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RESOLUTION NO. 2010-90

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, OPPOSING UNILATERAL ACTION OF MIAMI-DADE COUNTY, FLORIDA IN CONNECTION WITH THE EXISTING CITIES' 20% SHARE OF THE TRANSIT SURTAX; SUPPORTING THE POSITIONS OF THE CITY OF HIALEAH, CORAL GABLES AND OTHERS IN THEIR EFFORTS TO OPPOSE MIAMI-DADE COUNTY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. [Sponsored by Vice-Mayor Pariser and Mayor Flinn]

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

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

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

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

1 **WHEREAS**, the County Manager now is proposing a “hold harmless plan” that will
2 reduce the Existing Cities’ share by providing County funding for new cities from growth in
3 surtax revenue and that after funding reaches \$5.3 million, then the new cities will be funded out
4 of the Existing Cities’ 20% share, a radical departure from the 2002 voter-approved plan; and
5

6 **WHEREAS**, the Village depends heavily on the annual ½ cent funds to enhance the
7 quality of life in the Village by using the funds to pave our streets, provide for traffic calming
8 projects and other traffic and traffic safety related projects throughout the Village; and,
9

10 **WHEREAS**, the reduction in funding from the growth in surtax revenue, as proposed
11 by the County, will affect the Village’s ability to provide quality of life services to the Village
12 residents and Community; and,
13

14 **WHEREAS**, the Village of Palmetto Bay strongly opposes any change in the distribution
15 formula from the proceeds of the half-penny transit sales tax, which forms the basis of this
16 dispute between the Village and the County; and
17

18 **WHEREAS**, distribution of funding is based upon an existing Interlocal Agreement
19 entered into between the Village and the County on July 10, 2007, and requires, pursuant to
20 Section 212.055(1)(d)4., Florida Statutes, renewal/revision of the interlocal no less than every five
21 years; and,
22

23 **WHEREAS**, Section 29-124(h) of Miami-Dade County Code of Ordinance additionally
24 gives newly incorporated municipalities the right to negotiate with the County for a pro rata share
25 of the discretionary sales surtax; and,
26

27 **WHEREAS**, certain cities incorporated after November 5, 2002 wish to receive a pro
28 rata share of the discretionary sales surtax; and,
29

30 **WHEREAS**, the County is seeking to revise the interlocals with the Existing Cities two
31 years early and to provide the funding to the new cities from the Existing Cities’ 20% rather than
32 the County’s 80%; and,
33

34 **WHEREAS**, the funding should come from the County’s 80% funding; and,
35

36 **WHEREAS**, the City of Coral Gables and the City of Hialeah have invoked the
37 procedures under the Florida Governmental Conflict Resolution Act (“Act”), Chapter 164,
38 Florida Statutes, and in particular, Section 164.1052, Florida Statutes which required the two
39 cities to adopt a resolution stating its intention to initiate the conflict resolution procedures
40 provided by the Act against the County prior to initiating court proceedings; and
41

42 **WHEREAS**, the Village opposes the County action and supports the City of Coral
43 Gables, Hialeah and others in their efforts to oppose the County’s unilateral desire to modify
44 existing Interlocal Agreement terms and conditions.
45

1 **NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF**
2 **THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

3
4 **SECTION 1. ADOPTION OF REPRESENTATIONS:** The foregoing paragraphs
5 contained in the preamble to this Resolution are hereby ratified and confirmed as being true, and
6 the same are hereby made a specific part of this Resolution.
7

8 **SECTION 2. ACTION OF THE VILLAGE COUNCIL.** The Village supports the
9 Existing Cities efforts to oppose the unilateral actions of Miami-Dade County to modify existing
10 Interlocal Agreements with respect to the Transit System Surtax payments and distribution.
11 Moreover, any future amendments should require the County to issue funding to new cities
12 incorporated after November 2002 from the County's 80% share of Surtax funding.
13

14 **SECTION 3.** The Village Council calls upon the Board of County Commissioners of
15 Miami-Dade County to provide the discretionary sales surtax funds to the new cities with such
16 funds to come from the 80% share of the CITT funds retained by the County and not out of the
17 20% provided to the Existing Cities.
18

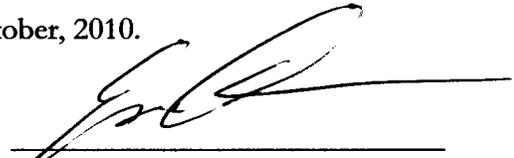
19 **SECTION 4.** The Village Council authorizes the Village Manager to negotiate with the
20 County manager and directs the Village Manager to conduct such discussions and negotiations as
21 are necessary to bring forward the intent of this resolution.
22

23 **SECTION 5. EFFECTIVE DATE:** This Resolution shall become effective upon the
24 date of the passage and adoption herein.
25

26 PASSED and ADOPTED this [4] day of October, 2010.

27
28 Attest:


29 Meighan Alexander
30 Village Clerk
31


32 Eugene P. Flinn, Jr.
33 Mayor

34 APPROVED AS TO FORM:
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36
37 
38 Eve A. Boutsis,
39 Village Attorney
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1	FINAL VOTE AT ADOPTION:	
2		
3	Council Member Ed Feller	<u>YES</u>
4		
5	Council Member Howard Tendrich	<u>YES</u>
6		
7	Council Member Shelley Stanczyk	<u>YES</u>
8		
9	Vice-Mayor Brian W. Pariser	<u>YES</u>
10		
11	Mayor Eugene P. Flinn, Jr.	<u>YES</u>