

Approved _____ Mayor
Veto _____
Override _____

Agenda Item H

ORDINANCE NO.

ORDINANCE APPROVING, ADOPTING AND RATIFYING PROPRIETARY BUDGETS, SPECIAL ASSESSMENT DISTRICT BUDGETS, AND OTHER BUDGETS OF MIAMI-DADE COUNTY, FLORIDA, FOR FISCAL YEAR COMMENCING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; PROVIDING A SHORT TITLE; INCORPORATING FISCAL YEAR 2019-20 PROPOSED BUDGET AS AMENDED; APPROPRIATING ALL BUDGETED REVENUES AND EXPENDITURES; AUTHORIZING INVESTMENT OF COUNTY FUNDS IN TIME WARRANTS OF MIAMI-DADE COUNTY; AUTHORIZING TRANSFER OF FUNDS AS CASH ADVANCES PENDING RECEIPT OF TAXES OR OTHER REVENUES; RATIFYING AND APPROVING IMPLEMENTING ORDERS AND OTHER ACTIONS OF BOARD WHICH SET FEES, RATES, AND CHARGES; AUTHORIZING FEES, RATES, AND CHARGES CONSISTENT WITH APPROPRIATIONS AND PROVIDING FOR THEIR AMENDMENT; APPROVING REVISED FEES, CHARGES, AND IMPLEMENTING ORDERS FOR VARIOUS DEPARTMENTS AND AGENCIES; APPROVING PAY RATES IN FISCAL YEAR 2019-20 PAY PLAN; AUTHORIZING ALLOCATIONS AND REALLOCATIONS OF BOND PROCEEDS AND INTEREST EARNINGS; AUTHORIZING MAYOR OR MAYOR'S DESIGNEE TO PROVIDE BOND ISSUE RESERVES; ESTABLISHING SUCH FUNDS AS MAY BE APPROVED DURING FISCAL YEAR AND PROVIDING FOR THEIR EXPENDITURE; AUTHORIZING PAYMENT OF LOCAL BUSINESS TAX SURCHARGE TO BEACON COUNCIL; APPROPRIATING GRANT, DONATION, AND CONTRIBUTION FUNDS; AUTHORIZING MAYOR OR MAYOR'S DESIGNEE TO NEGOTIATE AND EXECUTE CERTAIN FUNDING AGREEMENTS; CONTINUING MUNICIPAL SERVICES FUND; AUTHORIZING DISBURSEMENT FROM THE ENVIRONMENTALLY ENDANGERED LANDS ("EEL") ACQUISITION TRUST FUND TO SUPPLEMENT THE EEL LAND MANAGEMENT TRUST FUND TO MAINTAIN THE PRINCIPAL BALANCE REQUIRED UNDER SECTION 24-50.5 (2)(B)(I) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); WAIVING FOR FISCAL YEAR 2019-20, PROVISIONS OF SECTION 2-1799(F)1 OF THE CODE RELATED TO DISPOSITION OF UNALLOCATED CARRYOVER FUNDING IN COUNTYWIDE AND UNINCORPORATED MUNICIPAL SERVICES AREA GENERAL FUND BUDGETS, SECTION 29-7(G) OF THE CODE RELATED TO ALLOCATION OF DOCUMENTARY SURTAX FUNDS, AND RESOLUTION NO. R-924-08 RELATING TO TRANSIT FARES, FEES, AND CHARGES; WAIVING PROVISIONS OF THE CODE AND RESOLUTIONS REQUIRING EXECUTION OF COUNTY AFFIDAVITS FOR NON-PROFITS RECEIVING CERTAIN COUNTY FUNDING; AUTHORIZING THE TERMINATION OF SWAP TRANSACTIONS AND ALLOWING REINVESTMENT OF SWAP PROCEEDS IN ACCORDANCE WITH COUNTY INVESTMENT POLICIES; AMENDING SECTION 29-

54(A)(1) OF THE CODE; ALLOWING TOURIST DEVELOPMENT ROOM TAX TO BE USED FOR BEACH IMPROVEMENT, MAINTENANCE, RENOURISHMENT, RESTORATION AND EROSION ACTIVITIES WITHIN THE COUNTY; AMENDING SECTION 8CC-10.1 OF THE CODE; PROVIDING FOR COUNTY MAYOR TO APPOINT COMMITTEE TO DETERMINE USE OF CODE ENFORCEMENT TECHNOLOGY TRUST FUND; AMENDING, WAIVING OR RESCINDING, IF NECESSARY, VARIOUS SECTIONS OF THE CODE, APPLICABLE IMPLEMENTING ORDERS, AND OTHER LEGISLATIVE ENACTMENTS TO CONFORM SUCH ENACTMENTS TO FISCAL YEAR 2019-20 BUDGET; SUPERSEDING CONFLICTING PROVISIONS OF PRIOR LEGISLATIVE ENACTMENTS; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

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

Section 1. This ordinance shall be known and may be cited as the "Fiscal Year 2019-20 Miami-Dade County Self-Supporting Budget Ordinance."

Section 2. Pursuant to section 5.03(B) of the Home Rule Charter, the County Mayor has recommended a proposed budget for Miami-Dade County, Florida, for the fiscal year commencing October 1, 2019. Said proposed budget document as submitted to the Board of County Commissioners ("Board") is incorporated herein by reference and is amended to include: (a) all of the applicable changes contained in this ordinance; and (b) the changes contained in the September 5, 2019 memorandum entitled "Information for First Budget Hearing – FY 2019-20 Proposed Budget", which changes are noted on the version attached hereto.

Section 3. The proprietary budgets, special assessment district budgets, and other budgets proposed, including the five-year financial plan contained therein, as amended as set forth in this ordinance, are hereby approved and adopted and the budgeted revenues and expenditures therein are hereby appropriated. Department expenditure allocations established by the County Mayor as revised and summarized in the attached budgets are adopted as limitations of all expenditures, except as hereinafter provided and appropriations hereby have been provided for outstanding indebtedness for the payment of vouchers that have been incurred in the current or prior year, but are not expected to be paid until the commencement of the new

fiscal year. Receipts from sources not anticipated in the attached budgets may be appropriated and expended by ordinance duly enacted by the Board in accordance with section 129.06(2)(d), Florida Statutes, and section 1.02(A) of the Miami-Dade County Home Rule Charter. Adjustments within the same fund to departmental appropriations made in the attached budgets may be approved from time to time by motion duly adopted by the Board in accordance with section 129.06(2)(a), Florida Statutes, and sections 2-1792 through 2-1800A of the Code of Miami-Dade County, Florida ("Code"). The Director of the Office of Management and Budget is authorized to approve adjustments to expenditure code allocations within the limit of the departmental or other appropriations made in the attached budgets. All adjustments made in accordance with this ordinance are approved and ratified.

Section 4. Pursuant to the authority of Chapter 8015, Special Acts of Florida, 1919, which authorizes the Board to borrow money and to issue time warrants, and pursuant to the authority of section 129.02(5), Florida Statutes, which permits funds of the County to be invested in securities of the federal government and of the local governments in Florida, or both, the Finance Director is hereby authorized to invest these monies in the time warrants of Miami-Dade County, Florida.

Section 5. As provided in section 5.03(C) of the Home Rule Charter, the Board hereby authorizes the transfer of any portion of the earnings or balance of the several funds, other than sinking funds, for obligations not yet retired, to the general funds of the County provided that such transfer be deemed a cash advance to meet operating and other expenses approved by the Board, and that all such advances shall be reimbursed before the end of the fiscal year upon receipt of adequate tax or other appropriate revenues. Provided, however, that this section in no way limits or restricts the power of the Board to transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund or agency to another as provided by law pursuant to section 5.03(C) of the Home Rule Charter.

Section 6. The provisions of section 2-1799(f)1 of the Code of Miami-Dade County, Florida, requiring that 50 percent of the unallocated carryover funds in the Countywide and

Unincorporated Municipal Service Area general fund budgets be allocated to the Capital Outlay Reserve fund in the fiscal year following the fiscal year the funds were identified to support County services, are waived for Fiscal Year 2019-20 to permit the use of carryover funds in the Countywide and UMSA general fund budgets that remain unallocated as of September 30, 2019 for appropriation to the Fiscal Year 2019-20 Budget as approved by the Board.

Section 7. The provisions of section 29-7(G) of the Code requiring that no allocation of documentary surtax funds shall be made except as part of a competitive Request for Applications process shall be waived for Fiscal Year 2019-20.

Section 8. The Board authorizes the County Mayor or County Mayor's designee to: (i) terminate any of the County's existing interest rate swap agreements, subject to a favorable recommendation by the County's swap advisor; (ii) invest any termination proceeds in accordance with the County's Investment Policy; and (iii) finalize and execute any documents and certificates necessary in order to effectuate the termination.

Section 9. The provisions of Resolution No. R-924-08 relating to transit fares, fees and charges which require adjustments to said fares, fees and charges every three years in accordance with the average rate of the Consumer Price Index (CPI) for the preceding three years shall be waived for FY 2019-20.

Section 10. Section 29-54 of the Code is hereby amended to read as follows:¹

Sec. 29-54. Disposition of revenues; review of expenditure.

(a) *Tourist development room tax.*

- (1) Collections received by the Tax Collector from the tourist development room tax, less costs of administration, are to be deposited in the "Miami-Dade County Tourist Development Trust Fund," herewith established, and used in accordance with the Miami-Dade County Tourist Development Plan, which provides for the allocation of funds as follows:

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. The remaining provisions are now in effect and remain unchanged.

- 3. >>As determined by the Board of County Commissioners,<< to promote tourism, to fund tourist-related facilities as allowed by law, ~~[[and]]~~ to fund tourist-oriented events located within the municipal boundaries of the City of Miami, ~~[[as determined by the Board of County Commissioners]]~~ and ~~[[for fiscal year 2012-13,]]~~ to finance within the County beach park facilities or beach improvement, maintenance, renourishment, restoration, and erosion control, including shoreline protection, enhancement or, cleanup, as those uses relate to the physical preservation of the beach or shoreline, or for any other uses within the County's boundaries permitted by law. (Twenty (20) percent).

Section 11. Section 8CC-10.1 of the Code is hereby amended to read as follows:

Sec. 8CC-10.1. - Code Enforcement Technology Trust Fund.

Ten (10) dollars shall be added to each civil penalty to be placed in a trust fund ~~[[by the Clerk of Courts]]~~ to be used for the enhancement of the technological capability of all code enforcement departments. The ~~[[Clerk of Courts and the]]~~ County ~~[[Manager]]~~ >>Mayor<< shall ~~[[jointly]]~~ appoint a committee of five (5) people to determine the priority for use of the fund.

Section 12. All Implementing Orders, as amended hereby, other actions of the Board setting fees, rates, and charges, and fees, rates and charges consistent with appropriations adopted herein, are hereby ratified, confirmed and approved, and may be subsequently amended by resolution adopted by the Board during the fiscal year.

Section 13. The revised Implementing Order revising the Code Enforcement responsibilities of the Finance Department and Clerk of Courts as reflected in attachment A is made a part hereof and the Implementing Order may be subsequently amended by resolution adopted by Board action during the fiscal year.

Section 14. The revised Implementing Order setting the Miami-Dade Port of Miami fees and charges as reflected in attachment B is made part hereof and the Implementing Order may be subsequently amended by resolution adopted by Board action during the fiscal year.

Section 15. The revised Implementing Order setting the Regulatory and Economic Resources (Environmental Resources Management Services) rates, fees and charges as reflected in attachment C is made part hereof and the Implementing Order may be subsequently amended by resolution adopted by Board action during the fiscal year.

Section 16. The revised Implementing Order setting the Solid Waste Services rates, fees and charges as reflected in attachment D is made part hereof and the Implementing Order may be subsequently amended by resolution adopted by Board action during the fiscal year.

Section 17. The revised Implementing Order setting the Medical Examiner rates, fees and charges as reflected in attachment E is made part hereof and the Implementing Order may be subsequently amended by resolution adopted by Board action during the fiscal year.

Section 18. The revised Implementing Order setting the Water and Sewer rates, fees and charges as reflected in attachment F is made part hereof and the Implementing Order may be subsequently amended by resolution adopted by Board action during the fiscal year.

Section 19. The revised Implementing Order setting the Regulatory and Economic Resources (Planning, Zoning and Platting Services) rates, fees and charges as reflected in attachment G is made part hereof and the Implementing Order may be subsequently amended by resolution adopted by Board action during the fiscal year.

Section 20. The revised Implementing Order setting the Fire Prevention rates, fees and charges as reflected in attachment H is made part hereof and the Implementing Order may be subsequently amended by resolution adopted by Board action during the fiscal year.

Section 21. The revised Implementing Order setting the Cultural Affairs Department rates, fees and charges as reflected in attachment I is made part hereof and the Implementing Order may be subsequently amended by resolution adopted by Board action during the fiscal year.

Section 22. The revised Implementing Order setting the Transit Fares rates, fees and charges as reflected in attachment J is made part hereof and the Implementing Order may be subsequently amended by resolution adopted by Board action during the fiscal year.

Section 23. The revised Implementing Order setting the Aviation Department rates, fees and charges as reflected in attachment K is made part hereof and the Implementing Order may be subsequently amended by resolution adopted by Board action during the fiscal year.

Section 24. The pay rates set forth in the Fiscal Year 2019-20 Pay Plan, which is attached and incorporated by reference herein, are hereby approved.

Section 25. All allocations and reallocations of bond proceeds and interest earnings included in the Fiscal Year 2019-20 Adopted Capital Budget and Multi-Year Capital Plan, as may be amended, are hereby authorized.

Section 26. The Mayor or the Mayor's designee is hereby authorized to use interest earned on deposit of Public Improvement Bond funds to establish and maintain an Interest and Sinking Fund Reserve Account in an amount not to exceed one year's maximum principal and interest. Interest earned in excess of the reserve shall be distributed to Public Improvement Bonds Construction Funds in accordance with standard accounting practices.

Section 27. The Finance Director is hereby authorized to establish and to receive and expend funds up to amounts received without specific appropriation pursuant to section 5.03(C) of the Home Rule Charter for existing trust funds, working capital funds, bond construction funds, pension funds, revolving funds and any other such funds as may be approved by motion of the Board during the 2019-20 fiscal year.

Section 28. The Finance Director is hereby authorized to make payment of local business tax surcharge revenues for Fiscal Year 2019-20 to Miami-Dade County Beacon Council, Inc., in accordance with state law and Resolution No. 1066-88 which authorized the agreement between Miami-Dade County and the Beacon Council.

Section 29. All grant, donation, and contribution funds received by the County are hereby appropriated at the levels and for the purposes intended by the grants, donations and contributions.

Section 30. The Mayor or the Mayor's designee is hereby authorized to negotiate and execute agreements for funding allocations for community-based organizations and Mom and Pop Program participants approved in this ordinance as a result of a request for proposals or other formal selection process or other allocations, including individual allocations, approved by the Board in the form approved by the County Attorney.

Section 31. The Board hereby authorizes the disbursement of \$2,864,000.00 from the Environmentally Endangered Lands ("EEL") Acquisition Trust Fund to the EEL Land Management Trust Fund, in order to supplement the EEL Land Management Trust Fund and maintain its principal established under section 24-50.5 (2)(b)(i) of the Code.

Section 32. Notwithstanding any other provision of the Code or any resolution or implementing order to the contrary, non-profit entities awarded grants of County monies from the prior fiscal year's and Fiscal Year 2019-20's District Discretionary Reserve, Commission office funds, or Future Services Reserve, or Mom and Pop Program funds shall not be required to complete affidavits of compliance with the various policies or requirements applicable to entities contracting or transacting business with the County.

Section 33. The Municipal Services Fund is hereby recognized and continued. Payment by a municipality to the Municipal Services Fund shall be used for services which provide benefits to the municipality or the residents thereof.

Section 34. Unless otherwise prohibited by law, this ordinance shall supersede all enactments of this Board including, but not limited to, ordinances, resolutions, implementing orders, regulations, rules, and provisions of the Code in conflict herewith.

Section 35. 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 36. It is the intention of the Board and it is hereby ordained that the provisions of sections 10 and 11 of this ordinance shall be included in the Code and that all other provisions of this ordinance shall be excluded from the Code.

Section 37. All provisions of 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 override by this Board. In the event all or any particular component of this ordinance are vetoed, the remaining components, if any, shall become effective ten (10) days after the date of enactment and the components vetoed shall become effective only upon override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as APW
to form and legal sufficiency.

ORD/ITEM H Proposed