



MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

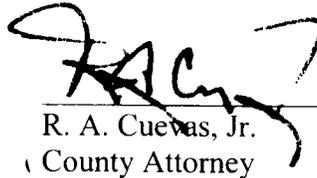
DATE: October 4, 2011

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

SUBJECT: Resolution establishing policy
requiring that every new or amended
Interlocal Agreement related to a
Community Redevelopment Agency
(agency) provide for a County
commissioner to serve as a
commissioner on the CRA Board and
for county commission approval of
each agency's budget as a
prerequisite to the agency borrowing
money, advancing funds or incurring
indebtedness proposed to be repaid
from or secured by the CRA's Tax
Increment Financing Funds

Resolution R-871-11

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell, and Co-Sponsors Vice Chairwoman Audrey M. Edmonson and Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 4, 2011

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

SUBJECT: Agenda Item No. 11(A)(2)

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 Manager'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

Agenda Item No. 11(A)(2)

Veto _____

10-4-11

Override _____

RESOLUTION NO. R-871-11

RESOLUTION ESTABLISHING POLICY REQUIRING THAT EVERY NEW OR AMENDED INTERLOCAL AGREEMENT RELATED TO A COMMUNITY REDEVELOPMENT AGENCY (AGENCY) PROVIDE FOR A COUNTY COMMISSIONER TO SERVE AS A COMMISSIONER ON THE CRA BOARD AND FOR COUNTY COMMISSION APPROVAL OF EACH AGENCY'S BUDGET AS A PREREQUISITE TO THE AGENCY BORROWING MONEY, ADVANCING FUNDS OR INCURRING INDEBTEDNESS PROPOSED TO BE REPAID FROM OR SECURED BY THE CRA'S TAX INCREMENT FINANCING FUNDS

WHEREAS, the State of Florida Legislature enacted the Community Redevelopment Act of 1969, which is presently codified in the Florida Statutes as Part III of Chapter 163, Sections 163.330 through 163.450, as amended, (the "Act"); and

WHEREAS, all powers arising through the Act are conferred upon counties with home rule charters; and

WHEREAS, all powers arising through the Act are conferred by the Act upon counties with home rule charters and authorizes said counties to delegate certain of such powers to a community redevelopment agencies ("Agency"); and

WHEREAS, the purpose of the Act is to provide a mechanism for counties and municipalities to eliminate slum and blighted areas through the creation of Agencies; and

WHEREAS, the County has traditionally delegated certain of its powers to Agencies through Interlocal Cooperation Agreements ("Interlocal"); and

WHEREAS, for those Agencies which the County has delegated its powers, this Board has in the past expressed concerns related among other matters to certain activities of the Agencies, their uses of tax increments funds, the untimely submission of budgets for approval by this Board after the Agency has borrowed money, advanced funds and incurred indebtedness, and the lack of County representation on these Agencies; and

WHEREAS, the Board recognizes that following the creation of the Agency, approval of the Redevelopment Plan, and execution of the Interlocal, the County has limited authority related to the uses of tax increment funds by and activities of the Agency; and

WHEREAS, the Board desires to establish a policy that protects the interest of the County related to Agencies; and

WHEREAS, this Board desires to establish a policy that requires that prior to this Board's approval of any new Interlocal or amendment to an existing Interlocal with an Agency, and if applicable a municipality or other taxing authority, the Mayor or Mayor's designee shall negotiate the inclusion in said Interlocal a provision that will permit at least one commissioner of this Board to serve as a commissioner of said Agency consistent with this Board's resolution, Resolution No. R-1382-09; and

WHEREAS, this Board further desires to establish a policy that requires that prior to this Board's approval of every new Interlocal or amendment to an existing Interlocal with an Agency, and if applicable a municipality or other taxing authority, the Mayor or the Mayor's designee shall negotiate the inclusion in said Interlocal a provision that will require the Agency to submit timely budgets to the County for approval prior to borrowing money, advancing funds or incurring indebtedness proposed to be repaid from or secured by the Agency's tax increment financing funds,

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 prior to the Board's approval of every new Interlocal or amendment to an existing Interlocal with an Agency, and if applicable a municipality or other taxing authority, that the Mayor or the Mayor's designee shall negotiate with said Agency to include a provision in the Interlocal that permits at least one County Commissioner to serve as a commissioner of the Agency as required by Resolution No. R-1382-09.

Section 3. The Board establishes a policy requiring prior to the Board's approval of every new Interlocal or amendment to an existing Interlocal with an Agency, and if applicable a municipality or other taxing authority, that the Mayor or the Mayor's designee shall negotiate with said Agency, and if applicable, a municipality or other taxing authority to include a provision in the Interlocal that requires the Agency to submit timely budgets for approval by this Board prior to the Agency borrowing money, advancing funds or incurring indebtedness proposed to be repaid from or secured by the Agency's tax increment financing funds.

The Prime Sponsor of the foregoing resolution is Commissioner Lynda Bell, and the Co-Sponsors are Vice Chairwoman Audrey M. Edmonson and Commissioner Sally A. Heyman. It was offered by Commissioner **Sen Javier D. Souto**, who moved its adoption. The motion was seconded by Commissioner **Jean Monestime** and upon being put to a vote, the vote was as follows:

5

	Joe A. Martinez, Chairman	absent		
	Audrey M. Edmonson, Vice Chairwoman			aye
Bruno A. Barreiro	absent	Lynda Bell		aye
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz		aye
Sally A. Heyman	aye	Barbara J. Jordan		aye
Jean Monestime	aye	Dennis C. Moss		aye
Rebeca Sosa	aye	Sen. Javier D. Souto		aye
Xavier L. Suarez	aye			

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of October, 2011. 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: **Christopher Agrippa**
 Deputy Clerk

Approved by County Attorney as
 to form and legal sufficiency.

Terrence A. Smith

6