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

MEMORANDUM

Amended
Agenda Item No. 7(B)

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

DATE: October 7, 2008

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

SUBJECT: Ordinance amending Ordinance No. 07-129 to transfer eight percent local business tax revenues to The Beacon Council

Ordinance No. 08-112

The ordinance was amended at the Economic Development and Human Services Committee to clarify that on June 7, 1994, the Board passed a motion establishing a policy that eight percent (8%) of the local business tax revenues received by The Beacon Council should be allocated by The Beacon Council to Metro-Miami Action Plan Trust ("MMAP"); and that pursuant to the Board's policy The Beacon Council and MMAP entered into a Grant Agreement whereby MMAP was required to use said revenues from the local business tax in accordance with state and local laws and to oversee and implement a comprehensive economic development strategy. Further, the amendment clarified the reason the 8% in local business tax revenues was held by OCED instead of MMAP. In addition, the amendment clarified that the Board through this ordinance is rescinding its June 7, 1994 policy. Finally, the amendment corrected several scrivener's errors.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez and Co-Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum

MIAMI-DADE COUNTY

Date: October 7, 2008

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

From: George M. Burgess
County Manager

Subject: Ordinance amending Ordinance No. 07-129 relating to the transfer of eight percent local business tax revenues from the Office of Community and Economic Development to the Beacon Council

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The ordinance transferring eight percent of local business tax revenues from the Office of Community and Economic Development to the Beacon Council will not have a fiscal impact to Miami-Dade County as it is consistent with the recommendations in the FY 2008-09 Proposed Budget.

Cynthia W. Curry
Senior Advisor

fis06808

MEMORANDUM

(Revised)

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

DATE: October 7, 2008

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

SUBJECT: Amended
Agenda Item No. 7(B)

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 _____

Amended
Agenda Item No. 7(B)
10-7-08

ORDINANCE NO. 08-112

ORDINANCE AMENDING ORDINANCE NO. 07-129 TO TRANSFER EIGHT PERCENT LOCAL BUSINESS TAX REVENUES TO THE BEACON COUNCIL FROM THE OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT; AMENDING SECTION 8A-171.2 OF THE CODE OF MIAMI DADE COUNTY, FLORIDA RELATING TO LOCAL BUSINESS TAX, PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Section 205.032, Florida Statutes authorizes a county to levy a business tax for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction; and

WHEREAS, Section 205.33, Florida Statutes imposes certain conditions on the authority of each county to impose said business tax, including, but not limited to, requiring that any revenue, plus accrued interest, derived by a county shall be distributed each fiscal year to an organization or agency designated by the county to oversee and implement a comprehensive economic development strategy; and

WHEREAS, on June 11, 1987, this Board adopted Ordinance No. 87-38, codified at Section 8A-171.2 of the Code ("Code"), requiring applicants for new or renewed local business tax receipts to pay an additional amount of tax; and

WHEREAS, the Code designates the Miami-Dade Beacon Council, Inc. ("Beacon Council") as the agency to receive the local business tax revenues and to oversee and implement a comprehensive economic development strategy; and

WHEREAS, the County and The Beacon Council entered into an agreement on October 1, 1987, to ensure the transfer of these revenues from the local business tax to The Beacon Council; and

WHEREAS, on June 7, 1994, the Board passed a motion establishing a policy that eight percent (8%) of the local business tax revenues received by The Beacon Council should be allocated by The Beacon Council to Metro-Miami Action Plan Trust ("MMAP"); and

WHEREAS, pursuant to the Board's Policy, on June 7, 1994, The Beacon Council and MMAP entered into a Grant Agreement whereby MMAP is required to use said revenues from the local business tax in accordance with state and local laws and to oversee and implement a comprehensive economic development strategy; and

WHEREAS, on September 20, 2007, the Board adopted Ordinance No. 07-129, which withheld 8% ($330,000.00) of the local business tax revenues received from The Beacon Council for MMAP and held same in Office of Economic Development ("OCED") pending MMAP addressing concerns raised by the Board; and

WHEREAS, it was intended that these funds would be held in escrow for disbursement by The Beacon Council to MMAP; and

WHEREAS, this Board recognizes that the County is faced with a budget crisis; and

WHEREAS, as a result of this budget crisis, the County must ensure that there is a centralized focus on job creation, job protection, and job growth; and

WHEREAS, as Miami-Dade County's official economic development partnership, The Beacon Council is charged with bringing new, job-generating investments to the community, while assisting existing businesses in their efforts to expand; and

WHEREAS, by doing this, The Beacon Council facilitates the creation of quality jobs for each and every resident of Miami-Dade County; and

WHEREAS, the Board desires to continue its partnership with The Beacon Council; and

WHEREAS, this Board further desires that The Beacon Council receive the 8% of the local business tax revenue that it is allocated to MMAP; and

WHEREAS, this Board desires to rescind its prior policy that The Beacon Council allocate 8% of the local business tax revenues to MMAP; and

WHEREAS, this Board designates The Beacon Council to utilize these revenues for similar purposes in economically disadvantaged neighborhoods as set forth in the former Grant Agreement with MMAP,

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

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

Section 2. Ordinance No. 07-129 is hereby amended to reflect that 8% of the local business tax revenues previously transferred to the Office of Community and Economic Development ("OCED") shall be released or returned to The Beacon Council upon the effective date of this ordinance and as set forth in the attached schedule, which is incorporated in this ordinance by reference. Upon the effective date of this ordinance, this Board rescinds its policy that The Beacon Council allocate 8% of the local business tax revenues to Metro-Miami Action Plan Trust.

Section 3. Section 8A-171.2 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:[1]

* * *

(b) The proceeds of such additional tax shall be placed in a separate interest-earning account and this revenue, plus accrued interest, shall be distributed each fiscal year to the Miami-Dade County Beacon Council, Inc.

(c) The Miami-Dade County Beacon Council, Inc. shall furnish a written annual report to the Board of County Commissioners. >>The Beacon Council shall include in said annual report a clear statement on its uses of the eight percent (8%) of local business tax revenues previously allocated to the Metro-Miami Action Plan Trust for similar purposes.<<

* * *

Section 4. 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 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance 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.

[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.

Section 6. 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: **October 7, 2008**

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:

Terrence A. Smith

Prime Sponsor: Commissioner Carlos A. Gimenez
Co-Sponsor: Commissioner Rebeca Sosa

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT
Economic Development Program
(Fund 030, Subfund 020)

Revenues:	**2007-08**
Previously Approved Revenues	$330,000
Beacon Council Payment (Business License Proceeds - 8%)	(330,000)
Total	$0
Expenditures:	
Previously Approved Expenditures	$330,000
Economic Development Activities	(330,000)
Total	$0

ECONOMIC DEVELOPMENT
(Fund 120, Subfund 122)

Revenues:	**2007-08**
Business License Proceeds	$4,133,000
Expenditures:	
Transfer to Beacon Council*	$4,133,000

***As in previous years, includes $75,000 for the Miami-Dade County Film and Entertainment promotional expenditures for economic development activities.**

Changes only the footnote