

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2010-185

A RESOLUTION OF THE CITY COMMISSION FORMALLY INITIATING CONFLICT RESOLUTION PROCEDURES PROVIDED BY CHAPTER 164.1052, FLORIDA STATUTES, PRIOR TO INITIATING LITIGATION AGAINST MIAMI-DADE COUNTY, FLORIDA IN CONNECTION WITH THE EXISTING CITIES' 20% SHARE OF THE TRANSIT SURTAX; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of Coral Gables strongly opposes any change in the distribution formula from the proceeds of the half-penny transit sales tax, which forms the basis of this dispute between the City and the County; and

WHEREAS, the City has retained the legal services of outside counsel, Lewis Tein, P.L., to assist the City with pre-litigation and litigation services, if necessary, against the County; and

WHEREAS, the Florida Governmental Conflict Resolution Act ("Act"), Chapter 164, Florida Statutes, and in particular, Section 164.1052, Florida Statutes requires the City Commission to adopt a resolution stating its intention to initiate the conflict resolution procedures provided by the Act against the County prior to initiating court proceedings; and

WHEREAS, Section 164.1052, Florida Statutes further provides for certain notice provisions to the County in order to provide the County with the opportunity to resolve the matter with the City prior to initiating litigation;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. ADOPTION OF REPRESENTATIONS: That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption herein.

SECTION 2. AUTHORIZATION: That the City Commission does hereby approve a Resolution stating its intention to initiate the "Conflict Resolution Procedure" as outlined in Section 164.1052, Florida Statutes, with respect to the Transit System Surtax.

SECTION 3. EFFECTIVE DATE: That this Resolution shall become effective upon the date of the passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-FOURTH DAY OF AUGUST, A.D., 2010.

(Moved: Anderson / Seconded: Cabrera)

(Yea: Anderson, Cabrera, Withers, Kerdyk, Slesnick)

(Unanimous: 5-0 Vote)

(Agenda Item: I-1)

APPROVED:

DONALD D. SLESNICK II
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


ELIZABETH M. HERNANDEZ
CITY ATTORNEY