

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE:

(Second Reading 10-1-13)
July 16, 2013

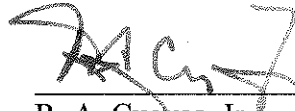
FROM: Robert A. Cuevas
County Attorney

SUBJECT:

Ordinance relating to
Redevelopment of the
Opa-Locka Community
Redevelopment Area

Ordinance No. 13-94

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Commissioner Esteban L. Bovo, Jr.



R. A. Cuevas, Jr.
County Attorney


RAC/Imp

Memorandum



Date: October 1, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

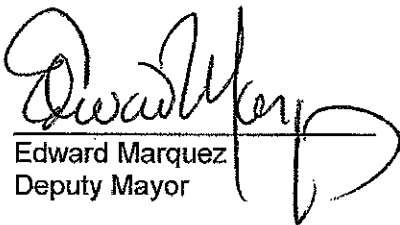
From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Relating to Redevelopment of the Opa-Locka Community Redevelopment Area

The proposed ordinance relates to redevelopment of the Opa-Locka Community Redevelopment Area generally bounded on the North by NW 151st street, on the West by the Opa-Locka executive airport, on the South by the Tri-Rail Corridor, and on the East by a constructed storm-water lake managed by the South Florida Water Management District; establishes Redevelopment Trust Fund; provides for appropriation of funds and calculation of increment for deposit into the fund; sets forth obligation to appropriate to fund and duration of obligation; provides for limited County approval of debt; provides for review of financial records and right of audit; and provides for finding of public purpose.

The proposed Area lies within the City of Opa-Locka, the County will contribute countywide TIF revenues through the life of the Agency. State Statute requires that the taxing authorities, in this case countywide, contribute from 50 to 95 percent into the Agency Trust Fund once created. The amount of TIF to be deposited in the Trust Fund can be determined at the point when the trust fund is created. In the case of the proposed Opa-Locka Agency, the amount of tax increment contributed to the Trust Fund from both countywide and municipal revenue is 95 percent. The Agency will be created for an initial period of 20 years and may be extended by the Board for a period not to exceed a total of 40 years if warranted.

Based on conservative estimates and a contribution of 95 percent of the increment, it is projected that TIF revenues for 20 years will total \$1,969,300 (\$657,991 countywide and \$1,311,309 City), based on an annual growth rate in taxable values of four percent. The duration of the County's obligation to contribute TIF revenues as proposed by the Trust Fund ordinance is set at 20 years, but can be extended by the Board if it subsequently approves extensions to the life of the Agency, of up to 40 years in total. The Board may also extend the life of the Agency by approving a financing instrument that requires an extension of life in order to satisfy debt service requirements.


Edward Marquez
Deputy Mayor

Fis8213



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 1, 2013

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

SUBJECT: Agenda Item No. 7(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
- 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 ____, 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. 7(A)
10-1-13

Veto _____

Override _____

ORDINANCE 13-94

ORDINANCE RELATING TO REDEVELOPMENT OF THE OPA-LOCKA COMMUNITY REDEVELOPMENT AREA GENERALLY BOUNDED ON THE NORTH BY NW 151 STREET, ON THE WEST BY THE OPA-LOCKA EXECUTIVE AIRPORT, ON THE SOUTH BY THE TRI-RAIL CORRIDOR, AND ON THE EAST BY A CONSTRUCTED STORM-WATER LAKE MANAGED BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; ESTABLISHING REDEVELOPMENT TRUST FUND; PROVIDING FOR APPROPRIATION OF FUNDS AND CALCULATION OF INCREMENT FOR DEPOSIT INTO FUND; SETTING FORTH OBLIGATION TO APPROPRIATE TO FUND AND DURATION OF OBLIGATION; PROVIDING FOR LIMITED COUNTY APPROVAL OF DEBT; PROVIDING FOR REVIEW OF FINANCIAL RECORDS AND RIGHT OF AUDIT; PROVIDING FINDING OF PUBLIC PURPOSE; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Florida Legislature enacted the Community Redevelopment Act of 1969 during its 1969 Legislative Session, which enactment is presently codified in the Florida Statutes as Part III of Chapter 163, Florida Statutes, as amended from time to time (the "Act"); and

WHEREAS, all powers arising through the Act are conferred by the Act upon counties with home rule charters, which counties in turn are authorized to delegate certain of such powers to a community redevelopment agency created pursuant to the Act; and

WHEREAS, on December 4, 2012, the Board of County Commissioners of Miami-Dade County, Florida (the "Board") adopted Resolution No. R-996-12, which declared a certain geographic area of the City of Opa-Locka, generally bounded on the north by NW 151 Street, on the west by the Opa-Locka Executive Airport, on the south by the TRI-RAIL corridor, and on the east by a constructed storm-water lake managed by the South Florida Water Management

District, such area being more particularly described in the attached Exhibit "A" and incorporated herein by this reference (the "Redevelopment Area"), to be a slum or blighted area, declared the rehabilitation, conservation or redevelopment, or combination thereof to be necessary in the interest of the public health, safety, morals or welfare of the residents of the Redevelopment Area and the County and found the need for the creation of a community redevelopment agency; and

WHEREAS, the Board, pursuant to Resolution No. R-996-12 enacted on December 4, 2012 created the Opa-Locka Community Redevelopment Agency (the "Agency"); and

WHEREAS, the County has adopted a resolution pursuant to the provisions of Section 163.360, Florida Statutes, which, after making certain findings at a duly advertised public hearing with respect thereto, approved and adopted the Opa-Locka Community Redevelopment Plan (the "Plan") to enable the Agency to undertake redevelopment of the Redevelopment Area; and

WHEREAS, the Agency may not receive or spend any increment revenues pursuant to Section 163.387, Florida Statutes, unless and until this Board has, by ordinance, provided for the funding of the redevelopment trust fund for the duration of the Plan; and

WHEREAS, the County is sympathetic to the program for redevelopment envisaged and proposed by the Agency pursuant to the Plan, which project will ultimately involve the expenditure of many millions of dollars, and which will be financed in part through a range of financing strategies suggested by the Agency to be secured by such revenue sources as are provided by law; and

WHEREAS, it is necessary to create a redevelopment trust fund to be funded with ad valorem tax increment revenues, pursuant to Section 163.353 and 163.387, Florida Statutes, in

order to provide funds to finance or refinance the proposed community redevelopment and to facilitate the implementation of creative tax financing strategies; and

WHEREAS, this Board finds that establishing a redevelopment trust fund and providing for the appropriation into said fund of its tax increment as determined by statute is in the best interest of the citizens of Miami-Dade County and serves a public purpose; and

WHEREAS, pursuant to Ordinance 03-210, the Board, in its sole discretion pursuant to Florida Statute §163.387(2)(d)(1), exempted The Children's Trust, an independent special taxing district, from the provisions of Florida Statute §163.387(2)(a), for the term of collection of The Children's Trust ad valorem tax, including any extension of this ad valorem tax levy which is approved by the voters of Miami-Dade County, therefore The Children's Trust is exempt from contributing to the Trust Fund for this CRA,

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

Section 1. The foregoing recitations are deemed true and correct and are hereby incorporated as a part of this ordinance.

Section 2. The Opa-Locka Community Redevelopment and Revitalization Trust Fund (the "Fund") is hereby established. Each taxing authority (as defined in the Act) shall annually pay into the Fund, an amount not less than that increment in the income, proceeds, revenues and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment in accordance with the Act. The increment shall be determined annually and shall be that amount equal to 95 percent of the difference between: (a) the amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the Redevelopment Area; and (b) the amount of

ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the Redevelopment Area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of this ordinance.

Section 3. Except for the purpose of funding the Fund pursuant to Section 4 herein, upon the enactment of this ordinance, each taxing authority shall, by January 1st of each year, appropriate to the Fund for a period not to exceed twenty (20) years, or for a period not to exceed thirty (30) years if there is outstanding indebtedness pledging increment revenues which has been approved by this Board or if extended by the Board at a sunset review to be conducted twenty (20) years after creation of the Agency, a sum that is no less than the increment as defined and determined by Section 2 of this Ordinance accruing to such taxing authority. In no year shall the County's obligation to the Fund exceed the amount of that year's tax increment as determined pursuant to Section 2 of this ordinance. The County's increment contribution is to be accounted for as a separate revenue within the Fund but may be combined within other revenues for the purpose of paying debt service. The County must approve the amount, duration of the obligation and the purpose of any bond, note or other form of indebtedness, including advances, pledging or otherwise obligating tax increment funds.

Section 4. Notwithstanding the provisions of Section 3 herein, the County's obligation to fund the Fund annually shall continue until all loans, advances and indebtedness, if any, and interest thereon, of the Agency incurred as a result of redevelopment in the Redevelopment Area have been paid.

Section 5. Monies in the Fund may be expended from time to time for the following purposes, when directly related to financing or refinancing of redevelopment in the Redevelopment Area pursuant to the Plan: (a) administrative and overhead expenses necessary or incidental to the implementation of the Plan; (b) expenses of redevelopment planning, surveys and financial analysis, including the reimbursement to the Board or the Agency for such expenses incurred before the Plan was approved and adopted; (c) the acquisition of real property in the Redevelopment Area; (d) the clearance and preparation of any Redevelopment Area for redevelopment and relocation of site occupants as provided in Section 163.370, Florida Statutes; (e) the repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes and any other form of indebtedness; (f) all expenses incidental to or connected with the issuance, sale, redemption, retirement or purchase of agency bonds, bond anticipation notes or other form of indebtedness, including funding of any reserve, redemption or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes or other form of indebtedness; (g) the development of affordable housing within the Redevelopment Area; or (h) the development of community policing innovations.

Section 6. On the last day of the Agency's fiscal year, any money which remains in the Fund after the payment of the expenses listed in Section 5 herein for such year shall be: (a) returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the Fund by all taxing authorities within the Redevelopment Area for that year; (b) used to reduce the amount of any indebtedness to which increment revenues are pledged; (c) deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or (d) appropriated to a specific redevelopment project pursuant to the Plan which project will be completed within three (3) years from the date of such appropriation.

Section 7. The Agency shall provide for an independent financial audit of the Fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The Agency shall provide a copy of the report to each taxing authority. All Fund records shall be available for County inspection. The County reserves the right to audit the Fund.

Section 8. This ordinance is hereby declared to be for a public purpose and for the welfare of the citizens of Miami-Dade County, Florida and shall be literally construed to effectuate the purpose thereof.

Section 9. 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.

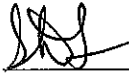
Section 10. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 11. This ordinance shall, subject to a sunset review by this Board, stand repealed twenty (20) years from its effective date.

Section 12. 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 1, 2013

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Shannon D. Summerset

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsor: Commissioner Esteban L. Bovo, Jr.