

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

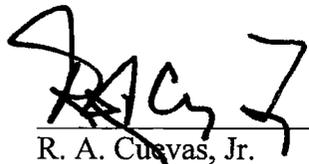
DATE: (Second Reading 07-24-07)
May 22, 2007

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

SUBJECT: Ordinance amending
Chapter 18, Article II,
Sections 18-25 and 18-30
of the Code relating to
the Miami-Dade County
Fire and Rescue Service
District

0#07-107

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Dennis C. Moss, Commissioner Jose "Pepe" Diaz, Commissioner Carlos A. Gimenez, Commissioner Joe A. Martinez, Commissioner Dorrin D. Rolle, Commissioner Rebeca Sosa and Senator Javier D. Souto.



R. A. Cuevas, Jr.
Acting County Attorney

RAC/dcp

Memorandum



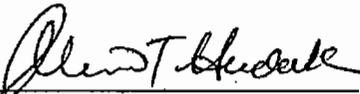
Date: July 24, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George J. Burgas
County Manager

Subject: Ordinance relating to the Miami-Dade County Fire and Rescue Service District

The ordinance relating to the Miami-Dade Fire and Rescue District; providing for the elimination of the municipal opt-out provision will prevent the fragmentation of Fire and Rescue services and the erosion of the Fire and Rescue District's revenue base. The exact amount of net ad valorem revenue loss, if this ordinance is not adopted, would depend on the municipalities selecting to not be part of the Miami-Dade Fire and Rescue District.


Alina T. Hudak
Assistant County Manager

fiscal00607



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 24, 2007

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

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing.
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(A)

07-24-07

ORDINANCE NO. 07-107

ORDINANCE AMENDING CHAPTER 18, ARTICLE II, SECTIONS 18-25 AND 18-30 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE MIAMI-DADE COUNTY FIRE AND RESCUE SERVICE DISTRICT; ELIMINATING MUNICIPAL OPTION TO OPT OUT OF DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Chapter 18, Article II of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Chapter 18

IMPROVEMENT AND SPECIAL-PURPOSE DISTRICTS

* * *

ARTICLE II.

MIAMI-DADE FIRE AND RESCUE SERVICE DISTRICT

Sec. 18-24. Creation and Continuance of District.

The special district known and designated as the Metro Dade Fire and Rescue Service District (hereinafter referred to as "the District") created and established in Dade County, Florida by Ordinance No. 80-86 shall continue in existence, as modified by the remainder of this article. The District shall be known henceforth as the Miami-Dade Fire and Rescue Service District.

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.

Sec. 18-25. Boundaries.

The initial boundaries of the District shall be the geographic boundaries of Miami-Dade County, excluding any municipality which opted out of the Metro-Dade Fire and Rescue Service District created by Ordinance No. 80-86 prior to the date this article was adopted. ~~[[The District boundaries may change from time to time based upon the exercise of the municipal option provided in Section 18-30.]]~~

Sec. 18-26. Service Provided.

The service provided by the District shall include a uniform level of fire and rescue service throughout the District and to those governmental entities which may from time to time contract with the District. The District shall begin the provision of such service within its boundaries on the date this article becomes effective, and shall from that date forth be ready, willing and able to provide a uniform level of fire and rescue service on a countywide basis to all properties and residents within the County.

Sec. 18-27. Revocation of Transfer of Property in Trust.

The trust created by Ordinance No. 96-28 is dissolved. The County, as the successor in interest, shall have sole possession of all real property, equipment, facilities and resources previously transferred to the District in trust.

Sec. 18-28. Governing Body.

The Board of County Commissioners shall be the governing body of the District.

Sec. 18-29. District Budget and Ad Valorem Tax.

The annual budget for the District shall be adopted by the Board of County Commissioners in such manner as may be provided by law. The County shall levy an annual ad valorem tax not to exceed three (3) mills upon all taxable property within the District. The tax shall be assessed, levied and collected, in the manner provided by law.

Sec. 18-29.1. Municipal Option to Join District.

Any municipality may join the District through the enactment of an ordinance passed by a majority of its governing body and a resolution passed by a majority of the Board of County

Commissioners. If any municipality chooses to join the District, the boundaries of the District shall be automatically adjusted accordingly; provided, however, that property within any municipality exercising such option shall continue to be subject to any outstanding indebtedness or obligations of the municipality until such indebtedness or obligations are no longer outstanding with respect to such property.

~~[[Sec. 18-30. Municipal Option to Provide Alternative Service.~~

- (a) ~~With the exception of those municipalities created with the condition that they remain a part of the Miami-Dade Fire Rescue District in perpetuity, any municipality which is a member of the District as of the effective date of this article, may provide an alternative means of delivering fire and rescue services within the municipality, provided the alternate means is approved by a majority of that municipality's citizens voting on that issue. Municipal action under this provision shall remove the municipality from the District as provided in subsection (c) below.~~
- (b) ~~Any municipality which exercises the option provided in subsection (a) may subsequently determine to join the District through the enactment of an ordinance adopted by a two-thirds vote of its governing body.~~
- (c) ~~Any election, ordinance or resolution enacted pursuant to subsection (a) or (b), subsequent to September 26, 1994, shall not be applicable to the District until the next succeeding fiscal year and only if a certified copy thereof is submitted to the District at least six (6) months prior to the beginning of said fiscal year.~~
- (d) ~~If any municipality chooses to exercise the options provided under (a) or (b) of this subsection, the boundaries of the District shall be automatically adjusted accordingly; provided, however, that property within any municipality exercising such option shall continue to be subject to any outstanding indebtedness or obligations of the District until such indebtedness or obligations are no longer outstanding with respect to such property.]]~~

Sec. 18-31. Municipalities Contracting with District for Additional Services.

Any municipality may contract with the District for the delivery of additional fire and rescue services. Any services provided by the District in accordance with any such contract shall be in addition to the fire and rescue services provided under Section 18-26.

Sec. 18-32. Existing Indebtedness.

Notwithstanding any other provision of this article, any indebtedness incurred by the District or by the County on the District's behalf prior to the enactment of this article shall continue to be an obligation of the property within the District at the time the indebtedness was incurred; provided, however, that such obligation shall cease when the indebtedness is no longer outstanding or adequate provisions are made for its repayment.

Sec. 18-33. Other Chapter Provisions not Applicable.

Notwithstanding any other provision of Chapter 18, the District shall be governed solely by this Article II and Chapter 2, Article XXI of the Code.

Sec. 18-34. General Provisions of the District.

It is the intent of the Board of County Commissioners to set forth in this chapter the functions and responsibilities of the Miami-Dade Fire and Rescue Service District created by Ordinance No. 80-86. The District described herein shall continue to be subject to modification or abolishment in whole or in part by duly enacted ordinance of the Commission.

Secs. 18-35--18-40. Reserved.

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: July 24, 2007

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



William X. Candela

Sponsored by Commissioner Dennis C. Moss,
Commissioner Jose "Pepe" Diaz,
Commissioner Carlos A. Gimenez,
Commissioner Joe A. Martinez,
Commissioner Dorrin D. Rolle,
Commissioner Rebeca Sosa and
Senator Javier D. Souto