MEMORANDUM

Agenda Item No. 7(I)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	October 2, 2007
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance amending Section 18-3 of the Code; revising procedures for processing of special taxing district petitions

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman.

R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance revising procedures for processing of special taxing district petitions

---

The ordinance revising procedures for processing of special taxing district petitions will not have a fiscal impact to Miami-Dade County.

Ysela Llort
Assistant County Manager

fis01807

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: October 2, 2007

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(I)

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(I)

10-2-07

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 18-3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING PROCEDURES FOR PROCESSING OF SPECIAL TAXING DISTRICT PETITIONS BY CLARIFYING REQUIREMENT FOR THE MAILING OF NOTICES PRIOR TO PUBLIC HEARINGS AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 18-3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 18-3. Proceedings for creation and establishment of districts.

The proceedings for the creation and establishment of a district under the provisions of this article shall be as follows:

(a) *Petition* There shall be filed with the Clerk of the Board a petition requesting the creation and establishment of a special taxing district under the provisions of this article, signed by the [[~~County Manager~~]] >>Mayor<< or by fifty (50) per centum of the resident owners of property embraced within the proposed district. Opposite each such signature of owners of property there shall be inserted his>>or her<< post office address and a brief reference to the property within the proposed district which is owned by such signer, and such reference shall be sufficient to identify any property involved and shall set forth the folio number of the County tax bill covering such property. For the purposes of any such petition of owners of property, the rights of mortgagees and lienors shall not be considered and the signature of any person holding a fee interest in the property shall be sufficient, and either the signature of the husband or the wife shall be sufficient in cases where the

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

property is owned by both husband and wife. In addition to the foregoing such petition shall also contain and set forth the following:

(1) The boundaries or other description sufficient to identify the property embraced in the proposed district, together with a survey sketch showing the location of the proposed district, and

(2) A brief description of the project requested to be constructed, acquired, reconstructed or installed.

(b) *Certification of petition.* Upon receipt of [[~~any~~]] such petition, the Clerk of the Board shall transmit a copy thereof to the County Manager, who shall examine the petition and file a written report with the Clerk at the earliest practicable date.

* * *

(d) *Notice of public hearing.* Upon receipt of such report of the County Manager, and from such other investigations as the Board may make or cause to be made, the Clerk of the Board shall prepare a certificate fixing the place, date and hour for a public hearing, which certificate shall set forth a copy of the petition, excluding signatures, and brief summaries of the report and recommendations of the County Manager, including (but without limitation) his recommendations as to any additional territory which should be embraced within the proposed district. Notice of such public hearing, stating that a petition for the creation and establishment of a special taxing district under the provisions of this article has been filed with the Clerk of the Board and setting forth a brief description of the project petitioned for, the boundaries or other description sufficient to identify the property to be embraced in the proposed district, a brief summary of the report and recommendations of the County Manager, and stating the place, date and hour fixed by the Board for such public hearing, shall be:

(1) Published once a week for two (2) consecutive weeks in some newspaper of general circulation within the County to be designated in the resolution;

(2) Posted in not less than five (5) public places within the proposed district;

(3) Mailed to all owners of taxable property within the boundaries of the proposed district, including any additional territory recommended by the County Manager, whose names and addresses appear on the last preceding assessment roll for County taxes.

The first such publications and such posting and mailing shall occur not less than fifteen (15) days prior to the date fixed for such hearing. >> Such mailing shall be accomplished by the Clerk of the Board in sufficient time to cause a U.S. Postal Service postmark to be affixed to such mailing not less than fifteen (15) days prior to such hearing.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

James K. Kracht

Sponsored by Commissioner Sally A. Heyman