

Memorandum



Date: May 3, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

Subject: Sunset Review of County Boards for 2011 – Kendale Lakes Landscape and
Maintenance Special Taxing District Advisory Board

Agenda Item No. 1(F)7

In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2011 Sunset Review of County Boards Report for the Kendale Lakes Landscape and Maintenance Special Taxing District Advisory Board. The Board approved the attached report at its meeting of January 6, 2011 and has recommended the continuation of its board.

A handwritten signature in black ink, appearing to read "Alex Muñoz", written above a horizontal line.

Alex Muñoz
Assistant County Manager

cmo05211

Date: January 6, 2011

To: George M. Burgess
County Manager

From: Albert Schaefer
Chairperson, Kendale Lakes Landscape and Maintenance Special Taxing District
Advisory Board

Subject: Sunset Review of County Boards for 2011 – Kendale Lakes Landscape and
Maintenance Special Taxing District Advisory Board

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2011 Sunset Review of County Boards Report for the Kendale Lakes Landscape and Maintenance Special Taxing District Advisory Board for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of January 6, 2011.

It is recommended that the BCC approve the continuation of the Kendale Lakes Landscape and Maintenance Special Taxing District Advisory Board.

BACKGROUND

The Kendale Lakes Landscape and Maintenance Special Taxing District Advisory Board was created September 11th, 2001. The purpose of the Kendale Lakes Landscape and Maintenance Special Taxing District Advisory Board is to assist the Board of County Commissioners and the County Administration with respect to matters pertaining to the Kendale Lakes Landscaping Maintenance Taxing District. The Board also approves landscape improvements as well as the annual budget for Kendale Lakes Special Tax District.

The Kendale Lakes Landscape and Maintenance Special Taxing District Advisory Board should continue to function because since it was created in 2001 it has been the key to meeting the Kendale Lakes community's needs by making landscape improvements and approving the annual budgets in an effective manner.



Albert Schaefer
Board Chairperson

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2011**

I. GENERAL INFORMATION

1. Name of Board reporting: Kendale Lakes Landscape and Maintenance Special Taxing District Advisory Board.

2. Indicate number of board members, terms of office, and number of vacancies:
Number of Board Members: Seven (7) (See attached)
Terms of Office: Serve staggered terms of no more than two (2) years with no member serving more than eight (8) years.
Number of Vacancies: Zero (0) (See attached)

3. Identify number of meetings and members' attendance (Attach records reflecting activity from **Jan. 1, 2009** through **December 31, 2010**):
Number of Meetings: See Attachment
Number of Meetings with a Quorum: See Attachment
Attendance Records: See Attachment

4. What is the source of your funding? Special Assessment Fee

5. Date of Board Creation: September 11th, 2001

6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments). (See Attached)

7. Include the Board's Mission Statement or state its purpose:
(See Attached)

8. Attach the Board's standard operating procedures, if any.
N/A

9. Attach a copy of the Board's By-Laws, if any.
N/A

10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, **including a vote of the membership.** _____

II. EVALUATION CRITERIA

1. Is the Board serving the purpose for which it was created? (Please provide detailed information)
Yes

2. Is the Board serving current community needs? (Please provide detailed information)
Yes

3. What are the Board's major accomplishments?
 - a. Last 24 months The major accomplishments of the Board is the approval of landscape improvements.

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2011**

b. Since established Since established (Sep. 11th 2001) the advisory Board has given their input and has approved the budgets for Kendale Lakes Special Tax District.

4. Is there any other board, either public or private, which would better serve the function of this board?

No.

5. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (If "Yes", attach proposed changes)

No.

6. Should the Board's membership requirements be modified?

No.

7. What is the operating cost of the Board, both direct and indirect? (Report on FY 2009 and FY 2010)

Administrative cost paid by a portion of the Special Landscape Multipurpose Assessment taxed to the County

8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.

No performance measures have been established to determine its own effectiveness.

Kendale Lakes Landscape Maintenance Advisory Board Members:

Albert Schaefer Area 1
 Eduardo Cardenal Area 2
 Teresita Fernandez Area 3
 Susan Malcy Area 4
 Jay Hakerem Area 5
 Gloria Urrea Area 6
 Yvonne Von Der Osten Area 7

Board Mission Statement:

Kendale Lakes Advisory Board will formulate and recommend plans and programs for the landscaping maintenance of their community in order to continue to provide exceptional landscape maintenance.

Membership Attendance for the previous 2 years (2009-2010):

Member	Area	3/5/09	5/6/09	6/25/09	7/23/09	4/22/10	5/25/10	6/23/10	8/12/10	8/18/10
Albert A. Schaefer	1	X	X		X		X			X
Eduardo Cardenal	2							X		
Teresita Fernandez	3	X		X						
Richard Malcy/ Susan Malcy	4	X	X	X	X	X	X	X	X	X
Harvey Weisberg/ Jay Hakerem	5			X	X		X	X	X	
Frieda Kruger/ Gloria Urrea	6		X		X	X			X	
Ivonne Von Der Ostern	7	X				X		X	X	



Miami-Dade Legislative Item File Number: 011874

File Number: 011874 **File Type:** Ordinance **Status:** Adopted
Version: 0 **Reference:** 01-133 **Control:** Board of County Commissioners
File Name: ORD ESTAB KENDALE LAKES LANDSCAPE MAINT STD **Introduced:**
 ADVISORY BOARD 7/9/2001
Requester: NONE **Cost:** **Final Action:** 9/13/2001
Agenda Date: 9/11/2001 **Agenda Item Number:** 40

Notes: Title: ORDINANCE ESTABLISHING A KENDALE LAKES LANDSCAPE MAINTENANCE SPECIAL TAXING DISTRICT ADVISORY BOARD, PROVIDING FOR MEMBERSHIP, PURPOSE, ORGANIZATION AND PROCEDURE, APPOINTMENT AND TENURE, POWERS, DUTIES AND FUNCTIONS OF THE BOARD, AND STAFF SUPPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE AGENDA ITEM NO. 4P]

Indexes: ADVISORY BOARD **Sponsors:** Joe A. Martinez, Prime Sponsor
 KENDALE LAKES
 SPECIAL TAXING DISTRICT

Sunset Provision: No **Effective Date:** **Expiration Date:**
Registered Lobbyist: None Listed

Legislative History

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	9/11/2001	40	Adopted				P
REPORT:	The foregoing ordinance was adopted on September 13, 2001.						
Recreation & Cultural Affairs Committee	9/5/2001	2F	Forwarded to BCC with a favorable recommendation				P
County Attorney	8/23/2001		Referred	Recreation & Cultural Affairs	9/5/2001		

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Committee

Transportation Infrastructure & Environment Cmte	7/17/2001	3AA	Forwarded to BCC		P
Board of County Commissioners	7/10/2001	13R SUBSTITUTE	Adopted on first reading	9/11/2001	P
County Attorney	7/9/2001		Assigned	Angelique Ortega	

Legislative Text

TITLE

ORDINANCE ESTABLISHING A KENDALE LAKES LANDSCAPE MAINTENANCE SPECIAL TAXING DISTRICT ADVISORY BOARD, PROVIDING FOR MEMBERSHIP, PURPOSE, ORGANIZATION AND PROCEDURE, APPOINTMENT AND TENURE, POWERS, DUTIES AND FUNCTIONS OF THE BOARD, AND STAFF SUPPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BODY

WHEREAS, the Kendale Lakes Landscape Maintenance Special Taxing District ("Special Taxing District") was created for the maintenance of certain common areas, green areas, and lakes within the Kendale Lakes community; and

WHEREAS, the residents within the Special Taxing District desire to participate in the process by which the Special Taxing District funds are allocated and expended; and

WHEREAS, this Board desires to create a Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board ("Advisory Board") in order to provide assistance to this Board and to the County on issues concerning the Special Taxing District,

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

Section 1. The Code of Miami-Dade County shall be amended by the addition of the following new section:

A. Creation of the Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board. There is hereby created and established the Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board.

B. Composition, Terms. Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board ("Advisory Board") shall be composed of seven (7) members, each residing in one of the seven regions within the Kendale Lakes Landscape Maintenance Special Taxing District ("Special Taxing District"), as more specifically set forth below. The members shall serve staggered terms of no more than two (2) years, with no member serving for more than eight (8) consecutive years.

C. Nomination and Selection of Members.

(1) **Initial Advisory Board.** The Initial Advisory Board shall be established as provided in this paragraph. Within ten (10) days following the effective date of this Ordinance, the County, under the name of the County Commissioner from District 11, shall mail to each property owner and advertise for not less than two (2) consecutive weeks in both a newspaper of general circulation throughout the County and in a local neighborhood circulated newspaper, and post in not less than five (5) places within the limit of the Special Taxing District, a notice stating where and when applications (the "Applications") for the Initial Advisory Board will be available. An Application will also be included with every notice sent by mail. The Applications will be developed by the Park and Recreation Department and will require the applicant to provide her or his name, address, proof of residence within the Special Taxing District, and proof of length of residence within the Special Taxing District.

(a) The Application deadline will be no less than three (3) weeks from the date of the advertisement and mailing.

(b) The Park and Recreation Department will collect and evaluate the Applications as provided herein. At the expiration of the Application deadline, the County Representative, as defined in Section 1(c)(3), shall select the nominees for the Initial Advisory Board using the following criteria. The applicant within each Special Taxing District region who has resided longest within the region will be the nominee for that region. If there is no applicant for a region, then the County Representative will appoint the nominee from the remaining pool of applicants.

(c) The County Representative, by and through the Park and Recreation Department, will provide the Board of County Commissioners the slate of nominees for approval.

(d) In order to establish staggered terms for the Advisory Board, the terms of the Initial Advisory Board members will be as provided in this section. The term of the members from odd-numbered Special Taxing District regions shall serve from the date of their approval by the Board of County Commissioners until the approval of the nominees by the Board of County Commissioners following the next annual meeting provided in Section 1(c)(3) herein, irrespective of whether those members of the Advisory Board have served a full year term. The members of the Initial Advisory Board from even-numbered Special Taxing District regions shall serve from the date of their approval by the Board of County Commissioners until the approval of the nominees by the Board of County Commissioners following the annual meeting two years following the passage of this Ordinance. For example, if this Ordinance is passed in October, 2001 and the Initial Advisory Board is empanelled and approved by November, 2001, the members of the Initial Advisory Board from odd-numbered regions will serve until the nominees from odd-numbered regions selected at the May, 2002 Nomination Meeting are approved by the Board of County Commissioners. The members of the Initial Advisory Board from even-numbered regions shall serve until the nominees from the even-numbered regions selected at the May, 2003 Nomination Meeting are approved.

(2) **Advertisement for Nomination Meeting.** On or before May 1 of each year following the establishment of the Initial Advisory Board, the County, under the name of the County Commissioner from District 11, shall mail to each property owner and advertise for not less than two (2) consecutive weeks in both a newspaper of general circulation throughout the County and in a local neighborhood circulated newspaper, and post in not less than five (5) places within the limits of the Special Taxing District, a notice setting the date, place, and time of a public meeting of property owners and residents within the limits of the Special Taxing District for purpose of selecting nominees for the Advisory Board. The notice shall briefly describe purpose of the meeting, the responsibilities of the Advisory Board, and advise the recipients that at the meeting nominations will be received for persons from the specified Special Taxing District regions desiring to serve as members of the Advisory Board for the

upcoming two (2) year term.

(3) **Nomination Meeting.** The annual nomination meeting shall be chaired by the Park & Recreation Department Special Taxing District Manager or other designee of the Park & Recreation Department Director ("County Representative"). The County Representative shall briefly discuss the responsibilities of the Advisory Board. The County Representative will open the floor for nominations only for those Special Taxing District regions with vacancies that year and shall record the names of those nominated for each vacant Special Taxing District region, as illustrated and defined in the Special Taxing District map attached as Exhibit "A." Each even-numbered year will have nominations for odd-numbered Special Taxing District regions and vice-versa. At least one person from each vacant Special Taxing District region shall be nominated for the Advisory Board. If more than one person from region is nominated for a single region, then the person residing in the region for the longest period of time shall become the region's nominee. If no nominee is secured for a given Special Taxing District region, then the Director of the Park & Recreation Department will appoint the nominee. The County Representative will be responsible for verifying the residence of all nominees, and if necessary, the length of residency within the Special Taxing District and specific region.

(4) **Board Approval of Nominees.** The County Representative, by and through the Park and Recreation Department, will provide the Board of County Commissioners the slate of nominees for approval.

(5) **Vacancies.** Should any Advisory Board member move out of the region for which they were nominated during the course of her or his term, but continue to reside within the Special Taxing District, then that Advisory Board member will serve out her or his term, but will not be eligible for a new term within that region, unless no resident within the region desires to be the region's nominee at the following Nomination Meeting. Should any Advisory Board member move out of the Special Taxing District during her or his term, then she or he will forfeit her or his position on the Advisory Board. Should an Advisory Board member resign during her or his term for any other reason, the position will remain vacant until the following term.

D. Officers; Quorum; Compensation. The members of the Advisory Board shall elect a chairperson and vice chairperson, who shall serve at the will of the Advisory Board. Four (4) members of the Advisory Board shall constitute a quorum necessary to hold a meeting and take any action. A majority vote of the quorum of the Advisory Board shall be necessary to take any action. Members shall serve without compensation. The chairperson or vice chairperson may call meetings of the Advisory Board. Meetings may also be called by written notice signed by four (4) members. The Advisory Board at any duly noticed meeting may fix and call a meeting on a future date. All meetings shall be public.

E. Duties, Powers, and Responsibilities. The Board shall have the following duties, powers and responsibilities:

(1) To serve in an advisory capacity to the Board of County Commissioners, and the County administration, in respect to matters pertaining to the Special Taxing District.

(2) To formulate and recommend plans and programs for the Special Taxing District.

(3) The Advisory Board shall annually report to the Board of County Commissioners as to its recommendations.

(4) To perform such other duties as may from time to time be assigned to it by resolution of the Board of County Commissioners.

F. Support. The County Manager, County Attorney and Clerk of the Board shall provide appropriate support for the Advisory Board.

G. Meetings of the Board. The Advisory Board shall hold regular meetings, no less than six times per year, and such other meetings, as it deems necessary. The Advisory Board shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1 of the Code of Miami-Dade County.

Section 2. Severability. 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. Incorporation into Miami-Dade County Code. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance 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. Effective Date. 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.

Section 5. Sunset Ordinance. This ordinance does not contain a sunset provision.

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