

MEMORANDUM

Agenda Item No. 7(A)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	DATE:	(Second Reading 1-21-15) October 7, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	SUBJECT:	Ordinance amending by a two- thirds vote of the Commission membership Ordinance 05-148 governing use of Charter County and Regional Transportation surtax funds; amending maintenance of effort requirement by deferring for Fiscal Year 2014-15 required increase in General Fund support Ordinance No. 15-01

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



R. A. Cuevas, Jr. *for*
County Attorney

RAC/lmp

Memorandum



Date: January 21, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Ordinance amending the Commission membership Ordinance 05-148 governing use of Charter County and Regional Transportation surtax funds

The proposed Ordinance allows for the waiver of the general fund 3.5 percent increase to the maintenance of effort (MOE) payment for FY 2014-15 with the condition that the deferral of the payment will be repaid by FY 2019-20. By approving this amendment, the Board will be effectuating the recommendation of the FY 2014-15 Adopted Budget. This amendment has also been approved by the Citizens' Independent Transportation Trust (CITT) (resolution attached).

The deferral of the MOE allows for the reallocation of Countywide General Fund revenue to maintain critical County functions such as public safety services and open space maintenance. In addition, as advised during the September budget hearings, the deferral of the MOE will not impact MDT service. The FY 2014-15 Five Year Financial Forecast includes the deferral of the MOE for FY 2014-15, reflects a restoration of the 3.5 percent increase in FY 2015-16, and provides for an increase of 15.5 percent in FY 2016-17 and 13.8 percent in FY 2017-18 in order to maintain current service levels as debt service requirements increase.



Alina Hudak
Deputy Mayor

Fis00315



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 21, 2015

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
Veto _____
Override _____

Agenda Item No. 7(A)
1-21-15

ORDINANCE NO. 15-01

ORDINANCE AMENDING BY A TWO-THIRDS VOTE OF THE COMMISSION MEMBERSHIP ORDINANCE 05-148 GOVERNING USE OF CHARTER COUNTY AND REGIONAL TRANSPORTATION SURTAX FUNDS; AMENDING MAINTENANCE OF EFFORT REQUIREMENT BY DEFERRING FOR FISCAL YEAR 2014-15 REQUIRED INCREASE IN GENERAL FUND SUPPORT; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE

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

Section 1. Section 1 of Ordinance 05-148 is hereby amended to read as follows:¹

Maintenance of Effort. It is the intention of the Board of County Commissioners that the amount of general fund support for MDTA in fiscal year ending September 30, 2005 shall be no less than \$123,171,000. It is the intention of the Board of County Commissioners that for each subsequent fiscal year, the amount of general fund support for MDTA shall be increased by 3.5 percent over that provided in the preceding fiscal year. >>Except when payment is deferred as set forth below, should<< ~~[[Should]]~~ in any year the general fund support for MDTA not be increased as set forth, surtax proceeds shall not be used to fund prospectively services in existence as of November 5, 2002. It is the intent of the Board that, subject to the annual appropriation process, a rebate of surtax revenues will be made to the Surtax Fund on an annual basis equivalent to the general fund repayment amount for that year. >>Notwithstanding any provision to the contrary, the requirement to increase general fund support to Miami-Dade Transit by 3.5% for fiscal year 2014-2015 is waived and the payment of such increased amount is deferred. In addition to the required 3.5% annual increase in general fund support for Miami-Dade Transit, no later than fiscal year 2019-2020 Miami-Dade County shall contribute to Miami-Dade Transit from the general fund an amount equal to the deferred fiscal year 2014-2015 amount. Should

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

Miami-Dade County fail to comply with the repayment provisions of this section, surtax proceeds shall not be used to fund prospectively services in existence as of November 5, 2002.<<

Section 2. 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 3. 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.

Section 4. This Ordinance may only be amended or repealed by a two-thirds vote of the Board. Any amendment or repeal of this Ordinance shall further require a minimum of six (6) weeks between first and second reading.

PASSED AND ADOPTED: January 21, 2015

Approved by County Attorney as
to form and legal sufficiency:

GBK for
B.L.

Prepared by:
Bruce Libhaber

Prime Sponsor: Commissioner Dennis C. Moss