

MEMORANDUM

Agenda Item No. 7(C)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Second Reading: 5-3-22)
March 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance related to the West Perrine Community Redevelopment Agency (Agency); creating chapter 2, article CLXIX of the Code; creating the Agency as a public body corporate and politic in accordance with section 163.356, Florida Statutes; providing for purpose, composition, duties and powers of the Agency and other related matters; requiring reporting

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney


GBK/smm

Memorandum




Date: May 3, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to the West Perrine Community
Redevelopment Agency Board of Commissioners

It is not anticipated that the implementation of this ordinance will have a fiscal impact to Miami-Dade County. Existing staff in the Office of Management and Budget/Community Redevelopment Division will provide support to the West Perrine Community Redevelopment Agency Board (Board). However, once the Board is constituted and begins to conduct business, there may be additional resources required. Those additional resources will be paid for by the West Perrine Community Redevelopment Agency.


Edward Marquez
Chief Financial Officer

Memorandum




Date: May 3, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to West Perrine Community Redevelopment Agency Board

The proposed ordinance would transfer Board authority from the Board of County Commissioners to a Citizen Board, comprised of residents and business owners in Miami Dade County. If implemented, it will provide greater community input as meetings will occur in the community, in support of the West Perrine CRA's mission and goals. No additional benefit or burden can be identified at this time.


Edward Marquez
Chief Financial Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(C)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(C)
5-3-22

ORDINANCE NO. _____

ORDINANCE RELATED TO THE WEST PERRINE COMMUNITY REDEVELOPMENT AGENCY (AGENCY); CREATING CHAPTER 2, ARTICLE CLXIX OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING THE AGENCY AS A PUBLIC BODY CORPORATE AND POLITIC IN ACCORDANCE WITH SECTION 163.356, FLORIDA STATUTES; PROVIDING FOR PURPOSE, COMPOSITION, DUTIES AND POWERS OF THE AGENCY AND OTHER RELATED MATTERS; REQUIRING REPORTING; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, SUNSET PROVISION, AND AN EFFECTIVE DATE

WHEREAS, the Florida Legislature enacted the Community Redevelopment Act of 1969 during its 1969 Legislative Session, which enactment is presently codified in the Florida Statutes as chapter 163, part III, Florida Statutes, as amended from time to time (the "Act"); and

WHEREAS, all powers arising through the Act are conferred by the Act upon counties with Home Rule Charters, which counties in turn are authorized to delegate certain of such powers to a community redevelopment agency created pursuant to the Act; and

WHEREAS, on March 1, 2005, this Board adopted Resolution No. R-212-05, which declared a certain geographic area of the County known as the West Perrine Redevelopment Area ("redevelopment area") to be a slum or blighted area, and declared the rehabilitation, conservation or redevelopment, or combination thereof, to be necessary in the interest of the public health, safety, morals or welfare of the residents of the redevelopment area and the County; and

WHEREAS, this Board, based on the foregoing findings, found that there was a need for the creation of a community redevelopment agency known as the West Perrine Community Redevelopment Agency (the “Agency”) within the redevelopment area; and

WHEREAS, on June 5, 2007, this Board adopted Resolution No. R-744-07, which among other things, approved and adopted the West Perrine Community Redevelopment Plan (the “plan”) to enable the Agency to undertake redevelopment of the redevelopment area; and

WHEREAS, the Board also enacted Ordinance No. 07-79, which approved the creation of a community redevelopment trust fund, known as the West Perrine Redevelopment Trust Fund (the “trust fund”) and further provided for the calculation and appropriation of tax increment funds into such trust fund; and

WHEREAS, on June 5, 2007, this Board adopted Resolution No. R-745-07, which established and appointed itself as the board of commissioners of the Agency in accordance with section 163.357 of the Act; and

WHEREAS, this Board wishes to relinquish its role as the board of commissioners of the Agency; and

WHEREAS, this Board wishes, in accordance with section 163.356 of the Act, to create the Agency as a public body corporate and politic; and

WHEREAS, this Board further wishes to delegate certain powers to the Agency as prescribed by the Act,

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

Section 1. Chapter 2, article CLXIX of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

ARTICLE CLXIX

WEST PERRINE COMMUNITY REDEVELOPMENT AGENCY

Sec. 2-2454. Community Redevelopment Agency created.

Pursuant to the provisions of chapter 163, part III, Florida Statutes (the “Act”), more specifically section 163.356 of the Act, this Board hereby creates a public body corporate and politic to be known as the West Perrine Community Redevelopment Agency (the “Agency”). The Agency shall be constituted as a public instrumentality, and the exercise by the Agency of the powers conferred by the Act and delegated by this Board shall be deemed and held to be the performance of an essential public function.

Sec. 2-2455. Purpose.

The purpose of the Agency is to carry out the community redevelopment purposes of the Act.

Sec. 2-2456. Membership.

- (a) The board of commissioners of the Agency shall consist of not fewer than five or more than nine commissioners. The terms of office of the commissioners shall be for four years, except that three of the members first appointed shall be designated to serve terms of one, two and three years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of four years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term. Any person may be appointed as commissioner if they reside or are engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the Agency, which shall be coterminous with the area of operation of the County, and is otherwise eligible for such appointment under the act. Each commissioner shall hold office until their successor has been

appointed and has been qualified to serve as a commissioner. A certificate of the appointment or reappointment of any commissioner shall be filed with the Clerk of the Board of County Commissioners, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

- (b) In accordance with section 163.356 of the Act, appointments of the initial and all subsequent chairs, vice-chairs and members of the Agency shall be made by resolution of this Board.
- (c) A commissioner shall receive no compensation for services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties.
- (d) This Board may remove a commissioner for inefficiency, neglect of duty or misconduct in office only after a hearing and only if they have been given a copy of the charges at least 10 days prior to such hearing and have had an opportunity to be heard in person or by counsel.

Sec. 2-2457. Procedure.

- (a) Chair and Vice-Chair. This Board shall designate a chair and vice-chair from among the commissioners of the Agency.
- (b) Meetings. The powers of the Agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business, exercising the powers of the Agency, and for all other purposes. Action may be taken by the Agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number.

Sec. 2-2458. Public officials, commissioners, and employees subject to code of ethics.

- (a) The officers, commissioners and employees of the Agency shall be subject to the provisions and requirements of section 163.367 of the Act, chapter 112, part III, Florida Statutes, and section 2-11.1 of the Code of Miami-Dade County, Florida.
- (b) If any official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two years, any interest, direct or indirect, in any property which they know is included or planned to be included in the West Perrine Community Redevelopment Area, they shall immediately disclose this fact in the manner provided in chapter 112, part III, Florida Statutes. Any

disclosure required to be made by this section shall be made prior to the Agency taking any official action on a matter which has given rise the conflict.

- (c) No commissioner or other officer of the Agency exercising powers pursuant to the Act shall hold any other public office under the County other than their commissionership or office with respect to such Agency. Notwithstanding the foregoing, as provided in an interlocal agreement between the County, the Agency, and one or more taxing authorities, one or more members of this Board or representatives of this Board may serve as a member on the board of commissioners of the Agency, and such membership would be considered an additional duty of office as a member of the County and shall not be considered dual office holding.

Sec. 2-2459. Powers.

- (a) With the exception of the community redevelopment powers that continue to vest in this Board pursuant to section 163.358 of the Act, the Agency shall have the sole right and responsibility to exercise the following redevelopment powers specifically delegated by this Board pursuant to the Act:
 - (i) The power to make and execute contracts and other instruments necessary or convenient to the exercise of its powers pursuant to the Act.
 - (ii) The power to disseminate slum clearance and community redevelopment information.
 - (iii) The power to undertake and carry out community redevelopment and related activities within the West Perrine Community Redevelopment Area (“redevelopment area”), which redevelopment may include:
 - (1) Acquisition of a slum area or a blighted area or portion thereof;
 - (2) Demolition and removal of buildings and improvements;
 - (3) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the redevelopment area the community redevelopment objectives of the act in accordance with the Agency’s community redevelopment plan (the “plan”);

- (4) The power to dispose of any property acquired in the redevelopment area at its fair value for uses in accordance with the plan;
 - (5) The power to carry out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the plan;
 - (6) The power to acquire real property in the redevelopment area which, under the plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;
 - (7) The power to acquire any other real property in the redevelopment area when necessary to eliminate unhealthful, unsanitary or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities;
 - (8) The power to acquire without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway, or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income; and
 - (9) The power to construct foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.
- (iv) The power to provide, or to arrange or contract for, the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a community redevelopment plan; to install, construct, and

reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it deems reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment plan and related activities, and to include in any contract let in connection with such redevelopment and related activities provisions to fulfill such of the conditions as it deems reasonable and appropriate.

- (v) The power to enter into any building or property in the redevelopment area in order to make inspections, surveys, appraisals, soundings or test borings and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.
- (vi) The power to acquire by purchase, lease, option, gift, grant, bequest, devise or otherwise any real property (or personal property for its administrative purposes), together with any improvements thereon.
- (vii) The power to hold, improve, clear or prepare for redevelopment any such property.
- (viii) The power to mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property.
- (ix) The power to insure or provide for the insurance of any real or personal property or operations of the Agency against any risks or hazards, including the power to pay premiums on any such insurance.
- (x) The power to enter into any contracts necessary to effectuate the purposes of the Act.
- (xi) The power to solicit requests for proposals for redevelopment of parcels of real property contemplated by the plan to be acquired for redevelopment purposes by the Agency and, as a result of such requests for proposals, to advertise for the disposition of such real property to private persons pursuant to section 163.380 of the Act, prior to acquisition of such real property by the Agency.

- (xii) The power to invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as have been issued pursuant to section 163.385 of the Act, at redemption price established therein or to purchase such bonds at less than the redemption price, all such bonds so redeemed or purchased to be canceled.
- (xiii) Subject to prior approval of this Board, the power to borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government or the state, county, or other public body or from any sources, public or private, for the purposes of the Act and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the federal government for or with respect to community redevelopment and related activities such conditions imposed pursuant to federal laws as the Agency deems reasonable and appropriate which are not inconsistent with the purposes of the Act. It is the expressed intent of the Agency not to issue bonds or use any other form of indebtedness until such time as required by a development when bonding or indebtedness is required to complete the project. Accordingly, the parties agree that any development shall be funded by the Agency when the County has determined that said developments are ready to proceed.
- (xiv) The power to make or have made all surveys and plans necessary to the carrying out of the purposes of the Act; to contract with any person, public or private, in making and carrying out such plans; and to adopt or approve, modify, and amend such plans, which plans may include, but are not limited to:
 - (1) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements; and
 - (2) Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment and related activities.

- (xv) The power to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income.
- (xvi) The power to apply for, accept, and utilize grants of funds from the federal government for such purposes.
- (xvii) The power to prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations, and others) displaced from the Redevelopment Area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government.
- (xviii) The power to appropriate such funds and make such expenditures as are necessary to carry out the purposes of the Act.
- (xix) The power to authorize the issuance of revenue bonds as set forth in section 163.385 of the Act and/or obtain financing.

Sec. 2-2460. Staff.

The County Mayor or the County Mayor's designee and the Office of the County Attorney shall provide to the Agency adequate staff and support services to enable it to carry out its purposes.

Sec. 2-2461. Reporting Requirements.

- (a) In accordance with section 163.371(1) of the Act, the Agency shall publish on its website digital maps that depict the geographic boundaries and total acreage of the community redevelopment agency. If any change is made to the boundaries or total acreage, the Agency shall post updated map files on its website within 60 days after the date such change takes effect.
- (b) In accordance with sections 163.356(3)(d) and 163.371(2) of the Act, not later than March 31 of each year thereafter, the Agency shall file an annual report with the County and publish the report on the Agency's website. The report must include the following information:

- (i) The most recent complete audit report of the redevelopment trust fund as required in section 163.387(8) of the Act. If the audit report for the previous year is not available by March 31, a community redevelopment agency shall publish the audit report on its website within 45 days after completion.
- (ii) The performance data for each plan authorized, administered, or overseen by the Agency as of December 31 of the reporting year, including the:
 - (1) Total number of projects started and completed and the estimated cost for each project;
 - (2) Total expenditures from the redevelopment trust fund;
 - (3) Original assessed real property values within the redevelopment area as of the day the agency was created;
 - (4) Total assessed real property values of property within the boundaries of the community redevelopment agency as of January 1 of the reporting year; and
 - (5) Total amount expended for affordable housing for low-income and middle-income residents.
- (iii) A summary indicating to what extent, if any, the Agency has achieved the goals set out in the plan.
- (c) The completed report shall be placed by the County Mayor on an agenda of this Board in accordance with Ordinance No. 14-65.

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 shall become and be made a part of the Code of Miami-Dade County. The sections of this ordinance may be renumbered or re-lettered to Accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. 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 5. This ordinance shall stand repealed on September 30, 2046.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:




Prepared by:

Terrence A. Smith

Prime Sponsor: Commissioner Kionne L. McGhee