

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2138.10

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, EXPRESSING SUPPORT FOR THE CITIES OF MIAMI GARDENS, DORAL, AND CUTLER BAY, AND URGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO PROVIDE THESE THREE CITIES WITH THEIR RIGHTFUL SHARE OF PEOPLE'S TRANSPORTATION PLAN SURTAX FUNDING FROM THE COUNTY'S 80% SHARE OF THE SURTAX, AS ORIGINALLY NEGOTIATED IN GOOD FAITH AND AGREED TO BY MIAMI-DADE COUNTY IN 2002, AND AS CURRENTLY REQUIRED BY MIAMI-DADE COUNTY ORDINANCE NO. 02-116; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2002, Miami-Dade County voters approved the People's Transportation Plan ("PTP") and a half-cent sales tax surtax to be used for the enhancement of transit and transportation in Miami-Dade County; and

WHEREAS, because previous efforts to implement such a tax had been defeated by the voters, then-Mayor Alex Penelas worked in good faith with municipal leaders to develop a revenue-sharing concept that could be supported by the existing cities in Miami-Dade County; and

WHEREAS, without support from the municipal leadership in Miami-Dade County, the ballot question most likely would have failed; and

WHEREAS, the agreed-upon proposal provided that 20% of the revenue generated by the half-cent sales tax would be distributed to the cities in existence at the time the tax was approved; and

WHEREAS, on July 9, 2002, the Miami-Dade County Board of County

Commissioners (BCC) adopted Ordinance No. 02-116, which expressly states that 20% of the half-cent sales tax proceeds must be distributed solely among the existing cities; and

WHEREAS, Ordinance No. 02-116 specifically states that newly incorporated municipalities will have the right to negotiate with the County for their pro rata share of the sales surtax from the County's 80% portion, and that providing funding to new cities would not affect the 20% share provided to municipalities that existed at the time the question was approved by the voters; and

WHEREAS, since 2002, three incorporations have been permitted in Miami-Dade County: Miami Gardens, Doral, and Cutler Bay; and

WHEREAS, municipalities currently receiving the surtax have consistently expressed support for these three new cities to receive funding as provided for by Miami-Dade County in Ordinance No. 02-116; and

WHEREAS, House Bill 1205 was approved during the 2009 Florida legislative session, requiring Miami-Dade County to renegotiate the interlocal agreements for distribution of the surtax proceeds every five years to include any new municipalities; and

WHEREAS, House Bill 1205 does not specify how the surtax revenues for new municipalities are to be funded; and

WHEREAS, a working group was convened earlier this year by Miami-Dade County with representatives of municipalities and the County to discuss this issue, which group met on at least three occasions and discussed options

proffered by the County; and

WHEREAS, the working group did not agree on a solution, only that further discussion should continue; and

WHEREAS, on July 19, 2010, County Manager George Burgess issued a memorandum to the Board of County Commissioners (BCC) informing the BCC that he had directed staff to prepare legislation for their consideration that “embraces a hold-harmless model” (the “hold-harmless option”); and

WHEREAS, the hold-harmless option proposes to provide PTP revenues to the new cities with the growth in PTP revenue that is expected in the coming years as the economy recovers; and

WHEREAS, the 5-year impact to the Town of Golden Beach is estimated by the Citizen’s Independent Transportation Trust to be approximately \$160,000 under the “hold-harmless option”; and

WHEREAS, on July 29, 2010, the Citizen’s Independent Transportation Trust (“CITT”) approved two resolutions, the first supporting an amendment to Ordinance No. 02-116 to provide for the funding of new municipalities through the implementation of the hold-harmless option and the easing of the municipal maintenance of effort requirement, and second urging the BCC to fund the new municipalities from a county source other than the 20% municipal share until new funding sources are identified or Ordinance No. 02-116 is amended; and

WHEREAS, on August 24, 2010, the City Commissions of the cities of Coral Gables and Hialeah approved resolutions to initiate a conflict resolution procedure against Miami-Dade County pursuant to Section 164.1052 of the

Florida Statutes regarding this “hold-harmless option”; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach support a plan whereby the new cities of Miami Gardens, Doral, and Cutler Bay are provided their rightful share of PTP surtax funding as provided in Miami-Dade County Ordinance No. 02-116.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. Support of Plan. That the Mayor and Town Council express support for the cities of Miami Gardens, Doral, and Cutler Bay to receive their rightful share of PTP surtax funds as provided in Miami-Dade County Ordinance No. 02-116, and urge Miami-Dade County to provide these three cities with their rightful share of PTP surtax funding from the County’s 80% share of the surtax, as originally negotiated in good faith and agreed to by Miami-Dade County in 2002, and as currently required by Miami-Dade County Ordinance No. 02-116.

Section 3. Implementation. That the Mayor and Town Manager are authorized to take any and all action which is necessary to implement this Resolution.

Section 4. Effective Date. That this resolution shall become effective immediately upon approval of the Town Council.

Sponsored by Town Administration

The Motion to adopt the foregoing resolution was offered by Councilmember Lusskin, seconded by Councilmember Rojas and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Bernard Einstein	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Rojas	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 19th day of October, 2010.

ATTEST:




MAYOR, GLENN SINGER



LISSETTE PEREZ
INTERIM TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY