

MEMORANDUM

Agenda Item No. 7(A)

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

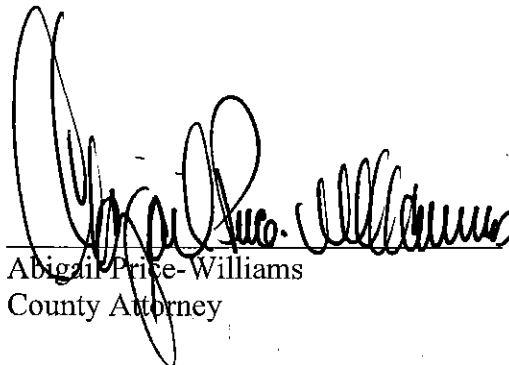
DATE: February 2, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to special taxing districts; creating Section 18-3.1 of the Code of Miami-Dade County, Florida to provide for special taxing districts under the control of governing bodies of municipalities under certain circumstances; providing severability, inclusion in the Code, an effective date subject to referendum, and a sunset date subject to defeat of referendum

The item was amended at the 8-26-15 Metropolitan Services Committee to require approval by a majority of electors residing within a special taxing district prior to the transfer of control of the special taxing district to a municipality.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Esteban L. Bovo, Jr., and Co-Sponsors Commissioner Sally A. Heyman and Commissioner Juan C. Zapata.



Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date: February 2, 2016

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Relating to Special Taxing Districts

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

The proposed ordinance relating to special taxing districts creates Section 18-3.1 of the Code of Miami-Dade County and provides for special taxing districts under the control of governing bodies of municipalities under certain circumstances. The County and municipality, by joint resolutions of the Board and the governing body of the municipality, designate the governing body of a new or existing special taxing district created in accordance with all provisions of the article and wholly within the boundaries of such municipality. Any such resolution designating the municipality as the governing body of an existing special taxing district shall set a date for the transfer of control of the special taxing district and shall provide that the governing body of such municipality shall be responsible for all pre-existing and future liabilities of such taxing district, whether known or unknown, and for the protection of any creditors of such special taxing district as of the date of the transfer of control.

There are currently 203 special taxing districts that are located within such municipalities. Should any districts be transferred to municipalities, the revenues supporting the function, as well as the expense, would no longer be part of the County's budget. The positions supporting this function would be eliminated from the County's table of organization and staff currently supporting this function would be reassigned.

A handwritten signature in black ink, appearing to read "Alina T. Hudak", written over a horizontal line.
Alina T. Hudak
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: February 2, 2016

FROM: Abigail Price-Williams
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
- Statement of social equity 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)
2-2-16

ORDINANCE NO. _____

ORDINANCE RELATING TO SPECIAL TAXING DISTRICTS; CREATING SECTION 18-3.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE FOR SPECIAL TAXING DISTRICTS UNDER THE CONTROL OF GOVERNING BODIES OF MUNICIPALITIES UNDER CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AN EFFECTIVE DATE SUBJECT TO REFERENDUM, AND A SUNSET DATE SUBJECT TO DEFEAT OR REFERENDUM

WHEREAS, this Board wishes to authorize municipal governing boards to become the governing boards of existing or new special taxing districts located entirely within such municipalities, if such authorization is approved by the voters by referendum at the General Election to be held on November 8, 2016,

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

Section 1. Section 18-3.1 is hereby created as follows:

Sec. 18-3.1 – Municipal Special Taxing Districts.

Pursuant to Section 1.01(A)(11) of the Miami-Dade County Home Rule Charter, the County and a municipality may, by joint resolutions of the Board and the governing body of the municipality: (1) designate the governing body of such municipality as the governing body of a new special taxing district created in accordance with the other provisions of this article and located wholly within the boundaries of such municipality; or (2) designate the governing body of a municipality as the governing body of any existing special taxing district located wholly within the boundaries of such municipality. Any resolution designating the governing body of a municipality as the governing body of an existing special taxing district >>shall not become effective prior to approval of the transfer of control of the special taxing district by a majority vote of the qualified electors residing in the special taxing district voting at an election to be called by the Board and noticed and conducted by mailed

ballot or otherwise, as the Board shall by resolution determine and^{<<1} shall set forth a date for the transfer of control of the special taxing district and shall provide that the governing body of such municipality shall be responsible for all pre-existing and future liabilities of such taxing district, whether known or unknown, and for the protection of any creditors of such special taxing district as of the date of the transfer of control of such special taxing district.

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. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

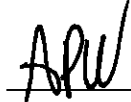
Section 4. The provisions of this ordinance shall become effective upon both: (1) the passage of ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, upon an override by this Board; and (2) the passage of a referendum amending the Miami-Dade County Home Rule Charter, as provided in R-__-__, to be held in conjunction with the General Election currently scheduled for November 8, 2016.

¹ Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

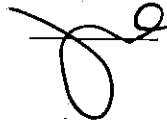
Section 5. This ordinance shall sunset if the referendum amending the Miami-Dade County Home Rule Charter, as provided in R-___-___, to be held in conjunction with the General Election currently scheduled for November 8, 2016, is not approved at such election.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:
Jorge Martinez-Esteve



Prime Sponsor: Vice Chairman Esteban L. Bovo, Jr.
Co-Sponsors: Commissioner Sally A. Heyman
Commissioner Juan C. Zapata