

To: The Honorable Mayor and City Council

From: Maxine Calloway, Esq., A.C.P., Director of Community Planning & Development

Date: June 12, 2012

**A RESOLUTION OF THE CITY OF NORTH MIAMI, FLORIDA, SUPPORTING THE MIAMI-DADE COUNTY LEAGUE OF CITIES' EFFORTS TO NEGOTIATE A NEW CHARTER COUNTY TRANSIT SYSTEM SURTAX INTERLOCAL AGREEMENT ON BEHALF OF THE MUNICIPALITIES IN MIAMI-DADE COUNTY; APPOINTING A CITY REPRESENTATIVE AND PROVIDING FOR AN EFFECTIVE DATE.**

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#### **RECOMMENDATION**

That the City Council approves the proposed Resolution, supporting the Miami Dade County League of Cities' efforts to negotiate a new Charter County Transit System Surtax Interlocal Agreement on behalf of Municipalities and appointing a City representative.

#### **BACKGROUND INFORMATION**

On May 14, 2012, the Miami-Dade County League of Cities (the "League") hosted a meeting with municipal managers or their representatives with reference to the Charter County Transit System Surtax Interlocal Agreements. The municipalities present at the meeting provided input to the League with regards to upcoming negotiations for a new Interlocal Agreement (the "Agreement"). Based on the input, the League and member cities created a committee to begin discussions with the County regarding the Agreement.

The League is therefore requested that every member municipality adopt a resolution identifying the position the League will take on behalf of the municipalities, assign a member that is authorized to represent the City and authorize the league to begin negotiating an Agreement with the County on behalf of the City.

It is the League's position that the proposed Agreement should provide for the following:

- Eliminate 20% transit requirements, making 100% of the funds available for transportation purposes;
- Define Transportation purposes to include but not limited to the provisions of Florida Statutes 212.055, with the relevant sub-references to the Public Transportation, Chapter 334.03 and Florida Statutes 334.065(l)(a);

- Allow for an annual independent audit to be overseen by an established Municipal Committee to audit the County's use of the surtax funds with the same regularity as the County audits the Cities;
- Eliminate the required baseline maintenance of efforts;
- Distributed net proceeds to Cities incorporated after November 5, 2002 shall not be reduced or affect the municipal share for eligible Cities (similar term exist in the 2003 Agreement);
- Identify a percent of the County's 80% (based on population) that is dedicated to Unincorporated Municipal Service Area (UMSA), with the intent to allocate to future annexations and incorporations;
- Allow for the Agreement to remain in effect from year to year for so long as the County receives net proceeds (similar term exist in the 2003 Agreement);
- Provide "favored nations" status to Cities, so as to grant the same exemptions and rights that the County grants itself and/or other eligible Cities (similar term exist in the 2011 Agreement);
- Need to define "cause" related to "termination" and/or when County "withholds" surtax funds; and
- Reduce reporting requirements to annually not quarterly, and tied to the certification requirement of the work completed (similar term exist in the 2003 Agreement).

#### CONCLUSION

Staff has reviewed the proposed Resolution and the League's request, and is of the opinion that the Mayor and Council should support the Resolution and appoint the City Manager or his designee as the representative for the City to continue discussions on this very important Agreement.

MAC: mc

Attachments:

1. Proposed Resolution

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF NORTH MIAMI, FLORIDA, SUPPORTING THE MIAMI-DADE COUNTY LEAGUE OF CITIES' EFFORTS TO NEGOTIATE A NEW CHARTER COUNTY TRANSIT SYSTEM SURTAX INTERLOCAL AGREEMENT ON BEHALF OF THE MUNICIPALITIES IN MIAMI-DADE COUNTY; FURTHER APPOINTING A CITY REPRESENTATIVE; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, on May 14, 2012, the Miami-Dade County League of Cities ("League") hosted a meeting with municipal managers and their representatives with reference to the Charter County Transit System Surtax Interlocal Agreements; and

**WHEREAS**, the municipalities present at said meeting provided input to the League with regards to upcoming negotiations for a new Interlocal Agreement ("Agreement"); and

**WHEREAS**, the League and member municipalities have created a committee to begin discussions with Miami-Dade County regarding the Agreement; and

**WHEREAS**, the League has requested that every member municipality adopt a resolution identifying the position the League will take on behalf of the municipalities, assign a member that is authorized to represent the City and authorize the League to begin negotiating an Agreement with the County on behalf of the City; and

**WHEREAS**, the Mayor and City Council support the Miami-Dade County League of Cities' efforts to negotiate a new Charter County Transit System Surtax Interlocal Agreement on behalf of the municipalities in Miami-Dade County.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Support of Miami-Dade County League of Cities' Position.** The Mayor and City Council of the City of North Miami, Florida, hereby support the following position of the Miami-Dade County League of Cities with regards to negotiating a new Agreement:

- Eliminate twenty (20) percent transit requirements, making one hundred (100) percent of the funds available for transportation purposes;
- Define Transportation purposes to include but not limited to the provisions of Florida Statutes 212.055, with the relevant sub-references to the Public Transportation, Chapter 334.03 and Florida Statutes 334.065(1)(a) (Attached);
- Allow for an annual independent audit to be overseen by an established Municipal Committee to audit the County's use of the surtax funds with the same regularity as the County audits the Cities;
- Eliminate the required baseline maintenance of efforts;
- Distribution of net proceeds to Cities incorporated after November 5, 2002 shall not be reduced nor affect the municipal share for eligible Cities (similar term exists in the 2003 Agreement);
- Identify a percent of the County's eighty (80) percent (based on population) that is dedicated to Unincorporated Municipal Service Area (UMSA), with the intent to allocate to future annexations and incorporations;
- Allow for the Agreement to remain in effect from year to year for so long as the County receives net proceeds (similar term exist in the 2003 Agreement);
- Provide "favored nation" status to Cities, so as to grant the same exemptions and rights that the County grants itself and/or other eligible Cities (similar term exists in the 2011 Agreement);
- Need to define "cause" related to "termination" and/or when County "withholds" surtax funds;
- Reduce reporting requirements to annually not quarterly, and tied to the certification requirement of the work completed (similar term exists in the 2003 Agreement).

**Section 2. Appointment of City Manager as Representative.** The City Manager or his designee is hereby authorized to represent the City on this matter.

**Section 3. Authorization of Miami-Dade League of Cities to Negotiate.** The Miami-Dade League of Cities is hereby authorized to negotiate an Agreement with Miami-Dade County on behalf of the City.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_\_ day of June 2012.

\_\_\_\_\_  
ANDRE PIERRE, ESQ.  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Jean R. Marcellus	_____ (Yes)	_____ (No)
Councilperson Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)