

Approved _____ Mayor
Veto _____
Override _____

Agenda Item H

ORDINANCE NO. 21-98

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, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING A SHORT TITLE; INCORPORATING FISCAL YEAR 2021-22 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, CONFIRMING 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 AND AUTHORIZING SUBSEQUENT AMENDMENTS BY RESOLUTION; APPROVING FISCAL YEAR 2021-22 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 2021-22, (A) SECTION 29-7(G) OF THE CODE RELATED TO ALLOCATION OF DOCUMENTARY SURTAX FUNDS, AND (B) 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 FINANCIAL INTEREST RATE SWAP AGREEMENTS AND ALLOWING REINVESTMENT OF TERMINATION PROCEEDS IN ACCORDANCE WITH COUNTY INVESTMENT POLICY; 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 2021-22 BUDGET; SUPERSEDING CONFLICTING PROVISIONS OF PRIOR LEGISLATIVE ENACTMENTS; PROVIDING SEVERABILITY, 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 2021-22 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, 2021. 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; (b) the changes contained in the September 7, 2021 memorandum entitled "Information for First Budget Hearing – FY 2021-22 Proposed Budget", as such memorandum was amended to include the changes read on the record by the County's Budget Director at the September 14, 2021 first budget hearing to: (i) correct scrivener's errors; (ii) on page 4 of the memorandum, correct the balance in the Enhanced County and District Program ("ECDP") fund; (iii) on page 5 of the memorandum, correct the costs associated with the one-time bonus and cost of living adjustments; (iv) on page 10 of the memorandum, correct the sum of the ECDP to be allocated to the General Government Improvement Fund; (v) on page 12 of the memorandum, correct information on the five year financial outlook; and (vi) include additional positions in the table of organization for Judicial

Administration, and which changes are noted on the version attached hereto; and (c) the changes contained in the September 21, 2021 memorandum entitled “Information for Second Budget Hearing – FY 2021-22 Proposed Budget”, which memorandum is attached hereto, and as such memorandum was supplemented and amended: (i) by the changes contained in the September 28, 2021 memorandum entitled “Supplement – Information for Second Budget Hearing – FY 2021-22 Proposed Budget”, which memorandum is attached hereto and are reflected in the attachments and schedules attached hereto; (ii) to transfer \$158,000.00 and one staff position from the Department of Cultural Affairs budget to, and create one additional staff position in, the Office of Community Advocacy under the Office of the Chair of the Board of County Commissioners and revise the table of organization accordingly; and (iii) to require that, prior to the execution of a grant agreement with the South Florida Pioneer Museum, Inc. for \$1,500,000.00 set forth in the budget, an amendment to the lease agreement be negotiated and presented to this Board within 60 days of today’s date which would: (1) amend the permitted and required use of the property to that of an agricultural and culinary business incubator to be used for farm to table dining, culinary education, a farmer’s market and event space for the rural community, development of products for farm operations, after school programming, and vocational and educational and vocational training for high school and college students; (2) require that, no later than 22 months of the date of approval of the lease amendment, all construction be completed, as evidenced by a final certificate of occupancy; and (3) require that, no later than 2 years from the approval of the lease amendment, programming and full use and operations of the facility, in accordance with the permitted and required use, be available and in effect.

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, adopted and ratified, 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, adopted 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. However, 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 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 2021-22.

Section 7. The County Mayor or County Mayor's designee is authorized to: (i) terminate any of the County's existing interest rate swap agreements authorized by this Board in accordance with the County's Swap Policy approved by this Board pursuant to Resolution No. R-311-05, subject to a favorable recommendation by the County's financial swap advisor; (ii) invest any termination proceeds in accordance with the County's Investment Policy approved by this Board pursuant to Resolution No. R-367-16; and (iii) finalize and execute any documents and certificates necessary in order to effectuate the terminations.

Section 8. 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 Fiscal Year 2021-22.

Section 9. 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 10. The revised Implementing Order setting the Miami-Dade Port of Miami fees and charges as reflected in attachment A is made part hereof.

Section 11. The revised Implementing Order setting the Solid Waste Services rates, fees and charges as reflected in attachment B is made part hereof.

Section 12. The revised Implementing Order setting the Elections rates, fees and charges as reflected in attachment C is made part hereof.

Section 13. The revised Implementing Order setting the Regulatory and Economic Resources (Consumer Protection Services) rates, fees and charges as reflected in attachment D is made part hereof.

Section 14. The revised Implementing Order setting the Water and Sewer rates, fees and charges as reflected in attachment E is made part hereof.

Section 15. The revised Implementing Order setting the Aviation Department rates, fees and charges as reflected in attachment F is made part hereof.

Section 16. The revised Implementing Order setting the Public Works Construction rates, fees and charges as reflected in attachment G is made part hereof.

Section 17. The revised Implementing Order setting the Regulatory and Economic Resources (Film and Photo Productions) rates, fees and charges as reflected in attachment H is made part hereof.

Section 18. The revised Implementing Order setting the Fire Prevention rates, fees and charges as reflected in attachment I is made part hereof.

Section 19. The revised Implementing Order setting the Regulatory and Economic Resources (Environmental Resources Management) rates, fees and charges as reflected in attachment J is made part hereof.

Section 20. The revised Implementing Order setting the Regulatory and Economic Resources (Building and Neighborhood Compliance) rates, fees and charges as reflected in attachment K is made part hereof.

Section 21. The revised Implementing Order setting the Regulatory and Economic Resources (Planning, Zoning, and Platting) rates, fees and charges as reflected in attachment L is made part hereof.

Section 22. The Fiscal Year 2021-22 Pay Plan, which is attached and incorporated by reference herein, is hereby approved, including the pay rates and all other provisions set forth therein.

Section 23. All allocations and reallocations of bond proceeds and interest earnings included in the Fiscal Year 2021-22 Adopted Capital Budget and Multi-Year Capital Plan, as may be amended, are hereby authorized.

Section 24. 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 25. 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 2021-22 fiscal year.

Section 26. The Finance Director is hereby authorized to make payment of local business tax surcharge revenues for Fiscal Year 2021-22 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 27. 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 28. The Mayor or the Mayor's designee is hereby authorized to negotiate and execute agreements, in the form approved by the County Attorney, for funding allocations to community-based organizations, state agencies, non-profit organizations, cultural organizations or for cultural events, and Mom and Pop Program participants approved in this ordinance as a result of a request for proposals, other formal selection process, or other allocations approved by the Board, including, but not limited to, for work or services resulting from natural disasters, emergency declarations or pandemics.

Section 29. The Board hereby authorizes the disbursement of \$2,000,000.00 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 30. 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 2021-22's District Discretionary Reserve, Commission office funds, Future Services Reserve, Enhanced County and District Program, 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 31. 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 32. 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 33. 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 34. 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: September 28, 2021

Approved by County Attorney as
to form and legal sufficiency. GKS For GBK