREAS, the County's courthouses are aging and no longer able to meet the demand of Miami-Dade County residents, businesses and litigants; and

WHEREAS, the Miami-Dade County Courthouse at 73 W. Flagler Street ("1928 Courthouse") was initially constructed over four years from 1925-1928 and this aging facility is no longer able to meet the needs of Miami-Dade County; and

WHEREAS, on July 15, 2014, this Board adopted Resolution R-680-14 directing the County Mayor to confer with the Honorable Bertila Soto, Chief Judge of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, regarding courthouse capital construction needs and to submit a recommendation to this Board regarding the need for repairs to existing facilities and the needs for new facilities as well as potential financing vehicles; and

~~[[WHEREAS, Chief Judge Soto has conferred with the County Mayor or County Mayor's designee and requests County funding for the construction of critically needed court facilities and projects including:~~

- ~~(i) — funding emergency repairs to existing main civil courthouse;~~
- ~~(ii) — land acquisition for a new main civil courthouse (or an agreement to buy the land or air rights as the case may be);~~
- ~~(iii) — design and construction of a new main civil courthouse; and~~
- ~~(iv) — restructuring existing debt; and~~

~~WHEREAS, the County Mayor has issued a report recommending repairs, construction and financing as requested by the Chief Judge; and~~

~~WHEREAS, this Board finds it necessary and appropriate and in the best interest of the County and its citizens to hold a special election to submit a bond referendum to the electors of Miami-Dade County to authorize the issuance of general obligation bonds (the "Bonds") in a principal amount not to exceed \$540,000,000 as needed, in one or more series from time to time, which Bonds will be payable from ad-valorem taxes collected within the County to fund these needed court construction projects; and]]¹~~

>>WHEREAS, Chief Judge Soto has conferred with the County Mayor or County Mayor's designee and requests County funding for the construction of critically needed court facilities and projects including:

- (v) funding repairs to existing main civil courthouse;

¹ The differences between the alternate and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

(vi) land acquisition for a new main civil courthouse (or an agreement to buy the land or air rights as the case may be); and

(vii) design and construction of a new main civil courthouse; and

WHEREAS, the County Mayor has issued a report recommending emergency repairs, construction and financing as requested by the Chief Judge; and

WHEREAS, additional repairs to the 1928 Courthouse will cost approximately \$58,000,000 and will allow the 1928 Courthouse to continue to operate as a courthouse thus reducing the required size and cost of the new civil courthouse; and

WHEREAS, the Board has considered the Mayor's report and desires to request that voters of Miami-Dade County authorize the issuance of bonds to pay for the costs of emergency and other repairs to the 1928 Courthouse and fund the land acquisition, design and construction of a smaller than proposed new main civil courthouse while maintaining some court facilities in the 1928 Courthouse; and

WHEREAS, this Board therefore finds it necessary and appropriate and in the best interest of the County and its citizens to hold a special election to submit a bond referendum to the electors of Miami-Dade County to authorize the issuance of general obligation bonds (the "Bonds") in a principal amount not to exceed \$315,000,000 as needed, in one or more series from time to time, which Bonds will be payable from ad valorem taxes collected within the County to fund these needed court construction projects; and<<

WHEREAS, Section 100.201, Florida Statutes, provides that whenever the Board of County Commissioners shall have the power to call such a bond referendum special election, "the election costs of such referendum shall be paid ... out of the County ... treasury;" and

WHEREAS, holding this bond referendum in conjunction with the General Election rather than as a stand alone election will greatly reduce the costs to the County of holding such election; and

WHEREAS, if the issuance of the Bonds is approved by a majority of the County's qualified electors, the County may issue such Bonds only after Board approval of such issuance in accordance with State and local law,

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

Section 1. The preamble to this Resolution is approved and incorporated in this Resolution by reference.

Section 2. A countywide special election is hereby called and shall be held on Tuesday, November 4, 2014, in conjunction with the General Election, for the purpose of submitting to the qualified electors of Miami-Dade County the bond referendum question as set forth below in Section 4 of this Resolution.

Section 3. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 4. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will

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close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

[[FUNDING COURT PROJECTS THROUGH ISSUANCE OF
GENERAL OBLIGATION BONDS

~~SHALL THE COUNTY FUND EMERGENCY REPAIRS TO THE 1928 COURTHOUSE, ACQUISITION AND CONSTRUCTION OF NEW COURT FACILITIES, AND THE REFINANCING OF EXISTING COURT FACILITIES DEBT BY ISSUING, FROM TIME TO TIME, GENERAL OBLIGATION BONDS PAID OR SECURED BY TAXES DERIVED FROM THE ASSESSED VALUE OF PROPERTY IN THE COUNTY (AD VALOREM TAXES) IN A PRINCIPAL AMOUNT NOT EXCEEDING \$540,000,000.00, BEARING INTEREST NOT EXCEEDING MAXIMUM LEGAL RATE, AND MATURING WITHIN 30 YEARS FROM ISSUANCE?~~

~~FOR BONDS~~

~~AGAINST BONDS]]~~

>>FUNDING COURT PROJECTS THROUGH ISSUANCE OF
GENERAL OBLIGATION BONDS

SHALL THE COUNTY FUND EMERGENCY AND OTHER REPAIRS TO THE 1928 COURTHOUSE AND THE ACQUISITION AND CONSTRUCTION OF NEW COURT FACILITIES BY ISSUING, IN ONE OR MORE SERIES, GENERAL OBLIGATION BONDS PAID OR SECURED BY TAXES DERIVED FROM THE ASSESSED VALUE OF PROPERTY IN THE COUNTY (AD VALOREM TAXES) IN A PRINCIPAL AMOUNT NOT EXCEEDING \$315,000,000.00, BEARING INTEREST NOT EXCEEDING MAXIMUM LEGAL RATE, AND MATURING WITHIN 30 YEARS FROM ISSUANCE?

FOR BONDS

AGAINST BONDS<<

Section 5. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 6. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 7. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 8. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 9. This election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 10. This election shall be canvassed by the County Canvassing Board, and the returns shall be reported to the Board of County Commissioners which shall ratify the canvass the returns and declare the results of the bond referendum.

The Prime Sponsor of the foregoing resolution 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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of September, 2014. This resolution shall become effective upon the earlier of: (1) 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; or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Oren Rosenthal