

RESOLUTION No. 2005-83-260

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN INTERLOCAL AGREEMENT FOR COLLECTION AND DISTRIBUTION OF THE COMMUNICATION SERVICES TAX PROCEEDS WITH MIAMI-DADE COUNTY, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

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2 WHEREAS, the County previously issues its public service revenue bonds in 1996 (no
3 longer outstanding) and 1999 (the "Series 1999 Bonds") to which the County pledged its public
4 service tax collected in the unincorporated area of the County, and

5 WHEREAS, Florida law was amended in 2001 to provide that the communications
6 services tax portion of the public service tax shall be imposed locally by the County and
7 municipalities within the County ("Local Communications Services Tax") rather than by the
8 State as was the case when the Series 1999 Bonds was issued, and

9 WHEREAS, the County covenanted in the Resolution authorizing the issuance of its
10 Public Service Tax Revenue Bonds (UMSA) Public Improvements, Series 2002 ("Series 2002
11 Bonds") that it will continue to assess and collect, or cause to be assessed and collected, the
12 public service tax and the Local Communications Services Tax in areas which incorporate
13 subsequent to June 23, 2002, the date the Series 2002 Bonds were issued, and

14 WHEREAS, on August 20, 2003 as a condition of incorporation, the City enacted
15 Ordinance No. 2003-02, imposing and levying the Local Communications Services Tax in the
16 amount of five and one-half percent on communications services within the City, as authorized

17 by Section 202.19, Florida Statutes, and

18 WHEREAS, even though the City gave notice to the Florida Department of Revenue
19 ("FDOR") that the City was imposing the Local Communications Services Tax, FDOR has
20 continued sending a portion of the Local Communications Services Tax imposed by the County
21 and the City to the County, and

22 WHEREAS, FDOR advises the City that it could not send the City its share of the Local
23 Communications Services Tax until it completed audits to determine the number of firms
24 required to pay such Local Communications Services Tax to the City and that those audits may
25 take several years to complete, and

26 WHEREAS, the City and County wish to enter into this interlocal agreement pursuant to
27 Chapter 163, Florida Statutes ("Interlocal") to set forth the terms and conditions upon which the
28 City's Local Communications Services Tax shall be distributed,

29 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
30 OF MIAMI GARDENS, FLORIDA, as follows:

31 Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas
32 paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a
33 specific part of this Resolution.

34 Section 2. AUTHORITY: The Mayor and City Clerk are hereby authorized and
35 directed to execute and attest, respectively, that certain Interlocal Agreement For Collection and
36 Distribution of the Communication Services Tax Proceeds with Miami-Dade County, a copy of

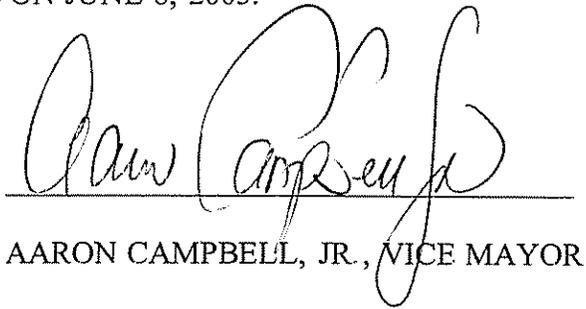
37 which is attached hereto as **Exhibit A**.

38 Section 3. INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby
39 authorized to obtain three (3) fully executed copies of the subject Agreement, with one to be
40 maintained by the City; with one to be delivered to Miami-Dade County, and with one to be
41 directed to the Office of City Attorney.

42 Section 4. EFFECTIVE DATE: This Resolution shall take effect immediately
43 upon its final passage.

44 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI
45 GARDENS AT ITS REGULAR MEETING HELD ON JUNE 8, 2005.

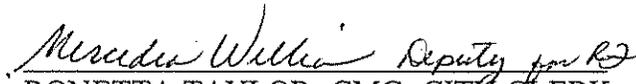
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AARON CAMPBELL, JR., VICE MAYOR

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53 ATTEST:

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58 RONETTA TAYLOR, CMC, CITY CLERK

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60 Prepared by SONJA KNIGHTON DICKENS, ESQ.
61 City Attorney

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63 SPONSORED BY: DANNY O. CREW, CITY MANAGER
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65 MOVED BY: Councilman Braynon
66 SECONDED BY: Councilwoman King

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68 **VOTE:** 7-0

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70	Mayor Gibson	<u>X</u> (Yes)	___(No)
71	Vice Mayor Campbell	<u>X</u> (Yes)	___(No)
72	Councilman Melvin L. Bratton	<u>X</u> (Yes)	___(No)
73	Councilman Oscar Braynon, II	<u>X</u> (Yes)	___(No)
74	Councilwoman Audrey J. King	<u>X</u> (Yes)	___(No)
75	Councilwoman Sharon Pritchett	<u>X</u> (Yes)	___(No)
76	Councilwoman Barbara Watson	<u>X</u> (Yes)	___(No)

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