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

Memorandum

MIAMI-DADE COUNTY

(Public Hearing 12-3-13)

Date: October 22, 2013

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

Agenda Item No. 5(C)

From: Carlos A. Gimenez
County Mayor

Subject: Ordinance Amending Ordinance No. 04-117 to Revise Definition of Traffic Surcharge Pledged to Certain Courthouse Bonds

Ordinance No. 13-109

Recommendation

It is recommended that the Board of County Commissioners (Board) enact the accompanying Ordinance (the 2013 Ordinance) that amends Ordinance No. 04-117 (the 2004 Ordinance) to provide that the definition of "Traffic Surcharge" shall mean the traffic surcharge imposed by Section 11-12 of the County Code (currently $30.00) on certain non-criminal traffic law infractions and certain criminal violations described in Chapter 318.14 and 318.17, Florida Statutes, as amended, rather than $15.00 as stated in the 2004 Ordinance.

Scope

The Traffic Surcharge is used to fund debt service for bonds issued that support the financing of the Courthouse Center located at 175 NW 1 Avenue and the Children's Courthouse located at 155 NW 3 Street. The Courthouse Center is located in Commission District 5, which is represented by Commissioner Bruno A. Barreiro. The Children's Courthouse is located in Commission District 3, which is represented by Commissioner Audrey M. Edmonson.

Fiscal Impact/Funding Source

There is no fiscal impact to the County by adoption of this ordinance relating to the definition of the Traffic Surcharge.

Track Record/Monitoring

Issuance of bonds, annual bond service and continuing disclosure is managed by the Finance Department, Division of Bond Administration, Frank P. Hinton, Director.

Background

In 2004, the Traffic Surcharge was $15.00, and was increased from $15.00 to $30.00 by the State legislature in 2009. The County responded when it enacted Ordinance No. 09-72 on September 1, 2009 that amended Section 11-12 of the Code to increase the traffic surcharge to $30.00. However, the County did not amend the definition of Traffic Surcharge in the 2004 Ordinance to account for the $15.00 increase. No additional bonds have been issued pursuant to the Master Bond Ordinance since 2009.

The County needs to issue additional bonds to complete the Children's Courthouse. When preparing a series resolution pursuant to the Master Bond Ordinance and Ordinance 02-172, bond counsel discovered the inconsistency in the 2004 Ordinance, which limited the Traffic Surcharge to $15.00 and the County Code which increased it to $30.00. The 2013 Ordinance corrects this inconsistency by revising the definition of Traffic Surcharge in the 2004 Ordinance to include the $30.00 now imposed by the County Code as well as any future increase imposed. As a result, the Senior Lien Prior Bonds, the Junior Lien Prior Bonds and the additional Bonds to be issued to complete the Children's Courthouse will all be secured by the Traffic Surcharge imposed by Section 11-12 of the County Code.

Edward Marquez
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: December 3, 2013

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

SUBJECT: Agenda Item No. 5(C)

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
Veto _____
Override _____

Agenda Item No. 5(C)
12-3-13

ORDINANCE NO. 13-109

ORDINANCE AMENDING ORDINANCE NO. 04-117 TO PROVIDE THAT TRAFFIC SURCHARGE SECURING OUTSTANDING COURTHOUSE BONDS SHALL MEAN SURCHARGES IMPOSED BY SECTION 11-12 OF MIAMI-DADE COUNTY CODE, AS AMENDED; AND PROVIDING FOR SEVERABILITY, EXCLUSION FROM CODE AND EFFECTIVE DATE

WHEREAS, in order to fund state court facilities owned and operated by Miami-Dade County, Florida (the "County") pursuant to its obligations under Article V, Section 14(c) of the Florida Constitution, as amended, the Board of Miami-Dade County Commissioners (the "Board") enacted Ordinance No. 94-98 on May 17, 1994 as supplemented by Ordinance No. 95-49, enacted by the Board on April 4, 1995 (collectively, the "1994 Ordinance") which authorized the issuance of bonds to meet its obligations; and

WHEREAS, pursuant to the 1994 Ordinance, the County issued and there are currently outstanding, Miami-Dade County, Florida Special Obligation Court Facilities Bonds (Courthouse Center Project), Series 1998A, Miami-Dade County, Florida Special Obligation Refunding Bonds (Courthouse Center Project), Series 1998B, Miami-Dade County, Florida Fixed Rate Special Obligation Court Facilities Bonds, Series 2003A (Juvenile Courthouse Project), and Miami-Dade County Special Obligation Variable Rate Demand Bonds, Series 2003B (Juvenile Courthouse Project) (collectively the "Outstanding Bonds"); and

WHEREAS, on June 8, 2004, the Board enacted Ordinance No. 04-117 (the "2004 Ordinance") which amended the 1994 Ordinance by substituting the pledge of certain Court Filing Fees and Charges and Fines and Forfeitures securing the Outstanding Bonds and any future bonds issued on a parity with the Outstanding Bonds with a $15.00 surcharge on noncriminal traffic infractions pursuant to Chapter 318, Florida Statutes and all criminal traffic violations listed in Chapter 317 of Florida Statutes which was defined in the 2004 Ordinance as "Traffic Surcharge"; and

WHEREAS, the definition of Traffic Surcharge in the 2004 Ordinance did not take into account any future increase in the $15.00 surcharge pursuant to State law and Section 11-12 of the Code of Miami-Dade County, Florida (the "Code"); and

WHEREAS, on September 1, 2009, the Board enacted Ordinance No. 09-172, which, among other things, amended Section 11-12 of the Code in order to increase the amount of the surcharge on noncriminal traffic infractions and criminal traffic violations from $15.00 to $30.00 without providing that Traffic Surcharge for purposes of the 2004 Ordinance includes such increase; and

WHEREAS, the Board desires to amend the 2004 Ordinance to provide that Traffic Surcharge be defined as $30.00 and any increase in such amount imposed by the County pursuant to Section 11-12 of the Code in order to accomplish the purposes outlined in the accompanying memorandum (the "County Mayor's Memorandum"), a copy of which is incorporated in this Ordinance by reference,

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

Section 1. As used in the 2004 Ordinance and each ordinance and resolution amended by the 2004 Ordinance, "Traffic Surcharge" shall mean the $30.00 surcharge and any increase in such amount imposed by Section 11-12 of the Code, as amended, or any successor provision to Section 11-12, on noncriminal traffic infractions under Section 318.14, Florida Statutes, as amended, and on criminal traffic violations under Section 318.17, Florida Statutes, as amended.

Section 2. All ordinances that are inconsistent with any of the provisions of this Ordinance are declared to be inapplicable to the provisions of this Ordinance.

Section 3. If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions in this Ordinance contained invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses or Sections in this Ordinance shall not affect the validity of the remaining portions of this Ordinance.

Section 4. The provisions of this Ordinance shall be excluded from the Code and shall become effective ten (10) days after the date of its enactment unless vetoed by the Mayor, and if vetoed, shall become effective upon an override by this Board.

PASSED AND ADOPTED: December 3, 2013

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Gerald T. Heffernan