

MEMORANDUM

Special Item No. 6

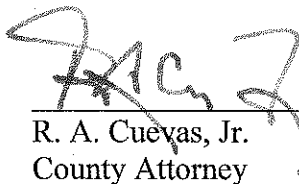
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

(Public Hearing 2-27-14)
DATE: November 19, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to the
incorporation of new
municipalities; amending Section
20-26 of the Code; deleting the
requirement that municipalities
pay for Miami-Dade County
specialized police services from
its municipal millage or other
municipal funds

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

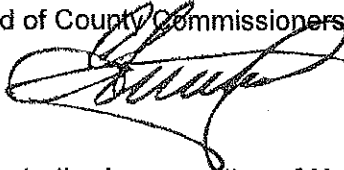
RAC/smm

Memorandum



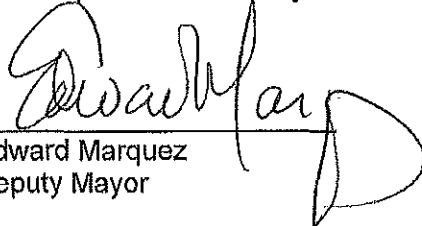
Date: February 27, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Pertaining to the Incorporation of New Municipalities; Amending Section 20-26 of the Code; Deleting the Requirement that Municipalities Pay for Miami-Dade County Specialized Police Services from its Municipal Millage or Other Municipal Funds

The proposed ordinance pertains to the incorporation of new municipalities; amends section 20-26 of the Code; and deletes the requirement that municipalities pay for Miami-Dade County specialized police services from its municipal millage or other municipal funds. Because we are not currently charging municipalities for specialized police services, implementation of this ordinance will not have a fiscal impact to the County.


Edward Marquez
Deputy Mayor

Fis2814



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 27, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Special Item No. 6

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 _____

Special Item No. 6
2-27-14

ORDINANCE NO. _____

ORDINANCE PERTAINING TO THE INCORPORATION OF NEW MUNICIPALITIES; AMENDING SECTION 20-26 OF THE CODE OF MIAMI-DADE, FLORIDA; DELETING THE REQUIREMENT THAT MUNICIPALITIES PAY FOR MIAMI-DADE COUNTY SPECIALIZED POLICE SERVICES FROM ITS MUNICIPAL MILLAGE OR OTHER MUNICIPAL FUNDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, an outdated provision of the Code of Miami-Dade County currently requires new municipalities to contract with Miami-Dade County to receive specialized police services from the County in perpetuity; and

WHEREAS, such services are currently provided on a countywide basis through the countywide budget; and

WHEREAS, the Annexation and Incorporation Task Force has recommended (recommendation No. 12) that the Board of County Commissioners delete the provisions of the Code of Miami-Dade County, Florida that require new municipalities to contract and pay for the County's provision of specialized police services from their municipal millage or other municipal funds; and

WHEREAS, the Mayor of Miami-Dade County recommended the deletion of the subject provisions in a memorandum to the Task Force dated April 1, 2013,

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

Section 1. Section 20-26 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-26. - Future Municipalities' Obligations to the County.

(a) As a condition of incorporation approved pursuant to ~~[[Article V]]~~ >>Section 6.05(A)<< of the Miami-Dade County Home Rule Charter, each new municipality shall include a provision in its charter and shall agree to remain a part of the Miami-Dade County Fire-Rescue District and the Miami-Dade County Library System in perpetuity.

~~[[b)]~~ As a condition of incorporation approved pursuant to Article V of the Miami-Dade County Home Rule Charter, each new municipality shall include a provision in its charter and shall agree in perpetuity to contract with the Miami-Dade County Police Department ("MDPD") and pay for specialized police services from its municipal millage or other municipal funds. For purposes of this subsection, specialized police services include, but are not limited to, narcotics, criminal intelligence, economic crimes, homicide, robbery, sexual crimes, environmental crimes, domestic crimes, and crime scene investigations; property and evidence efforts; tactical operations activities; and aviation patrol.]

~~[[e)]~~>>(b)<< As a condition of incorporation approved pursuant to ~~[[Article V]]~~ >>Section 6.05(A)<< of the Miami-Dade County Home Rule Charter, each new municipality shall include a provision in its charter and shall agree to contract with the Miami Dade County Police Department ("MDPD") and pay for local patrol police services for three years or such longer period of time as may be requested by the municipality.

~~[[d)]~~>>(c)<< The fiscal impact of an incorporation on the remainder of the unincorporated area shall be revenue neutral; provided, however, any municipality which does not meet the foregoing requirement, as a condition of incorporation pursuant to ~~[[Article V]]~~ >>Section

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.

6.05(A)<< of the Miami-Dade County Home Rule Charter, shall agree to make an annual mitigation payment to the County's Municipal Services Trust Fund in the Unincorporated Municipal Service Area Budget, the amount of which shall be determined by the Board of County Commissioners, in the event of a negative fiscal impact of the municipality's incorporation on the unincorporated area. For purposes of this subsection, "a revenue neutral municipality" is defined as an area that previously, as part of the unincorporated municipal service area, generated revenues equal to or less than the cost of services provided to the area by the County. Any annual mitigation amount determined by the Board of County Commissioners pursuant to the provisions of this paragraph shall be established so as not to trigger "most-favored-nation-status" clauses which are contained in any municipal charter.

[[~~(e)~~]]>>(d)<< As a condition of incorporation approved pursuant to ~~[[Article V]]~~ >>Section 6.05(A)<< of the Miami-Dade County Home Rule Charter, each new municipality shall include in its charter that such municipality shall be responsible for (i) its pro-rata share of any County debt outstanding at the time the municipality incorporates and with respect to the Stormwater Utility, outstanding at the time the municipality elects to be separate from the Stormwater Utility through an interlocal agreement or by exemption and (ii) its prorata share of any refunding of such debt. The municipality's annual pro-rata share of debt service shall be determined by multiplying the total debt service in each Fiscal Year by the municipality's percentage share of pledged revenues (revenues pledged by the County to the repayment of the debt). The municipality's percentage share shall be determined by dividing the pledged revenues collected within the municipality during the County's Fiscal Year in which municipality incorporates, and with respect to the Stormwater Utility in the Fiscal Year in which the municipality elects to separate from the Stormwater Utility district; by the total pledged revenues collected in that same Fiscal Year. It is further provided that the municipality's charter shall authorize the County to continue to collect and distribute the pledged revenues in a manner that is consistent with the requirements of the debt and shall recognize the municipality's obligations pursuant to this subsection.

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[[~~(f)~~]]>>(e)<< The Board of County Commissioners may by way of resolution allow the distribution of existing unincorporated bond proceeds to municipalities created after September 1, 2000 for the same type of project originally described in the bond documents.

[[~~(g)~~]]>>(f)<< As a condition of incorporation approved pursuant to Article V of the Miami-Dade County Home Rule Charter, each new municipality, as a part of its charter, shall provide for adoption of Miami-Dade County's workforce housing development program established at Chapter 33, Article XIIA of the Code of Miami-Dade County, as amended, provided, however, that any municipality may establish and enforce more stringent regulations as necessary to ensure provision of workforce housing units within its jurisdiction.


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.

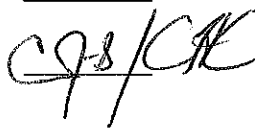
Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. 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.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:





Prepared by:

Cynthia Johnson-Stacks
Craig H. Coller

Prime Sponsor: Commissioner Barbara J. Jordan