

MEMORANDUM

HSSSED
Agenda Item No. 1(G)2

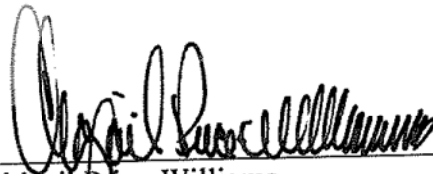
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: September 9, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to Miami-Dade Economic Advocacy Trust; amending section 2-506 of the Code; deleting the requirement that the Trust conducts a disparity study at certain time intervals that examines the present economic conditions of the Black community in the County; updating terminology

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



Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: July 10, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 4(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
- Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(A)
7-10-19

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE ECONOMIC ADVOCACY TRUST; AMENDING SECTION 2-506 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DELETING THE REQUIREMENT THAT THE TRUST CONDUCTS A DISPARITY STUDY AT CERTAIN TIME INTERVALS THAT EXAMINES THE PRESENT ECONOMIC CONDITIONS OF THE BLACK COMMUNITY IN THE COUNTY; UPDATING TERMINOLOGY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board established the Miami-Dade Economic Advocacy Trust (the “Trust”) “to ensure for the equitable participation of Blacks in Miami-Dade County’s economic growth through advocacy and monitoring of economic conditions and economic development initiatives in Miami-Dade County;” and

WHEREAS, in accordance with section 2-506 of the Code of Miami-Dade County (“Code”), this Board has delegated certain powers and duties to the Trust, including, but not limited to, requiring the Trust to conduct a disparity study that examines the present economic conditions of the Black community in Miami-Dade County; and

WHEREAS, the Trust is required to conduct the disparity study and submit it to this Board every ten years; and

WHEREAS, in 2007, the Metropolitan Center at Florida International University prepared, at the direction of Metro Miami Action Plan Trust (the former name of the Trust), a study titled *Thirty-Year Retrospective: The Status of the Black Community in Miami-Dade County*, which was submitted to this Board; and

WHEREAS, the study made recommendations to overcome the disparities in the Black community in economics, jobs, education, housing, and criminal justice; and

WHEREAS, the Trust estimates that in order to conduct a similar study it would cost the Trust between \$350,000.00 and \$500,000.00; and

WHEREAS, the Trust has limited resources and can no longer afford to conduct the disparity study required by the Code; and

WHEREAS, however, as required by section 2-506, the Trust will continue to prepare and submit to this Board its five year comprehensive plan that contains one-year goals and objectives, and its annual scorecards that reflect the performance of those entities, both public and private, charged with and funded to improve conditions in blighted communities; and

WHEREAS, in light of the Trust's financial limitations, this Board wishes to amend the Code to remove the requirement that the Trust conduct a disparity study every ten years,

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

Section 1. Section 2-506 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-506. Powers and duties of the Trust.

The Trust, acting through its governing body, shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided:

- (a) Every five ~~[[5]]~~ years, the Trust shall establish a five-year comprehensive plan (hereinafter "the plan"). The plan shall contain one-year goals and objectives, the completion of which shall be

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.

needed to accomplish the comprehensive plan. The first plan shall be submitted to the Board of County Commissioners for approval.

- (b) The Trust shall be empowered to expend administrative and programmatic resources to achieve each of its one-year goals and objectives as well as to accomplish and complete each five-year plan.
- (c) The Trust shall identify and develop a variety of alternative funding sources and shall seek and apply for State, federal and private grants, including but not limited from philanthropic and non-tax based sources.
- (d) The Trust shall serve as an advocate for and providing of the economic conditions and economic development initiatives in Miami-Dade County.
- (e) The Trust shall submit to the Board an annual scorecard that reflects the performance of those entities, (both public and private) charged with and funded to improve conditions in blighted communities.
- (f) ~~[[The Trust shall conduct a disparity study that examines the present economic conditions of Blacks in Miami Dade County. This study shall be conducted every ten (10) years and submitted to the Board.~~
- (g)]] The Trust, as an agent and instrumentality of Miami-Dade County, shall be authorized to act for Miami-Dade County in the performance and enforcement of all contracts and, subsequent to the effective date of this chapter and subject to the limitations set forth below, shall additionally be empowered to negotiate and execute such contracts as are properly within the powers and duties of the Trust. However, the Trust shall not without the prior approval of the Board of County Commissioners, enter into or amend any contract which shall require the expenditure of funds in excess of the amounts appropriated to the trust by the Board of County Commissioners.

The Trust shall comply with the formal bid requirements of Section 4.03(D) of the Charter of Miami-Dade County, Florida, and for such purpose the term "board" as used in Section 4.03(D) shall be construed to be "board of trustees" and the term "manager" shall be construed to be executive director of the Trust.

For all construction contracts, the trust shall comply with the provisions of Section 10-38 of the County Code and the administrative procedures adopted pursuant to said section.

For all purchases of commodities and services, the trust shall comply with the provisions of Section 2-8.2 of the County Code and the administrative procedures adopted pursuant to said section.

[[~~(h)~~]]>>g<< The Trust's budget requests shall be prepared and submitted in the same manner as the budget for a County department and will be considered as part of the Miami-Dade County budget process. The Trust's budget requests shall be prepared in a format prescribed by the County [[~~Manager~~]]>>Mayor<<.

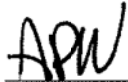

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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:

Terrence A. Smith
David Stephen Hope

Prime Sponsor: Chairwoman Audrey M. Edmonson