

# MEMORANDUM

Agenda Item No. 11(A)(22)

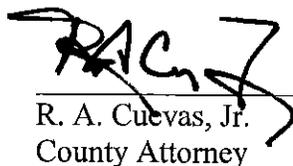
**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** June 30, 2015

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

**SUBJECT:** Resolution establishing policy requiring, solely at the cost of a community redevelopment agency, the preparation and submission of an updated finding of necessity study that demonstrates that slum or blight still exists within a designated community redevelopment area whenever a community redevelopment agency seeks approval from the Board of County Commissioners to extend the life of such community redevelopment agency and the community redevelopment area

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/smm



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** June 30, 2015

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

**SUBJECT:** Agenda Item No. 11(A)(22)

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. 11(A)(22)  
6-30-15

RESOLUTION NO. \_\_\_\_\_

RESOLUTION ESTABLISHING POLICY REQUIRING, SOLELY AT THE COST OF A COMMUNITY REDEVELOPMENT AGENCY, THE PREPARATION AND SUBMISSION OF AN UPDATED FINDING OF NECESSITY STUDY THAT DEMONSTRATES THAT SLUM OR BLIGHT STILL EXISTS WITHIN A DESIGNATED COMMUNITY REDEVELOPMENT AREA WHENEVER A COMMUNITY REDEVELOPMENT AGENCY SEEKS APPROVAL FROM THE BOARD OF COUNTY COMMISSIONERS TO EXTEND THE LIFE OF SUCH COMMUNITY REDEVELOPMENT AGENCY AND THE COMMUNITY REDEVELOPMENT AREA

**WHEREAS**, the Florida Legislature enacted the Community Redevelopment Act of 1969, which is presently codified at Chapter 163, Part III, Florida Statutes, as amended, (the “Act”); and

**WHEREAS**, the Act confers certain powers to counties with home rule charters, which such counties in their sole discretion may delegate to a municipality and/or a community redevelopment agency; and

**WHEREAS**, the purpose of the Act is to provide a mechanism for counties and municipalities to eliminate slum or blighted areas through the creation of such community redevelopment agencies; and

**WHEREAS**, prior to the creation of a community redevelopment agency, Section 163.355 of the Act states that “[n]o county or municipality shall exercise the community redevelopment authority conferred by this part until after the governing body has adopted a resolution, supported by data and analysis, which makes a legislative finding that the conditions in the area meet the criteria....,” including the following conditions:

- (1) One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in such county or municipality; and
- (2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas, including, if appropriate, the development of housing which residents of low or moderate income, including the elderly, can afford, is necessary in the interest of the public health, safety, morals, or welfare of the residents of such county or municipality; and

**WHEREAS**, Section 163.340(7) of the Act defines the term “slum area” to mean the following:

an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:

- (a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;
- (b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or
- (c) The existence of conditions that endanger life or property by fire or other causes; and

**WHEREAS**, Section 163.340(8) of the Act also defines the term “blighted area as follows:

an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

- (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;

- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Inadequate and outdated building density patterns;
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- (h) Tax or special assessment delinquency exceeding the fair value of the land;
- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality;
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
- (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
- (n) Governmentally owned property with adverse environmental conditions caused by a public or private entity; and

**WHEREAS**, the Board of County Commissioners (“Board”) has in the past expressed concerns related to among other matters, (1) certain activities undertaken by such community redevelopment agencies, (2) the extension of the lives of certain community redevelopment agencies and their community redevelopment areas, (3) such agencies’ uses of tax increments funds, (4) the untimely submission of budgets for approval by this Board after the agencies have borrowed money, advanced funds or incurred indebtedness, and (5) the lack of County representation on the boards of these agencies; and

**WHEREAS**, this Board recognizes that the County has limited authority to restrict the uses of tax increment funds for activities of an existing community redevelopment agency when

those uses are consistent with the Act, the redevelopment plan approved by the Board, and the interlocal cooperation agreement with the agency; and

**WHEREAS**, in accordance with the Act, (1) once a trust fund is established by ordinance, the County and any other taxing authorities, if any, have an obligation to appropriate to the trust fund so long as any indebtedness is outstanding, which such obligation to appropriate shall not exceed 30 years; or (2) in the event the community redevelopment agency's redevelopment plan is amended and there remains any outstanding indebtedness, the County and any other taxing authorities shall have an obligation to appropriate to the trust for a period of 30 years from the date the redevelopment plan is amended but no more than 60 years from the date the original redevelopment plan was initially approved or adopted; and

**WHEREAS**, this Board has a fiduciary duty and responsibility to protect the interests of all taxpayers of Miami-Dade County, including but not limited to ensuring that taxpayers' dollars and the County's limited resources are spent to meet the needs of the residents of this County; and

**WHEREAS**, this Board recognizes that there are areas of the County where slum or blight will still exist even beyond the life of a community redevelopment agency, thus justifying an extension of the life of such community redevelopment agency and the community redevelopment area; and

**WHEREAS**, although this Board is not required to extend the life of a community redevelopment agency and the community redevelopment area as long as no debt secured by the implement is outstanding, this Board should proceed cautiously when requested by a community redevelopment agency to extend the life of such community redevelopment agency and the community redevelopment area, especially because of the potential fiscal impact of such decision on the County's general fund; and

**WHEREAS**, prior to making a decision to extend the life of a community redevelopment agency and the community redevelopment area such community redevelopment agency should be required to demonstrate to this Board that slum or blight still exists within the community redevelopment area; and

**WHEREAS**, this Board desires to establish a policy requiring each community development agency to prepare and submit to this Board an updated finding of necessity study that demonstrates that slum or blight still exists within a designated community redevelopment area whenever such community redevelopment agency seeks approval from this Board to extend the life of the community redevelopment agency and the community redevelopment area,

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

**Section 1.** The matters contained in the foregoing recitals are incorporated in this resolution by reference.

**Section 2.** The Board establishes a policy requiring each community development agency to prepare and submit to this Board an updated finding of necessity study that demonstrates that slum or blight still exists within a designated community redevelopment area whenever such community redevelopment agency seeks approval from this Board to extend the life of the community redevelopment agency and the community redevelopment area. The costs of preparing the study shall be solely borne by the community redevelopment agency requesting the extension of the life the community redevelopment agency and the community redevelopment area. Further, any legislative item authorizing an extension of life of a community redevelopment agency and the community redevelopment area shall include a copy of the finding of necessity study as an exhibit to such item.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. 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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 30<sup>th</sup> day of June, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County 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.



Terrence A. Smith