

MEMORANDUM

Agenda Item No. 8(H)(15)

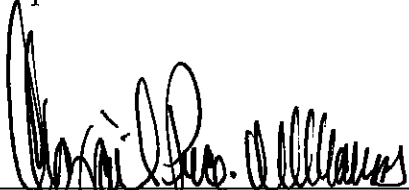
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution relating to the Old Cutler Bay Security Guard Special Taxing District located entirely within the boundaries of the City of Coral Gables, and bounded on the north by Reinante Avenue, on the east by Biscayne Bay, on the south by Solano Prado, and on the west by Balada Street; transferring the Special Taxing District to the City of Coral Gables in accordance with section 18-3.1 of the Code of Miami-Dade County; approving and authorizing the County Mayor to execute an Interlocal Agreement for the transfer; authorizing the County Mayor to take all actions necessary to effectuate same

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.



Abigail Price-Williams
County Attorney

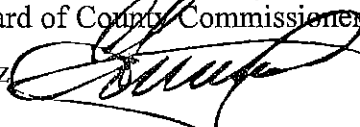
APW/smm

Memorandum



Date: November 7, 2017

To: Honorable Chairman Esteban J. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Resolution Approving the Transfer of the Old Cutler Bay Security Guard Special Taxing District to the City of Coral Gables

Recommendation

On March 02, 1993, the Board of County Commissioners (Board) passed Ordinance No. 93-20, and created the Old Cutler Bay Security Guard Special Taxing District (Special Taxing District), located entirely within the boundaries of the City of Coral Gables (City). This Ordinance was amended on May 20, 1997 by Ordinance No. 97-64. Section 1.01 of the Home Rule Charter and section 18-3.1 of the Code of Miami-Dade County (Code) vest this Board with the power to designate the governing body of a municipality as the governing body of an existing special taxing district if the municipality assumes any and all liabilities of the special taxing district. The transfer of this Special Taxing District is requested pursuant to Resolution No. 2017-88 of the City Commission of the City of Coral Gables passed on May 09, 2017, and attached hereto. As such, it is recommended that the Board approve the attached resolution and Interlocal Agreement authorizing the transfer of the Special Taxing District to the City in accordance with section 18-3.1 of the Code.

Scope

This Special Taxing District lies within Commission District 7, which is represented by County Commissioner Xavier L. Suarez.

Fiscal Impact/Funding Source

Transfer of this Special Taxing District will result in no economic impact to the Miami-Dade County (County) budget.

Social Equity Statement

The proposed resolution transfers a special taxing district, pursuant to section 18-3.1 of the Code. If approved, the City will be the new governing body for the Special Taxing District, and the property owners within the Special Taxing District will continue to pay special assessments appropriately apportioned according to the special benefit they receive from the Special Taxing District's services, regardless of their demographics, and that the total estimated amount of the special assessment to be levied would not be in excess of such special benefit.

Track Record/Monitor

The Special Taxing District transfer will be managed by the Parks, Recreation and Open Spaces Department (PROS) and overseen by the Chief of the Special Taxing Districts Division, Michael R. Bauman.

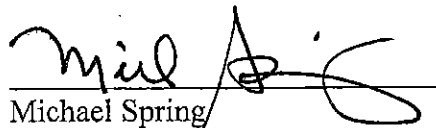
Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
Page No. 2

Background

Contingent upon approval of the transfer of this Special Taxing District by this Board and the City by joint resolution, and subsequent ratification by the qualified registered voters within the Special Taxing District, the City will become the governing body as provided in the Interlocal Agreement between the County and the City, and will become responsible for all past and future liabilities of the Special Taxing District. The final transfer is expected to be complete on October 1, 2018. Every qualified registered voter residing within the Special Taxing District's boundaries will be afforded the opportunity to vote at an election conducted by mail, estimated to be held on January 23, 2018. The transfer will be accomplished pursuant to the attached Interlocal Agreement between the County and the City, and will be assisted by PROS.

Boundaries: On the North, Reinante Avenue;
 On the East, Biscayne Bay;
 On the South, Solano Prado;
 On the West, Balada Street.

In accordance with the requirements of section 18-3.1 of the Code, I recommend that this Special Taxing District be transferred to the City, if approved by the referendum required subsequent to the public hearing.


Michael Spring
Senior Advisor

TRANSFER OF THE OLD CUTLER BAY SECURITY GUARD SPECIAL TAXING DISTRICT FROM MIAMI-DADE COUNTY TO THE CITY OF CORAL GABLES

THIS AGREEMENT FOR TRANSFER OF THE OLD CUTLER BAY SECURITY GUARD SPECIAL TAXING DISTRICT CURRENTLY MAINTAINED BY MIAMI-DADE COUNTY (AGREEMENT), made and entered into this ____ day of _____, 2017, by and between the CITY OF CORAL GABLES, FLORIDA, a municipal corporation of the STATE OF FLORIDA (hereinafter referred to as the "City") and MIAMI-DADE COUNTY, a political subdivision of the STATE OF FLORIDA (hereinafter referred as the "County").

WITNESSETH

WHEREAS, the City has requested transfer of the ownership of the assets and control of the Old Cutler Bay Security Guard Special Taxing District ("**Special Taxing District**") from the County to the City such that the City Commission will become the governing body responsible for the Special Taxing District; and

WHEREAS, the City and the County are mutually desirous of transferring the Special Taxing District to the City; and

WHEREAS, the City shall take full responsibility for the operation and maintenance of the Special Taxing District as determined herein, including exclusive responsibility for all pre-existing and future liabilities, whether known or unknown,

NOW, THEREFORE, in consideration of the covenants herein provided, the City of Coral Gables and Miami-Dade County agree as follows:

1. The foregoing recitals are incorporated herein.
2. This Agreement shall become effective upon the last effective date of a joint resolution transferring the Special Taxing District, and a favorable election of the residents for the transfer ("**Effective Date**"). Either party may terminate this agreement prior to the joint resolution being passed by both the Board of County Commissioners and the City Commission.
3. Prior to passing the joint resolution, the City shall have the right to conduct due diligence, including an inspection of the Special Taxing District's improvements.
4. Twelve (12) days after the Effective Date, unless a contest of the election is filed pursuant to section 102.168 of the Florida Statutes, the Board of County Commissioners will no longer be the governing body of the Special Taxing District and the City Commission shall be the governing board of the Special Taxing District ("**Transfer Date**"). If a contest is filed, the transfer will occur upon a successful resolution of such contest upholding the election, which is no longer challengeable by any appeal.

5. On October 1, 2018, the County will cease all involvement, including all operations and maintenance for the Special Taxing District, and the City will be exclusively responsible for the Special Taxing District ("**Completion Date**").
6. The County will continue to provide service to the Special Taxing District between the Transfer Date and the Completion Date ("**Transition Period**"), but any action requiring board approval will be presented to the City Commission.
7. Prior to the Transfer Date, the Special Taxing Districts Division of the County shall provide to the City a preliminary financial reconciliation of all known liabilities for the Special Taxing District.
8. Beginning on the Transfer Date, the City shall be responsible for all pre-existing and future liabilities of the Special Taxing District, whether known or unknown, and regardless of whether they appear on the financial reconciliation provided by the County.
9. During the Transition Period, the Special Taxing Districts Division of the County will be available to meet with the City to provide assistance with operations questions.
10. The City shall be responsible for establishing assessment rates and collecting assessments for the Special Taxing District beginning October 1, 2018. If the City intends on using the uniform method for the levy, collection, and enforcement of non-ad valorem assessments, the City shall comply with the requirements of section 197.3632 of the Florida Statutes and shall make such arrangements with the Miami-Dade County Office of the Property Appraiser and Miami-Dade County Tax Collector.
11. The City shall arrange for transfer of the Special Taxing District's utility accounts into the City's name, to take effect no later than September 1, 2018. Such utilities include, but are not limited to, Florida Power and Light and Miami-Dade County Water and Sewer.
12. Prior to the Completion Date, the City shall assume the existing contractual obligations for the Special Taxing District if the County cannot terminate said contracts, or shall procure contracts with vendors to provide all necessary services to the Special Taxing District, including, but not limited to, contracts for the following services: security guards, extermination, janitorial, gate repair, and building repair. The City's contractors shall commence service on October 1, 2018.
13. Prior to the Completion Date, the City shall establish its own protocols and policies for the issuance and use of the Special Taxing District's access devices, and the County shall transfer to the City the Special Taxing District's entire inventory of unissued access devices.
14. Beginning on the Completion Date, the City Commission shall be responsible for the continuous operation, maintenance, repair, and replacement, when necessary, of the Special Taxing District's improvements and systems, including, but not limited to, the

guardhouse, guardhouse air conditioning, plumbing and electrical, security cameras, and guard gate.

15. Beginning on the Completion Date, the City shall be responsible for payment of all of the Special Taxing District's expenses.
16. The County shall transfer to the City, effective on the Completion Date, any active, transferrable warranties on the Special Taxing District's improvements or equipment.
17. Within thirty (30) days of the Completion Date, the County shall provide to the City a final financial reconciliation of all known liabilities for the Special Taxing District. Any omission from the final reconciliation shall not constitute a waiver by either the County or the City for payment to or from the Special Taxing District's account.
18. Within sixty (60) days of the Completion Date, the County shall remit to the City any remaining surplus funds in the Special Taxing District's account, or shall issue an invoice to the City for any deficit in the Special Taxing District's account.
19. Following expiration of all existing contractual obligations, pursuant to section 2-8.9 of the Code of Miami-Dade County, the City is encouraged to pay the Living Wage.
20. To the extent allowed by, and subject to the limitations of, section 768.28 of the Florida Statutes, the City does hereby agree to indemnify and hold the County, its officials, employees and instrumentalities, harmless from any and all liability for any damage, injury, or claim that may arise by virtue of the Special Taxing District, or the exercise of any rights, obligations or actions under this Agreement, including but not limited to the City's failure to provide services or maintain, repair, replace, or operate the improvements.
21. The undersigned further agrees that these conditions shall be deemed a continuing obligation between the City and the County and shall remain in full force and effect and be binding on the City, and any permitted successors or assigns.
22. In the event that the City requests any third party to assume any of the responsibilities hereunder, the City acknowledges that such assumption shall not relieve the City from any obligations or responsibilities hereunder. Any failure by any third party shall not subject the County to any liability for any damage, injury, or claim that may arise.
23. Nothing in this Agreement, expressed or implied, is intended to: (a) confer upon any entity or person other than the parties and any permitted successors or assigns, any rights or remedies under or by reason of the Agreement as a third party beneficiary or otherwise except as specifically provided in this Agreement; or (b) authorize anyone not a party to this Agreement to maintain an action pursuant to or based upon this Agreement. Additionally, nothing herein shall be deemed to constitute a waiver of any rights under section 768.28 of the Florida Statutes, or as a waiver of the County's sovereign rights.

24. The language agreed to herein expresses the mutual intent and agreement of the County and the City, and shall not, as a matter of judicial construction, be construed more severely against one of the parties from the other.

City: City of Coral Gables
405 Biltmore Drive
Coral Gables, Florida 33134

County: Miami-Dade County
Stephen P. Clark Center
111 Northwest First Street
Miami, Florida 33128

IN WITNESS WHEREOF, the City of Coral Gables has caused this instrument to be executed by its respective officials thereunto duly authorized, this the day and year above written.

ATTEST: CITY OF CORAL GABLES, a municipal corporation

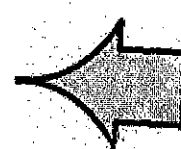
By: _____
Walter J. Foeman, City Clerk

By: _____
Cathy Swanson-Rivenbark,
City Manager

APPROVED AS TO LEGAL FORM
AND CORRECTNESS:



Craig E. Leen, City Attorney



MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS, FLORIDA

ATTEST:

By: _____ Date _____
Mayor or Mayor's
Designee

HARVEY RUVIN, CLERK

By: _____ Date _____
Deputy Clerk

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2017-88

A RESOLUTION EXPRESSING THE CITY OF CORAL GABLES' DESIRE TO TRANSFER CONTROL OF THE SPECIAL TAXING DISTRICT FOR OLD CUTLER BAY'S SECURITY GUARD DISTRICT FROM MIAMI-DADE COUNTY, TO THE CITY OF CORAL GABLES.

WHEREAS, a special taxing district exists in Old Cutler Bay for the purpose of providing twenty-four hour stationary security guard service; and

WHEREAS, currently, the City does not have control over this special taxing district; and

WHEREAS, recently, Miami-Dade County amended its Code to allow the County to transfer control of special taxing districts that are wholly located within a municipality to that municipality; and

WHEREAS, the Old Cutler Bay Homeowners' Association has requested that Old Cutler Bay's special taxing district for security guard service be transferred to the City; and

WHEREAS, it is the City's desire to have this special taxing district transferred to the City; and

WHEREAS, the first step in the process is for the City Commission to adopt a resolution expressing its intent to have the special district transferred to the City; and

WHEREAS, the next steps in the process involve the Board of County Commissioners adopting a resolution authorizing the transfer, approval by the electors living in the district, and execution of an interlocal agreement between the City and the County relating to the special taxing district;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. The City Commission of the City of Coral Gables hereby expresses its desire for Miami-Dade County to transfer control of the special taxing district for Old Cutler Bay's Security Guard District from Miami-Dade County to the City of Coral Gables.

SECTION 3. The City Clerk is hereby directed to send a certified copy of this Resolution to the Miami-Dade County Board of County Commissioners.

SECTION 4. This resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS NINTH DAY OF MAY, A.D., 2017.

(Moved: Quesada / Secoended: Lago)

(Yeas: Lago, Mena, Quesada, Keon, Valdes-Fauli)


(Unanimous: 5-0 Vote)

(Agenda Item: F-3)

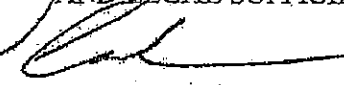
APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:


WALTER J. POEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY

STATE OF FLORIDA • COUNTY OF MIAMI DADE

I, HEREBY CERTIFY that the foregoing
(Pages 1 - 2, inclusive)
is a true and correct copy of the original
on file in this office.

DATE


CITY CLERK



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(H)(15)

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. 8(H)(15)
11-7-17

RESOLUTION NO. _____

RESOLUTION RELATING TO THE OLD CUTLER BAY SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE CITY OF CORAL GABLES, AND BOUNDED ON THE NORTH BY REINANTE AVENUE, ON THE EAST BY BISLAYNE BAY, ON THE SOUTH BY SOLANO PRADO, AND ON THE WEST BY BALADA STREET; TRANSFERRING THE SPECIAL TAXING DISTRICT TO THE CITY OF CORAL GABLES IN ACCORDANCE WITH SECTION 18-3.1 OF THE CODE OF MIAMI-DADE COUNTY; APPROVING AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT FOR THE TRANSFER; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

WHEREAS, the Board of County Commissioners ("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:

Section 1. This Board incorporates the matters set forth in the foregoing recitals as part of this Resolution.

Section 2. Pursuant to section 18-3.1 of the Code, this Board designates the governing body of the City of Coral Gables as the governing body of the Old Cutler Bay Security Guard Special Taxing District.

Section 3. The City of Coral Gables shall be responsible for all pre-existing and future liabilities, for the protection of any creditors, whether known or unknown.

Section 4. This Board hereby approves the Interlocal Agreement in substantially the form attached to the County Mayor's memorandum, both of which are incorporated by reference, between Miami-Dade County and the City of Coral Gables, and authorizes the County Mayor or County Mayor's designee to execute said agreement.

Section 5. The City of Coral Gables will take full control of the Old Cutler Bay Security Guard Special Taxing District as provided in the Interlocal Agreement.

Section 6. The provisions of this Resolution shall take effect when approved by a majority vote of the qualified electors residing in the Special Taxing District at an election to be called by this Board and noticed and conducted as this Board shall determine by Resolution.

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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of November, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

DPL

Daija Page Lifshitz