

MEMORANDUM

Amended  
Agenda Item No. 14(A)(3)

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

**DATE:** February 4, 2014

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

**SUBJECT:** Resolution directing Mayor to negotiate with the Southeast Overtown Park West Community Redevelopment Agency and the City of Miami relating to the tax increment revenues appropriated by the County to the Southeast Overtown Park West Community Redevelopment Agency; authorizing the District 3 Commissioner to participate in said negotiations; and requiring report from the County Mayor  
**Resolution No. R-153-14**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp



**MEMORANDUM**  
(Revised)

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

**DATE:** February 4, 2014

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

**SUBJECT:** Amended  
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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 \_\_\_\_\_

Amended  
Agenda Item No. 14(A)(3)  
2-4-14

RESOLUTION NO. R-153-14

RESOLUTION DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE WITH THE SOUTHEAST OVERTOWN PARK WEST COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF MIAMI RELATING TO THE TAX INCREMENT REVENUES APPROPRIATED BY THE COUNTY TO THE SOUTHEAST OVERTOWN PARK WEST COMMUNITY REDEVELOPMENT AGENCY; AUTHORIZING THE DISTRICT 3 COMMISSIONER TO PARTICIPATE IN SAID NEGOTIATIONS; AND REQUIRING REPORT FROM THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE

**WHEREAS**, pursuant to Resolution No. R-1677-82, the County approved a redevelopment plan for the Southeast Overtown/Park West Community Redevelopment Area ("Redevelopment Area"); and

**WHEREAS**, pursuant to Section 163.387 Florida Statutes (1981) the Board enacted Ordinance No. 82-115, which was subsequently codified into Section 29-6 of the Miami-Dade County Code ("Code"), the County approved the annual appropriation of tax increment funds into a trust fund to be used for redevelopment purposes in the Redevelopment Area and set forth certain limits on the County's obligation to appropriate; and

**WHEREAS**, pursuant to the Code, beginning with the twentieth year after the date of sale of the initial bonding or indebtedness and in every year thereafter, the County's annual appropriation of tax increment revenues of the redevelopment trust fund shall not exceed the amount which is deposited in the nineteenth year; and

**WHEREAS**, the City of Miami ("City"), on behalf of the Southeast Overtown Park West Community Redevelopment Agency ("Agency") issued certain indebtedness in 1990 which triggered the nineteenth year provision of the Code and which capped the amount that the

County would contribute to the Agency to \$3,955,532; and

**WHEREAS**, the County deposited the capped amount in the Agency's trust fund on or about January 1, 2014; and

**WHEREAS**, the Agency transmitted a letter dated January 21, 2014, which is attached hereto as Exhibit A, objecting to the County's appropriation and demanding that the County remit the entire amount of the tax increment revenues generated in the Redevelopment Area plus penalties and interest; and

**WHEREAS**, an expeditious resolution of this matter by the City, the Agency and the County would be beneficial to the residents of Overtown, which has historically been impoverished and in need of redevelopment,

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

**Section 1.** The foregoing recitals are incorporated in this resolution and are approved.

**Section 2.** The County Mayor or the County Mayor's designee is hereby directed to negotiate an agreement by and among the County, the City and the Agency relating to the County's appropriation of the annual tax increment revenues generated in the Redevelopment Area and to bring back either an agreement, subject to Board approval, or a report on the status of the negotiations within thirty (30) days of approval of this resolution.

**Section 3.** Pursuant to Section 2-11.1 (z) the Board authorizes the District 3 Commissioner and her staff to participate in the negotiations described in Section 2 of this resolution.

**Section 4.** If any one or more provisions of this resolution should be contrary to law or invalid or ineffective for any reason, such provision shall be deemed severable from, and shall not affect the validity of, the remaining provisions of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was offered by Commissioner **Audrey Edmonson**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of February, 2014. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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  
Juliette R. Antoine

Exhibit A

KEON HARDEMON  
Board Chair



CLARENCE E. WOODS, III  
Executive Director

DATE: January 21, 2014

TO: Jorge M. Fernandez, Jr., Program Coordinator  
Office of Management and Budget  
Miami-Dade County  
111 NW 1<sup>st</sup> Street, 22<sup>nd</sup> Floor  
Miami, Fl. 33128

FROM: Clarence E. Woods  
SEOPW CRA, Executive Director

RE: **Miami-Dade County's Contribution to the SEOPW Redevelopment Trust Fund**

Please find an original copy of the following document:

- 1.) Miami-Dade County's Contribution to the SEOPW Redevelopment Trust Fund

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KEON HARDEMON  
Board Chair



CLARENCE E. WOODS, III  
Executive Director

January 21, 2014

Jorge M. Fernandez, Jr., Program Coordinator  
Office of Management and Budget  
Miami-Dade County  
111 NW 1<sup>st</sup> Street, 22<sup>nd</sup> Floor  
Miami, FL 33128

**RE: Miami-Dade County's Contribution to the SEOPW Redevelopment Trust Fund**

Dear Mr. Fernandez,

As you are well aware, the funding of a community redevelopment agency is based upon contributions from the taxing authorities within the redevelopment area. The annual funding of the redevelopment trust fund *shall* be in 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 under Chapter 163, Part III, Florida Statutes. *Id. (emphasis added)*. Such increment *shall* be determined annually and shall be that amount equal to 95 percent of the difference between:

- The amount of ad valorem taxes levied each year by each taxing authority, exclusion of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of a community redevelopment area;

and

- 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 community 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 the ordinance providing for the funding of the trust fund.

*Id. (emphasis added)*.

As you are also aware, each taxing authority shall appropriate increment revenues to a community redevelopment agency by January 1 of each year. § 163.387(2)(a), Fla. Stat. Any

taxing authority that does not pay the increment revenues to the trust fund by January 1 *shall* pay to the trust fund an amount equal to 5% of the amount of the increment revenues and shall pay interest on the amount of the unpaid increment revenues equal to 1% for each month the increment is outstanding. § 163.387(2)(b), Fla. Stat.

In accordance with Section 163.387, Florida Statutes, the Southeast Overtown/Park West Community Redevelopment Agency (the "CRA") has determined that Miami-Dade County was required to contribute \$4,687,456 to the CRA's trust fund by January 1, 2014. Notwithstanding Miami-Dade County's statutory obligations, only \$3,955,532 was deposited into the CRA's trust fund. To this end, the County's contribution is short \$731,924. As such, \$3,049.69, reflecting the aforementioned statutory penalty and interest has accrued on the remaining balance of increment revenues that have not been deposited into the trust fund. In turn, you are hereby advised that the total amount of \$734,973.69 is owed and due to the CRA immediately. Failure to remit full payment of the amount owed shall result in accrual of additional monthly interest, and may result in the CRA pursuing all available legal remedies. Your cooperation in resolving this matter is greatly appreciated.

Sincerely,



Clarence E. Woods, III  
Executive Director

cc: Commissioner Keon Hardemon, Chairperson, SEOPW CRA Board of Commissioners  
Neil Shiver, Assistant Director, SEOPW CRA  
Jessica N. Pacheco, Esq., CRA Counsel