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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(12)

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

DATE: May 6, 2008

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

SUBJECT: Resolution approving Interlocal Agreement between Miami-Dade County and City of Homestead in connection with proposed annexation

Resolution No. R-538-08

The accompanying resolution was placed on the agenda by the Board of County Commissioners.

R. A. Cuevas, Jr.
County Attorney

RAC/bw

MEMORANDUM
(Revised)

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

DATE: May 6, 2008

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

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

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. 11(A)(12)
5-6-08

RESOLUTION NO. **R-538-08**

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HOMESTEAD IN CONNECTION WITH THE PROPOSED ANNEXATION BY THE CITY OF HOMESTEAD; AUTHORIZING THE COUNTY MAYOR TO EXECUTE THE AGREEMENT IN SUBSTANTIALLY THE FORM ATTACHED AND TAKE ANY ACTION REQUIRED BY THE COUNTY HEREIN

WHEREAS, Section 6.04 of the Home Rule Charter establishes the framework by which the Board of County Commissioners of Miami-Dade County, after obtaining the approval of the municipal governing bodies concerned, after hearing the recommendations of the Planning Advisory Board, and after a public hearing, may by ordinance effect boundary changes; and

WHEREAS, on May 14, 2004, and on October 13, 2005, the City of Homestead submitted two applications for the annexation of unincorporated areas adjacent to the City; and

WHEREAS, Ordinance **08-54** of the Code of Miami-Dade County approved the annexation subject to conditions, including that Miami-Dade County and the City of Homestead enter into this Interlocal Agreement,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Agreement by and between Miami-Dade County, Florida, and the City of Homestead is hereby approved and the Board authorizes the Mayor or designee to execute the agreement in substantially the form attached and take any action required by the County herein.

The foregoing resolution was sponsored by the Board of County Commissioners and offered by Commissioner **Carlos A. Gimenez**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **aye**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

The Chairman thereupon declared the resolution duly passed and adopted this 6th day of May, 2008. This resolution shall become effective 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.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. CHC

Craig H. Coller

C:\WP\RESO\A516.DOC

Interlocal Agreement

This agreement is entered into this ___ day of _____, 200__, by and between Miami-Dade County, Florida ("County") and the City of Homestead ("City"), a Florida municipal corporation.

W I T N E S S E T H

WHEREAS, section 6.04 of the Home Rule Charter for Miami-Dade County authorizes the County to approve changes to municipal boundaries; and

WHEREAS, the City desires to change its boundary to include and annex the tract of land described in attached Exhibit "A"; and

WHEREAS, the City and the County desire to enter into an agreement that will provide for points of compromise and other matters.

NOW, THEREFORE, the City and the County agree as follows:

A. Debt Service. Obligation of the City.

1. **Utility Taxes and Franchise Fees.** Pursuant to current applicable law and the Code of Miami-Dade County, the County shall continue to receive and retain the electrical franchise fee generated from the annexation area through the life of the franchise agreement, and utility tax revenues derived from the annexation area in perpetuity.

2. **Stormwater Utility Debt Service**. The City agrees to pay the County the annexation area's remaining stormwater utility debt service payments calculated at $842.29, a one time payment. The City will make this payment 30 days after the execution of this agreement..

C **Solid Waste Disposal** Pursuant to Section 20-8.4 of the Miami-Dade County Code, the County shall forever continue to collect and dispose of all residential waste within the annexation area in the same manner as though such annexed area remained part of the unincorporated areas of the County, unless the authority to collect such waste is delegated by the County to the governing body of municipality through a twenty (20) year interlocal agreement with provides for the collection services, and a twenty (20) year interlocal agreement which provides for disposal services in substantially the form approved by Resolution R-1198-95.

D. **Building Services** Any outstanding building permits within the newly annexed area shall be serviced by the Miami-Dade County Building Department until such time as the permit has been finalized or has expired.

E. **Term.**

The provisions of this agreement shall be in full force and effect commencing on the date of the execution of this agreement and continuing in perpetuity.

F. **Representation by the City and the County.**

Each party represents that his agreement has been duly approved and executed by its governing body and that it has the required power and authority to enter into and perform the obligations hereunder.

G. **Invalidation of Provisions, Severability.**

Wherever possible, each provision of this agreement shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of

this agreement is prohibited or invalid under applicable law, the remaining provisions of this interlocal agreement shall not be affected by such invalidity.

H. Existing Agreements.

Any and all existing interlocal agreements between the County or any of its departments of agencies (such as but not limited to DERM, WASD, Public Safety, etc.) and the City of Homestead shall remain in full force and effect and shall not be altered, changed, modified, amended or terminated as a result of this agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective and duly authorized representatives.

Attest: CITY OF HOMESTEAD, FLORIDA

By:_____ By: _____
Mayor Date

Approved for legal sufficiency and form:

_____
City Attorney

Attest: MIAMI-DADE COUNTY, FLORIDA

Harvey Ruvin, Clerk

By:_____ By: _____
Deputy Clerk Mayor Carlos Alvarez or designee Date

Approved for legal sufficiency and form:

_____
County Attorney