MEMORANDUM

Agenda Item No. 5(E)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance amending Ordinance No. 94-88 relating to the Oak Forest Roving Patrol Security Guard Special Taxing District in accordance with the provisions of Chapter 18 of the Code to allow off-duty police officers from any police agency to provide security services within the Special Taxing District

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

Abigail Price-Williams
County Attorney

APW/smm

Memorandum

MIAMI-DADE COUNTY

Date: June 7, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Fiscal Impact Statement for Ordinance Amending Ordinance No. 94-88 relating to the Oak Forest Roving Patrol Security Guard Special Taxing District

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The proposed ordinance amends Ordinance No. 94-88 and allows off-duty police officers from any police agency to provide security services within the Oak Forest Roving Patrol Security Guard Special Taxing District. Implementation of this ordinance using Miami-Dade County Police officers will have an estimated fiscal impact of $16,000 of additional expenses to the Oak Forest Roving Patrol Security Guard Special Taxing District, which is funded through annual non-ad valorem tax assessments against affected properties.

Michael Spring
Senior Advisor

Fis05616

Memorandum

MIAMI-DADE COUNTY

Date: June 7, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Social Equity Statement for the Amendment of Ordinance No. 94-88 of the Oak Forest Roving Patrol Security Guard Special Taxing District

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The proposed ordinance amends ordinance No. 94-88 of the Oak Forest Roving Patrol Security Guard Special Taxing District in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County to allow off-duty police officers from any police agency to provide security services within the Special Taxing District.

If approved, pursuant to Chapter 18 of the Miami-Dade County Code, the Security Guard Special Taxing District may need to adjust its assessment based on the cost of the police agency selected, affecting property owners within the proposed district, regardless of their demographics or income levels.

Michael Spring, Senior Advisor

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(E)

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**

_____ **Statement of social equity 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. 5(E)
6-7-16

ORDINANCE NO. _____

ORDINANCE AMENDING ORDINANCE NO. 94-88 RELATING TO THE OAK FOREST ROVING PATROL SECURITY GUARD SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO ALLOW OFF-DUTY POLICE OFFICERS FROM ANY POLICE AGENCY TO PROVIDE SECURITY SERVICES WITHIN THE SPECIAL TAXING DISTRICT; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 6) grants to the electors of Miami-Dade County power to adopt a home rule charter of government for Miami-Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Miami-Dade County from time to time; and

WHEREAS, the Home Rule Charter adopted by the electors of Miami-Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and governing body of Miami-Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services and that all funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

WHEREAS, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County Commissioners duly enacted Chapter 18 of the Code of Miami-Dade County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefore; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, this Board established in 1994, pursuant to Ordinance No. 94-88 ("1994 Ordinance") attached hereto as Exhibit "A", the Oak Forest Roving Patrol Security Guard Special Taxing District (the "Special Taxing District"); and

WHEREAS, the 1994 Ordinance provided that the "services to be provided within this proposed special taxing district will consist of . . . [a] visible safety and mobile security program, initially to consist of one roving off-duty Florida Highway Patrol police officer in a marked police vehicle, or private security guard operating from a mobile unit;" and

WHEREAS, the 1994 Ordinance thus provided that the only off-duty police officers to be hired initially would be off-duty Florida Highway Patrol troopers; and

WHEREAS, residents with the Special Taxing District have expressed an interest in having County staff administering the Special Taxing District to consider off-duty police officers employed by other police agencies, including but not limited to off-duty Miami-Dade Police Department ("MDPD") police officers to provide security services within the Special Taxing District; and

WHEREAS, other special taxing district ordinances allow for off-duty MDPD or municipal police officers to provide security services within such districts; and

WHEREAS, as such, this Board desires to amend the 1994 Ordinance in order to provide that the County Mayor or County Mayor's designee is entitled to consider and hire, if in the best interests of the residents of the Special Taxing District, duly-qualified off-duty police officers from the Florida Highway Patrol, MDPD, or any municipal police department within Miami-Dade County the County Mayor or County Mayor's designee deems appropriate,

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

Section 1. In accordance with Chapter 18 of the Code of Miami-Dade County, Florida, this Board hereby amends Section 3 of Ordinance No. 94-88 to read as follows:[1]

Section 3. The improvements and services to be provided within this proposed special taxing district will consist of the following:

> A visible safety and mobile security program, [[~~initially~~]] to consist of one roving off-duty [[~~Florida Highway Patrol~~]] police officer in a marked police vehicle, or private security guard operating from a mobile unit, on duty 18 hours per day, 365 days a year.

Section 2. It is hereby declared that retaining off-duty police officers employed by police agencies other than the Florida Highway Patrol will be a special benefit to all property within the Special Taxing District.

Section 3. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida, and recorded in the appropriate book of records.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

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[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.

Section 5. 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:

Jorge Martinez-Esteve

Prime Sponsor: Commissioner Sally A. Heyman

Agenda Item No. 7 (AA)
5-17-94

ORDINANCE NO. 94- 88

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS "OAK FOREST ROVING PATROL SECURITY GUARD SPECIAL TAXING DISTRICT" IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 6) grants to the electors of Dade County power to adopt a home rule charter of government for Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Dade County from time to time; and

WHEREAS, the Home Rule Charter adopted by the electors of Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and the governing body of Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services, including police protection services, and that all funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

WHEREAS, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County

Commissioners duly enacted Chapter 18 of the Code of Metropolitan Dade County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefor; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Metropolitan Dade County, Florida, a petition for the creation of a special taxing district to be known as the "OAK FOREST ROVING PATROL SECURITY GUARD SPECIAL TAXING DISTRICT" duly signed by more than 50% of the resident owners of property within the proposed district, was filed with the Clerk of the County Commission. Such petition prayed for the creation and establishment of a special taxing district for the purpose of providing security guard services to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described; and

WHEREAS, upon receipt of such petition the Clerk of the County Commission transmitted a copy thereof to the County Manager who examined it and filed a written report with the Clerk certifying that such petition was sufficient in form and substance and signed and properly presented in accordance with the requirements of Chapter 18 of the Code of Metropolitan Dade County, Florida; and

WHEREAS, the County Manager, after making appropriate investigations, surveys, plans and specifications, compiled and filed with the Board of County Commissioners his written report and recommendations setting forth the boundaries of the proposed special taxing district, the location, nature and character of the security guard services project to be provided and maintained within the proposed district, an estimate of the cost of maintaining such project, his certification that the proposed project and proposed district conform to the master plan of development for the County, and setting forth his recommendations concerning the need and desirability for the requested project, the ability of the affected property to bear special assessments for financing the cost of maintaining such project, and an estimate of the amount to be assessed against each developed and/or vacant/underdeveloped benefited parcel of property within the proposed district, and expressing his opinion that the property to be specially assessed will be benefited in excess of the special assessments to be levied, and the County Manager attached to such report and recommendations a map or sketch showing the boundaries and location of the proposed district. Such "Report and Recommendations" of the County Manager was filed with the Clerk and transmitted to the Chairperson; and

WHEREAS, it appearing to the Board of County Commissioners from such report of the County Manager and other investigations that the project petitioned for would be of special benefit to

all property within the proposed district and that the total amount of the special assessments to be levied would not be in excess of such special benefit; the Clerk of the Board certified the place, date and hour a public hearing on the petition of the property owners and the report and recommendations of the County Manager--said hearing was held on Tuesday, . Copies of said notice of public hearing were duly published in newspapers of general circulation published in Dade County, Florida, and copies thereof were posted in not less than five (5) public places within the proposed district, and copies thereof were mailed to all owners of taxable real property within the boundaries of the proposed district as their names and addresses appear on the latest Dade County tax assessment roll; and

WHEREAS, pursuant to said notice, the Board of County Commissioners on Tuesday, , held a public hearing in accordance with the provisions of said Clerk's certificate, at which public hearing all interested persons were afforded the opportunity to present their objections, if any, to the creation and establishment of the proposed special taxing district; and

WHEREAS, the Board of County Commissioners, upon review and consideration of the report and recommendations of the County Manager and the views expressed by the property owners within the

proposed special taxing district, has determined to create and establish such special taxing district in accordance with the report and recommendations of the County Manager,

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

Section 1. In accordance with the provisions of Chapter 18 of the Code of Metropolitan Dade County, Florida, a special taxing district located in unincorporated Dade County, Florida, known and designated as the "OAK FOREST ROVING PATROL SECURITY GUARD SPECIAL TAXING DISTRICT" is hereby created and established.

Section 2. The area or boundaries of this proposed special taxing district are as follows:

A portion of Section 33, Township 51 South, Range 42 East, Dade County, Florida; being more particularly described as follows:

The E 1/2 of the SE 1/4 of the SW 1/4 of said Section 33, less that portion lying in N.E. 203 Street (Ives Dairy Road);

AND

The W 3/4 of the S 1/2 of the SE 1/4 of said Section 33, less that portion lying in N.E 203 Street (Ives Dairy Road);

AND

Portions of "COUNTRY SQUIRE ESTATES SECTION D" according to the plat thereof as recorded in Plat Book 85 at Page 98, being more particularly described as follows:

Lots 15 thru 27 of Block 1;

AND

Portions of "COUNTRY SQUIRE ESTATES SECTION E" according to the plat thereof as recorded in Plat Book 105 at Page 8, being more particularly described as follows:

Lot 28 of Block 1;

AND

All of "HIGHLAND LAKES SECTION ONE" according to the plat thereof as recorded in Plat Book 70 at Page 80;

AND

Portions of "HIGHLAND LAKES SECTION TWO" according to the plat thereof as recorded in Plat Book 71 at Page 8, being more particularly described as follows:

Lots 12 thru 18 of Block 2,
Lots 2 thru 16 of Block 5;

AND

A portion of Section 4, Township 52 South, Range 42 East, Dade County, Florida; being more particularly described as follows:

Portions of "HIGHLAND WOODS SECTION TWO" according to the plat thereof as recorded in Plat Book 68 at Page 33, being more particularly described as follows:

Lots 14 thru 20 of Block 4;

AND

Portions of "HIGHLAND WOODS SECTION ONE" according to the plat thereof as recorded in Plat Book 65 at Page 83, being more particularly described as follows:

Lots 1 and 29 of Block 1,
Lot 1 of Block 4;

AND

Portions of "NORTH LAKE ESTATES" according to the plat thereof as recorded in Plat Book 87 at Page 18, being more particularly described as follows:

Lots 1 thru 6 of Block 1;

AND

Portions of "RAINTREE LAKE SECTION TWO" according to the plat thereof as recorded in Plat Book 92 at Page 31, being more particularly described as follows:

Lots 7 thru 12 of Block 1;

AND

Portions of "AMENDED PLAT OF ENCHANTED LAKE SECTION 5" according to the plat thereof as recorded in Plat Book 77 at Page 23, being more particularly described as follows:

LOTS D, E, F, G, H, J, K, L, and M of Block 12.

All of the above named plats are recorded in the Public Records of Dade County.

The area and location of this proposed special taxing district are shown on the map or sketch which is made a part hereof by reference.

Section 3. The improvements and services to be provided within this proposed special taxing district will consist of the following:

A visible safety and mobile security program, initially to consist of one roving off-duty Florida Highway Patrol police officer in a marked police vehicle, or private security guard operating from a mobile unit, on duty 18 hours per day, 365 days a year.

Section 4. The estimated cost to the property owners for the security guard services including engineering, construction, administrative, billing, collecting and processing for the first year is $228,000.00, and $210,000.00 for each year thereafter.

The County will advance funds for this program, which sum shall be reimbursed by special assessments. It is estimated that the cost per developed parcel of real property within the proposed district for the first year is $790.00 and $730.00 for the second and succeeding years. It is estimated that the cost per vacant/undeveloped parcel of real property within the proposed district for the first year is $395.00 and $365.00 for the second and succeeding years.

Section 5. It is hereby declared that said project will be a special benefit to all property within the proposed special taxing district and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

Section 6. The County Manager is hereby authorized and directed to take all necessary steps to solicit and receive competitive bids in accordance with established County procedures, and/or, in his discretion, enter into an interlocal agreement or service agreement with off-duty police officers for providing security guard services within the district.

Section 7. The County Manager is directed to cause to be prepared and filed with the Clerk of the County Commission a Preliminary Assessment Roll in accordance with the provisions of Section 18-14 of the Code of Metropolitan Dade County, Florida.

As authorized by Section 197.363, Florida Statutes, all special assessments levied and imposed under the provisions of this Ordinance shall be collected, subject to the provisions of Chapter 197, Florida Statutes, in the same manner and at the same time as ad valorem taxes. In accordance with utilization of the ad valorem tax collection method, if such special assessments are unpaid, when due, the potential for loss of title to the property exists.

Section 8. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Dade County, Florida, and recorded in the appropriate book of records.

Section 9. The provisions of this Ordinance shall take effect when approved at an election to be formally called by this Board and noticed and conducted as this Board shall determine by Resolution.

PASSED AND ADOPTED: MAY 1 7 1994

Approved by County Attorney as to form and legal sufficiency.

Prepared by:

STATE OF FLORIDA)
) SS:
)

I, HARVEY RUVIN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above foregoing is a true and correct

COPY OF ORDINANCE 94-88 PASSED AND ADOPTED MAY 17,1994

as appears of record.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 20 day of MAY, A.D. 19 94.

HARVEY RUVIN, Clerk
Board of County Commissioners
Dade County, Florida

By
Deputy Clerk

COUNTY COMMISSIONERS DADE COUNTY FLORIDA SEAL