MEMORANDUM

Agenda Item No. 15(A)(4)

TO: Honorable Chairwoman Rebeca Sosa, and Members, Board of County Commissioners

DATE: March 18, 2014

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

Christopher Agrippa, Director
Clerk of the Board Division

SUBJECT: Resolution authorizing execution of the Intergovernmental Cooperation Agreement Between Coastal Corridor Property Assessment Clean Energy District and Miami-Dade County Tax Collector and Miami-Dade Office of the Property Appraiser to provide services to the Coastal Corridor Property Assessment Clean Energy District in Accordance with Sections 197.3632 and 197.3635, Florida Statutes, uniform method for the levy, collection and enforcement of non-ad valorem assessments

Ordinance 08-62 adopted by the Miami-Dade County Board of County Commissioners provides that the Property Appraiser may submit resolutions, ordinances, or reports related to his duties to the Clerk of the Board Division for placement on the next available agenda of the Miami-Dade County Board of County Commissioners.

Attached for placement on the March 18, 2014, Board of County Commissioners' agenda, is a proposed resolution submitted by the Property Appraiser authorizing execution of the Intergovernmental Cooperation Agreement between Coastal Corridor Property Assessment Clean Energy District and Miami-Dade County Tax Collector and Miami-Dade Office of the Property Appraiser to provide services to the Coastal Corridor Property Assessment Clean Energy District in accordance with Sections 197.3632 and 197.3635, Florida Statutes, uniform method for the levy, collection and enforcement of non-ad valorem assessments.

CA/fcd
Attachment

Memorandum

MIAMI-DADE COUNTY

Date: March 18, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Lazaro Solis
Property Appraiser

Subject: Resolution Authorizing Intergovernmental Cooperation Agreement with Coastal Corridor Property Assessment Clean Energy District

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) authorize execution of the attached Intergovernmental Cooperation Agreement (Agreement) by and among Miami-Dade County on behalf of the Tax Collector (Collector), Miami-Dade County Office of the Property Appraiser (Appraiser) and the Coastal Corridor Property Assessment Clean Energy District (District) to allow the District to utilize the uniform method for the levy, collection and enforcement of non-ad valorem assessments, as prescribed in Section 197.3632, Florida Statutes.

SCOPE

The District is located within County Commission Districts 3 and 4. The District has requested that the Appraiser and Collector include its proposed or adopted non-ad valorem assessments for improvements or such other assessments imposed by the District to properties within the incorporated area of the District on the notice as specified in Section 200.069, Florida Statutes, and on the combined notice of ad valorem and non-ad valorem assessments provided for in Sections 197.3632 and 197.3635, Florida Statutes.

FISCAL IMPACT/FUNDING SOURCE

The District agrees that the County shall be entitled to retain two percent on the amount of special assessments collected and remitted to cover all of the County's associated costs. There is no negative fiscal impact to the County as a result of this Agreement.

TRACK RECORD/MONITOR

The District agrees that all certified assessment rolls will be maintained and transmitted to the Appraiser and Collector on compatible electronic medium as defined in Section 197.3632(1), Florida Statutes. The Agreement is managed by the Office of the Property Appraiser.

BACKGROUND

In accordance with Sections 197.3632 and 197.3635, Florida Statutes, and the Agreement, the District will charge separate non-ad valorem assessments for improvements or such other assessments imposed by the District to properties within the incorporated area of the District. The Agreement affords the District the convenience and financial savings of utilizing the TRIM notice and combined tax bill for collection of its non ad valorem assessments. Use of the ad valorem method for collection of these assessments could result in issuance of tax certificates, tax deeds and the loss of title to the property, if said assessments are not paid by the property owners. The term of this Agreement commences with special assessments collected in 2014 and continues until cancelled by either party.

Attachment

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 18, 2014

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

SUBJECT: Agenda Item No. 15(A)(4)

Please note any items checked.

_____ **"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**

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

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 15(A)(4)
3-18-14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF THE INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN COASTAL CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY DISTRICT AND MIAMI-DADE COUNTY TAX COLLECTOR AND MIAMI-DADE OFFICE OF THE PROPERTY APPRAISER TO PROVIDE SERVICES TO THE COASTAL CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY DISTRICT IN ACCORDANCE WITH SECTIONS 197.3632 AND 197.3635, FLORIDA STATUTES, UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Sections 197.3632 and 197.3635, Florida Statutes, this Board hereby authorizes the Property Appraiser and the Mayor or Mayor's designee to execute the attached Intergovernmental Cooperation Agreement between Coastal Corridor Property Assessment Clean Energy District and Miami-Dade County.

The foregoing resolution was offered by Commissioner ,

who moved its adoption. The motion was seconded by Commissioner

and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz.	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of March, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jorge Martinez-Esteve

INTERGOVERNMENTAL COOPERATION AGREEMENT
BY AND AMONG
MIAMI-DADE COUNTY PROPERTY APPRAISER
AND
MIAMI-DADE COUNTY TAX COLLECTOR
AND
COASTAL CORRIDOR RPROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT (the "Agreement") is made and entered into as of the ____ day of _____, 2014, by and among Miami-Dade County Office of the Property Appraiser (hereinafter referred to as "Property Appraiser"), Florida, Miami-Dade County on behalf of the Tax Collector (hereinafter referred to as "Tax Collector"), Florida, and the Coastal Corridor Property Assessment Clean Energy (PACE) District (hereinafter referred to as "District"), Florida.

WITNESSETH

WHEREAS, the District intends to adopt non-ad valorem assessments for improvements or such other assessments imposed by the District; and

WHEREAS, the District, the Tax Collector and the Property Appraiser are willing to enter into a written agreement evidencing the Tax Collector's and the Property Appraiser's agreement to place the District's proposed non-ad valorem assessments on the tax bill; and

WHEREAS, the District intends to utilize the uniform method of collection, as outlined in Section 197.3632, Florida Statutes, for collection of its non-ad valorem assessments; and

WHEREAS, the District has requested that the Property Appraiser include the District's proposed or adopted non-ad valorem assessments for the Coastal Corridor Property Assessment Clean Energy (PACE) District on the notice as specified in Section 200.069, Florida Statutes.

WHEREAS, the District has requested the Tax Collector include the District's adopted non-ad valorem assessments on the Combined Notice of Ad Valorem Taxes and Non-ad Valorem Assessments in accordance with Section 197.3635, Florida Statutes.

NOW THEREFORE, for good and valuable consideration, and intending to be legally bound hereby, the Tax Collector, the Property Appraiser, and the District agree as follows:

1. The District's request to place its proposed non-ad valorem assessments for the Coastal Corridor Property Assessment Clean Energy (PACE) District on the Combined Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments prepared in accordance with Section 200.069, Florida Statutes is granted.
2. The District's request to place its adopted non-ad valorem assessments for the Coastal Corridor Property Assessment Clean Energy (PACE) District on the combined Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments in accordance with Section 197.3635, Florida Statutes is granted.
3. The District agrees to the following requirements in order to place its non-ad valorem assessments for the Coastal Corridor Property Assessment Clean Energy (PACE) District on the Notice of Proposed Property Taxes and Non-Ad Valorem Assessments and the Combined Notice of Taxes and Non-Ad Valorem Assessments:
   A. No later than **July 9th** of the current year the following should be provided to the Property Appraiser:
      i. The final files for the Notice of Proposed Property Taxes.
      ii. The description of "Purpose of Assessment" as it would appear on the Notice of Proposed Property Taxes.

iii. The District's contact name and phone number used to address questions regarding the assessment.

B. No later than **August 1st** of the current year an insert describing the Non Ad-Valorem Assessment to be included with the mailing of the TRIM. A sample must be provided to the Property Appraiser for approval prior to August 1st.

C. No later than **September 15th** of the current year the final roll reflecting the non-ad valorem special assessments that are to appear on the Tax Bill must be submitted to the Property Appraiser.

4. The Property Appraiser shall place the District's non-ad valorem special assessments for the Coastal Corridor Property Assessment Clean Energy (PACE) District on the Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments, as specified in Section 200.069, Florida Statutes, as amended, commonly referred to as the TRIM notice.

5. The Tax Collector shall place the District's non-ad valorem special assessments for the Coastal Corridor Property Assessment Clean Energy (PACE) District on the combined tax notice as provided in Section 197.3635, Florida Statutes commonly referred to as the Tax Bill.

6. The District agrees that the Tax Collector shall be entitled to retain the actual costs of collection, or two percent (2%), on the amount of special assessments collected and remitted.

7. This Agreement shall not take effect until the Coastal Corridor Property Assessment Clean Energy (PACE) District is in full compliance with all local zoning, land use, and other applicable regulations.

8. **Duration of this Agreement.** Subject to the limitation of paragraph 7 above, this Agreement shall take effect upon signing and shall extend to the collection of

special assessments for each fiscal year thereafter, until cancelled by any Party pursuant to paragraph 12 herein.

9. **Severability of the Provisions in this Agreement.** The provisions of this Agreement are intended to be severable. If any provision of this Agreement shall be held to be invalid or unenforceable in whole or in part, such provision shall be ineffective to the extent of such invalidity or unenforceability without in any manner affecting the validity or enforceability of the remaining provisions of this Agreement.

10. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

11. **Amendments or Modifications of this Agreement.** It is anticipated by the Parties that the terms and conditions of this Agreement will be periodically amended or modified. Such amendments or modifications must be in writing and must be duly executed by all Parties to this Agreement.

12. **Cancellation.** This Agreement may be cancelled by any Party upon thirty (30) days written notice to the other Parties.

13. **Intent to be Legally Bound.** By signing this Agreement, the Parties hereto confirm and state that they have carefully read the Agreement, that they know the contents thereof, that they fully expect to carry out each and every provision, and that they intend to be legally bound by the rights and obligations set forth herein.

14. **Headings.** The headings for each paragraph in this Agreement are for the purposes of reference only and shall not limit or otherwise affect the meaning of any provision.

15. **Complete Agreement.** This document shall represent the complete Agreement of the Parties.

IN WITNESS WHEREOF, the Parties hereto execute this Agreement, and they affirm that they have the power to do so on behalf of the District, the Tax Collector, and the Property Appraiser.

ATTEST:

By: _____

District Town Clerk
Town of Bay Harbor Islands

Coastal Corridor Property Assessment Clean Energy (PACE) District

By: _____

District Executive Director

MIAMI-DADE COUNTY, FLORIDA
PROPERTY APPRAISER

By: _____
Carlos Lopez-Cantera
Property Appraiser

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

ATTEST:

By: _____
Harvey Ruvin
County Clerk

By: _____
Carlos A. Gimenez
Mayor

Approved as to legal sufficiency for Miami-Dade County and the Office of the Property Appraiser:

By: _____
Assistant County Attorney

RESOLUTION NO

A RESOLUTION OF THE BOARD OF THE COASTAL CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY DISTRICT EXPRESSING ITS INTENT TO UTILIZE THE UNIFORM METHOD OF LEVYING, COLLECTING AND ENFORCING NON AD VALOREM ASSESSMENTS WHICH HEREAFTER MAY BE LEVIED BY THE DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 197.3632, F.S.; PROVIDING FOR APPROVAL OF AN AGREEMENT WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER AND TAX COLLECTOR; PROVIDING FOR AUTHORIZATION; AND PROVIDING AN FOR EFFECTIVE DATE

WHEREAS, the Coastal Corridor Property Assessment Clean Energy District ("District") was established pursuant to Sections 163.01(7) and 163.08 Florida Statutes, which sections authorize the levy of non ad valorem assessments for qualifying improvements; and

WHEREAS, Sections 163.08 and 197.3632, Florida Statues, authorizes the District to elect to utilize the uniform method of levying, collecting and enforcing such special assessments; and

WHEREAS, the District has held in accordance with Florida law a duly noticed public hearing in order to express its intent to utilize the uniform method for levying, collecting and enforcing such non ad valorem assessments; and

WHEREAS, the Board finds that the adoption of this Resolution is in the best interest and welfare of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE COASTAL CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY DISTRICT, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are hereby adopted.

Section 2. **Intent.** The District Board, upon conducting its public hearing as required by Section 197.3632, F.S., hereby expresses its intent to use the uniform method of collecting non ad valorem special assessments imposed by the District as provided for in Sections 163.01 and 163.08 Florida Statutes. Said assessments shall be non ad valorem special assessments that may be levied annually by the District. The purpose of such assessments shall be to pay principal and interest on financing agreements voluntarily entered into by property owners within the District's boundaries, as well as the cost of maintaining the District, for financing qualifying improvements authorized by Section 163.08, Florida Statutes. The legal boundaries of the District shall be the municipal boundaries of the Town of Surfside, the Village of Biscayne Park and the Town of Bay Harbor Islands. Individual property owners that choose to finance qualifying improvements, pursuant to Section 163.08, Florida Statutes, shall voluntarily execute a financing agreement that expressly provides for the legal description of the property in which the non ad valorem special assessment shall be levied, and such agreement shall be recorded in the public records of Miami-Dade County. The non ad valorem special assessments and the District's use of the uniform method of collecting its non ad valorem special assessments may continue for more than one year.

Section 3. **Approval of Agreement.** The District Board hereby approves the Agreement, in substantially the form attached hereto as Exhibit "A," with the Miami-Dade County Property Appraiser and Tax Collector to place the

District's proposed non ad valorem special assessments on the tax bill (the "Agreement").

Section 4. **Authorization.** The District Board hereby authorizes the District Manager to execute the Agreement, in substantially the form attached hereto as Exhibit "A," on the behalf of the District.

Section 5. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED and ADOPTED this _____ day of November, 2013.

ATTEST:

By: _____
District Secretary

COASTAL CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY DISTRICT

By: _____
District Chairman

APPROVED AS TO FORM AND LEGALITY FOR THE USE OF AND RELIANCE BY THE COASTAL CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY DISTRICT ONLY:

By: _____
District Attorney

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared O.V. FERBEYRE, who on oath says that he or she is the VICE PRESIDENT, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

COASTAL CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY DISTRICT - INTENTO TO USE UNIFORM METHOD OF COLLECTION ETC.

in the XXXX Court,
was published in said newspaper in the issues of

10/24/2013 10/31/2013 11/07/2013 11/14/2013

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this
14 day of NOVEMBER , A.D. 2013

(SEAL)

O.V. FERBEYRE personally known to me

MARIA MESA
Notary Public - State of Florida
My Comm. Expires Mar 4, 2016
Commission # EE 166275
Bonded Through National Notary Assn.

NOTICE OF INTENT TO USE UNIFORM METHOD OF COLLECTION NON-AD VALOREM ASSESSMENTS

The Coastal Corridor Property Assessment Clean Energy District ("the District") hereby provides notice, pursuant to Section 197.3632, Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem voluntary special assessments to be levied within the areas of the Town of Bay Harbor Islands, Town of Surfside, and Village of Biscayne Park for the purpose of benefiting certain specific properties pursuant to Section 163.08, Florida Statutes, commencing with the tax statement mailed by the Miami-Dade County Tax Collector in November 2014. The District will consider adoption of a resolution electing to use the uniform method of collecting such assessments as authorized by Section 197.3632, Florida Statutes, at a public hearing to be held at **10:00 am on Tuesday, November 19, 2013 at the Town of Bay Harbor Islands, Council Chambers, 9665 Bay Harbor Terrace, Bay Harbor Islands, FL.** Such resolution states the need for the levy and contains a legal description of the boundaries wherein specific parcels of real property that may be subject to the levy of the assessments with the authorization of the owner of record of said parcels. Copies of the resolution are on file at the Office of the Town of Bay Harbor Islands Town Clerk, 9665 Bay Harbor Terrace, Town of Bay Harbor Islands, Florida. All interested persons are invited to attend.

In the event any person decides to appeal any decision by the District with respect to any matter relating to the consideration of the resolution at the above-referenced hearing, a record of the proceeding may be needed, and, in such event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town of Bay Harbor Islands Town Clerk's Office at (305)866-6241, five days prior to the date of the hearing.

10/24-31 11/7-14 13-4-210/2174563M