RESOLUTION NO. 2015-141

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REQUESTING THE BOARD OF COUNTY COMMISSIONERS DELEGATE AUTHORITY AND POWERS CONFERRED UPON MIAMI-DADE COUNTY BY FLORIDA STATUTES CHAPTER 163, PART III, THE COMMUNITY REDEVELOPMENT ACT OF 1969, TO THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA; FURTHER URGING THE COUNTY COMMISSION TO SUPPORT THE REDEVELOPMENT EFFORTS OF THE CITY BY ADOPTING THE NECESSARY FINDINGS AND DECLARATIONS ESTABLISHING THE NEED FOR REDEVELOPMENT AND A COMMUNITY REDEVELOPMENT AGENCY AS SUPPORTED BY THE DATA AND ANALYSIS IN THE CITY'S FINDINGS OF NECESSITY STUDY; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF RESOLUTION NO. 2015-127 (OCT. 16, 2015), RESOLUTION NO. 2015-137 (OCT. 16, 2015) AND THIS RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS FOR MIAMI-DADE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Miami-Dade County is a political subdivision of the State of Florida which has adopted a home rule charter; and

WHEREAS, the City of Hialeah is a municipal corporation wholly located within the jurisdictional boundaries of Miami-Dade County; and

WHEREAS, pursuant to Florida Statutes §163.410, Miami-Dade County may exercise its discretion and delegate to the City Council the exercise of authority and powers necessary and convenient to carry out and effectuate the purposes and provisions of the Community Redevelopment Act of 1969; and

WHEREAS, Florida Statutes §163.410 provides that the delegation of authority and powers by the County may confer upon the City only those powers as are specifically enumerated in the delegating resolution and any power not specifically delegated shall be reserved exclusively to the County; and

WHEREAS, as required by Florida Statutes §163.355, the City Council adopted Resolution No. 2015-127 (October 16, 2015) finding a need to redevelop the area described and depicted in Exhibit B to the Resolution based upon the data, analysis and findings in the Findings of Necessity Study prepared by Carras Community Investment, Inc.; and

WHEREAS, as provided by Florida Statutes §163.357, concurrent with the adoption of the Findings of Necessity Resolution, the City Council adopted Resolution No. 2015-137

(October 16, 2015) creating the Hialeah Market District Community Redevelopment Agency naming the City Councilmembers as the members of the governing body of the agency; and

WHEREAS, as required by Florida Statutes §163.346, and in anticipation of the adoption of Resolution No. 2015-127 and Resolution No. 2015-137, the City provided public notice pursuant to §166.041(3)(a), Florida Statutes, and to each taxing authorities levying ad valorem taxes within the geographic boundaries of the Hialeah Market District Community Redevelopment Area by registered mail; and

WHEREAS, the City will by separate official action provide for the development and adoption of a community redevelopment plan and the establishment of a redevelopment trust fund; and

WHEREAS, the City Council acknowledges that it cannot exercise any redevelopment powers, including carrying out the goals, policies or objectives of a community redevelopment plan, or funding or expenditure of any increment revenues, without the proper delegation of authority from the County;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The Mayor and the City Council of the City of Hialeah, Florida hereby request the Board of County Commissioners delegate the necessary authority and powers conferred upon Miami-Dade County by Florida Statutes Chapter 163, Part III, the Community Redevelopment Act of 1969, to the City Council of the City of Hialeah to enable the Council to carry out and effectuate the purposes and provisions of the Community Redevelopment Act of 1969.

Section 3: The Mayor and the City Council of the City of Hialeah, Florida further urge the Board of County Commissioners to support the City's redevelopment efforts by adopting necessary findings and declarations establishing the need for redevelopment and a community redevelopment agency as supported by the data and analysis in the City's Findings of Necessity Study.

Section 4: The City Clerk is hereby directed to transmit a copy of Resolution No. 2015-127 (Oct. 16, 2015), Resolution No. 2015-137 (Oct. 16, 2015) and this Resolution to the Board of County Commissioners for Miami-Dade County.

Section 5: **Effective Date.**

This resolution shall become effective when passed by the City Council of the City of Hialeah, Florida and signed by the Mayor of the City of Hialeah, Florida, or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld of if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 27 day of October, 2015.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 3 day of ~~October~~ November, 2015.

Marbelys Fatjo, City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena Bravo, City Attorney

s:\leb\legislation\2015-resolutions\cra-delegation of authority.docx

Resolution was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casáls-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".