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RESOLUTION NO. 2010-125

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CITT FUNDING; AUTHORIZING THE MAYOR TO EXECUTE A LETTER SIMILAR TO THE ATTACHED EXHIBIT ONE TO MIAMI-DADE COUNTY RELATING TO THE VILLAGE'S OCTOBER 2010 RESOLUTION OPPOSING THE UNILATERAL ACTION OF MIAMI-DADE COUNTY, FLORIDA IN CONNECTION WITH THE EXISTING CITIES' 20% SHARE OF THE TRANSIT SURTAX, AND WHICH RESOLUTION INDICATED THE COUNCIL'S SUPPORT OF THE POSITIONS OF THE CITY OF HIALEAH, CORAL GABLES AND OTHERS IN THEIR EFFORTS TO OPPOSE MIAMI-DADE COUNTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in October 2010, the Village Council authorized Resolution no. 2010-90 in which the Village Council expressed support for the cities of Hialeah, Coral Gables and others in their opposition to the County's unilateral action relating to CITT funding; and,

WHEREAS, Miami-Dade County is seeking to change the interlocal agreements with the existing cities, including the Village of Palmetto Bay, to change the revenue sharing agreements to require that the existing cities 20 percent share of the CITT funds (Transit Surtax Funds) be shared with all new cities, and that the County retain the 80% share of CITT funds – whereas under the prior interlocal with the existing cities, all new cities would share in the County's 80 percent funding; and,

WHEREAS, Section 212.055, Florida Statutes, authorizes Florida Counties to levy a discretionary sales surtax at a rate of up to one percent; and,

WHEREAS, in 2002, Miami-Dade County leaders sought to place the People's Transportation Plan ("PTP") calling for a half-penny sales tax increase for public transit and funding for municipal road and transportation projects on the November ballot in compliance with Section 212.055, Florida Statutes; and

WHEREAS, because voters unequivocally had voted against similar tax increases in the past and the County feared a like result, County leaders sought the then-existing municipalities' ("Existing Cities") assistance to garner voter support prior to placing the PTP on the ballot; and

WHEREAS, in exchange for the Existing Cities' support and assistance, County Commissioners guaranteed that 20% of the surtax revenue would be limited to the Existing Cities and distributed among them pro rata; and

WHEREAS, as a result of that agreement and in anticipation of the referendum, County Commissioners amended the County Code and adopted Ordinance No. 02-116, which provides that 20% of the revenue generated from the sales tax increase be paid to municipalities existing at the time of the referendum, November 5, 2002, -- the Existing Cities, and that any new municipalities, incorporated after November 5, 2002, may negotiate with the County for a portion of the County's

1 80% share because the new cities would be carved out of the unincorporated areas serviced by the
2 County at that time; and

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4 **WHEREAS**, after the Existing Cities supported and promoted the half-penny surtax
5 increase, voters approved the PTP; and

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7 **WHEREAS**, thereafter the cities of Miami Gardens, Doral and the Town of Cutler Bay
8 incorporated and were therefore excluded from the 20% revenue received by existing Cities; and

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10 **WHEREAS**, the Village believes that the new Cities should receive funding from the
11 County's 80% share, but not to the prejudice of Existing Cities; and,

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13 **WHEREAS**, the County Manager now is proposing a "hold harmless plan" that will reduce
14 the Existing Cities' share by providing County funding for new cities from growth in surtax revenue
15 and that after funding reaches \$5.3 million, then the new cities will be funded out of the Existing
16 Cities' 20% share, a radical departure from the 2002 voter-approved plan; and

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18 **WHEREAS**, the Village depends heavily on the annual ½ cent funds to enhance the quality
19 of life in the Village by using the Funds to pave our streets, provide for traffic calming projects and
20 other traffic and traffic safety related projects throughout the Village; and,

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22 **WHEREAS**, the reduction in funding from the growth in surtax revenue, as proposed by
23 the County, will affect the Village's ability to provide quality of life services to the Village residents
24 and Community; and,

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26 **WHEREAS**, the Village of Palmetto Bay strongly opposes any change in the distribution
27 formula from the proceeds of the half-penny transit sales tax, which forms the basis of this dispute
28 between the Village and the County; and

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30 **WHEREAS**, distribution of funding is based upon an existing Interlocal Agreement entered
31 into between the Village and the County on July 10, 2007, and requires, pursuant to Section
32 212.055(1)(d)4., Florida Statutes, renewal/revision of the interlocal no less than every five years; and,

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34 **WHEREAS**, Section 29-124(h) of Miami-Dade County Code of Ordinance additionally
35 gives newly incorporated municipalities the right to negotiate with the County for a pro rata share of
36 the discretionary sales surtax; and,

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38 **WHEREAS**, certain cities incorporated after November 5, 2002 wish to receive a pro rata
39 share of the discretionary sales surtax; and,

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41 **WHEREAS**, the County is seeking to revise the interlocals with the Existing Cities two
42 years early and to provide the funding to the new cities from the Existing Cities' 20% rather than the
43 County's 80%; and,

44
45 **WHEREAS**, the funding should come from the County's 80% funding; and,

