

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item H

ORDINANCE NO. 22-117

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, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING A SHORT TITLE; INCORPORATING FISCAL YEAR 2022-23 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 2022-23 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 2022-23, (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 SECTIONS 32-92 OF THE CODE RELATING TO VOLUNTARY NOTIFICATION FEES FOR CERTAIN WATER AND SEWER DELINQUENT ACCOUNTS; 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 2022-23 BUDGET; SUPERSEDING CONFLICTING PROVISIONS OF PRIOR LEGISLATIVE ENACTMENTS; PROVIDING SEVERABILITY, EXCLUSION FROM AND INCLUSION IN 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 2022-23 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, 2022. 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 2, 2022 memorandum entitled "Information for First Budget Hearing – FY 2022-23 Proposed Budget," attached hereto and as such memorandum was amended to: (i) remove a \$300,000 allocation from the Miami Rescue Plan (Continuation of County Services) to be used to replace non-native trees in Arch Creek Preserve Park; (ii) increase the funding to the Miami Museum of Contemporary Art of the African Diaspora (MoCAAD) by \$100,000 from the Miami Rescue Plan (Continuation of County Services) for a total allocation of \$200,000 and clarify that the entity to receive the funds is the Miami-Dade North Arts & Humanities Foundation, Inc. which is registered to do business as MoCAAD; and (iii) approve a \$200,000 allocation to the City of

North Miami from the Miami Rescue Plan (Continuation of County Services) for the North Miami Learn to Swim Program; (c) transfer of \$4,550,000.00 currently on deposit in the Affordable Housing Trust Fund to Public Housing and Community Development Department's Capital Project Program #2000002154 titled "Redevelopment of Public and Affordable Housing;" (d) waiver of all applicable legal requirements that relate to income-tiering or other expenditure restrictions included in sections 17-130, 17-132, and 17-132.1 of the Code of Miami-Dade County and Resolution No. R-1330-19 with respect to the use and allocation of all funds in Capital Project Program #2000002154; (e) delegation of authority to the County Mayor or Mayor's designee to negotiate and execute agreements, including the standard rental regulatory agreement and other required documents, subject to approval for form and legal sufficiency by the County Attorney's Office, for the disbursement of the funds in Capital Project Program #2000002154, after consultation with and approval from the Commissioners of the districts in which the public, affordable or workforce housing projects are located; (f) the changes contained in the September 16, 2022 memorandum entitled "Information for Second Budget Hearing – FY 2022-23 Proposed Budget," which memorandum is attached hereto, and as such memorandum was amended to: (i) correct scrivener's errors; (ii) on page 3 of the memorandum, under section C titled "Infrastructure Project Programs," the \$3 million to the City of North Miami for the construction of Cagney Park is instead for the construction of a community theatre and the last sentence of the last paragraph therein is replaced with the following: "Additionally, while the Homeless Trust was provided \$10 million through the HOMES Plan and \$6 million from the Infrastructure Project Programs category, there remains a funding gap of \$4 million to meet future capital needs that will be met in one of the following ways: 1) from the unallocated \$50.875 million, which is currently set aside to provide match funding for federal and state grant awards, or 2) repurposed Building Better Communities General Obligation Bond Program funds, based on availability, with approval from the General Obligation Bond Program Community Advisory Committee and the Board;" (iii) on

page 4 of the memorandum, 1) the allocation to the Family Action Network Movement Inc. for the provision of Temporary Protected Services is instead for the provision of immigration services, 2) the allocations to the Haitian Neighborhood Center Sant La, Inc. and to the Hispanic Unity of Florida, Inc. are removed, 3) the \$250,000 allocation to the Catholic Charities of the Archdiocese of Miami, Inc. for the provision of Temporary Protected Services is instead a \$1,000,000 allocation to the Catholic Legal Services of the Archdiocese of Miami, Inc. for the provision of immigration services; and 4) the \$250,000 allocation to the Center for Haitian Studies, Inc. to provide primary and specialty medical care to uninsured patients, is instead a \$500,000 allocation to the Center for Haitian Studies, Inc. to provide primary and specialty medical care to uninsured patients; (iv) approve an allocation in the amount of \$650,000.00 from unallocated funds in the Infrastructure Project Programs of the Miami-Dade Rescue Plan to the City of Sweetwater to be used for the purchase of public safety equipment; (v) approve an additional allocation in the amount of \$25,000.00 to Latinos United in Action Center, Inc., a Florida not-for-profit corporation, for afterschool programs for children to be funded from the future budget shortfalls reserve in the Miami Rescue Plan; and (vi) approve a reduction of \$3.1 million to the funds allocated to the Mortgage Relief Program that is part of the HOMES Plan to instead use the \$3.1 million to provide an additional \$100.00 to each eligible household in the County's Save our Seniors Relief Fund Program; (g) that with respect to the Development Inflation Adjustment Fund of the HOMES Plan, the eligibility criteria may be modified by resolution or motion of the Board; and (h) a requirement that the County Mayor or Mayor's designee provide quarterly reports to the Board, without committee review, at each of the next regularly scheduled Board meetings immediately following January 1, 2023, April 1, 2023, July 1, 2023 and October 1, 2023 to, at a minimum, provide the following information for each of the HOMES Plan programs: (i) number of applicants; (ii) analysis or review undertaken of eligibility requirements and criteria for each of the program and components thereof; (iii) vetting process undertaken for selection and eligibility of applicants; (iv)

number of awardees/recipients (whether individuals, developers, landlords, property owners) in total and disaggregated by each commission district; (v) how much provided to each of the awardees/recipients and for what purpose including the specific expense for which the monies were used; (vi) amount spent per each of the components of the programs; (vii) reporting of all compliance oversight undertaken by staff or third parties for each of the programs and reporting of all instances of non-compliance by awardees/recipients with the requirements of each of the programs; (viii) data to evidence the effectiveness of the various programs; and (ix) for the WHIP program, in addition to the above, the number of additional units added to the inventory of housing units. Notwithstanding subsection 2(d) herein, all monies that were received from developers as payment in lieu of constructing, acquiring, or rehabilitating workforce housing in accordance with section 17-145 of the County Code, will be used for the construction, rehabilitation, and acquisition of workforce housing units.

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 appropriations 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 2022-23.

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 for the preceding three years shall be waived for Fiscal Year 2022-23.

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 Transit fares, fees and charges as reflected in attachment G is made part hereof.

Section 17. The revised Implementing Order setting the Regulatory and Economic Resources (Building and Neighborhood Compliance) 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 (Planning, Zoning, and Platting) rates, fees and charges as reflected in attachment J is made part hereof.

Section 20. The revised Implementing Order setting the Parks, Recreation and Open Spaces rates, fees and charges as reflected in attachment K is made part hereof.

Section 21. The revised Implementing Order setting the Code Enforcement rates, fees and charges as reflected in attachment L is made part hereof.

Section 22. The revised Implementing Order setting the County Parking Facilities (managed by the Internal Services Department) rates, fees and charges as reflected in attachment M is made part hereof.

Section 23. The revised Implementing Order setting the Medical Examiner rates, fees and charges as reflected in attachment N is made part hereof.

Section 24. The revised Implementing Order setting the revisions to reflect the creation of the Strategic Procurement Department as reflected in attachment O is made part hereof.



Section 25. The Fiscal Year 2022-23 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 26. All allocations and reallocations of bond proceeds and interest earnings included in the Fiscal Year 2022-23 Adopted Capital Budget and Multi-Year Capital Plan, as may be amended, are hereby authorized.

Section 27. The County Mayor or the County 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 28. 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 2022-23 fiscal year.

Section 29. The Finance Director is hereby authorized to make payment of local business tax surcharge revenues for Fiscal Year 2022-23 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 30. 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 31. The County Mayor or the County Mayor's designee is hereby authorized to negotiate and execute agreements, following approval by the County Attorney for form and legal

sufficiency, for funding allocations to community-based organizations, other governmental agencies, non-profit organizations, cultural organizations or for cultural events, Anti-Gun Violence and Prosperity Initiatives Trust Fund, Miami-Dade Rescue Plan District Designated Fund, 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 32. The Board hereby authorizes the disbursement of \$2,700,000.00 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 33. Section 32-92 of the Code is hereby amended to read as follows: <sup>1</sup>

**Section 32-92. Delinquent account notification service for rental property.**

\* \* \*

(b) Subscribers to this service shall pay an annual fee ~~[[of three dollars (\$3.00) per monthly account and two dollars and fifty cents (\$2.50) per quarterly account]]~~ >>as set forth in the Schedule of Rates, Fees and Charges for the Miami-Dade Water and Sewer Department<<.

Section 34. 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 2022-23’s District Discretionary Reserve, Commission office funds, Future Services Reserve, Enhanced County and District Program, or Mom and Pop Program

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<sup>1</sup> Words: (a) stricken through and/or [[double bracketed]] reflect those provisions that shall be deleted from section 32-92 of the County Code; and (b) words underlined and/or >>double arrowed<< shall be added to section 32-92 of the County Code. Remaining provisions are now in effect and remain unchanged.

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 35. 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 36. 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 37. 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 38. It is the intention of this Board and it is hereby ordained that the provisions of section 33 of this ordinance shall become and be made a part of the Code and the balance of this ordinance shall be excluded from the Code.

Section 39. All provisions of this ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the County 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 20, 2022

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