

MEMORANDUM

Agenda Item No. 8(H)(23)

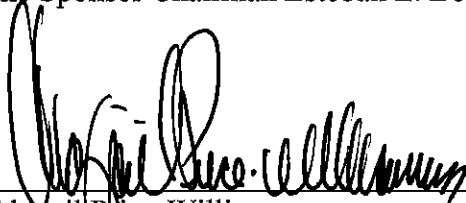
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution relating to the Miami Lakes - Loch Lomond Security Guard Special Taxing District located entirely within the boundaries of the Town of Miami Lakes, and bounded on the north by a canal north of Gleneagle Drive, on the west by a golf course west of West Prestwick Place, on the east by a golf course east of Aberdeen Way, and on the south by a golf course south of South Prestwick Place; transferring the Special Taxing District to the Town of Miami Lakes 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 Chairman Esteban L. Bovo, Jr.



Abigail Price-Williams
County Attorney

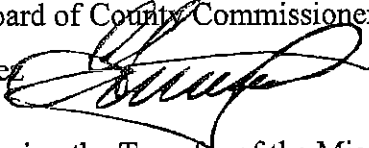
APW/smm

Memorandum



Date: November 7, 2017

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

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Approving the Transfer of the Miami Lakes - Loch Lomond Security Guard Special Taxing District to the Town of Miami Lakes

Recommendation

On January 19, 1982, the Board of County Commissioners (Board) passed Ordinance No. 82-2, and created the Miami Lakes - Loch Lomond Security Guard Special Taxing District (Special Taxing District), located entirely within the boundaries of the Town of Miami Lakes (Town). 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. 17-1485 of the Town Commission of the Town of Miami Lakes passed on September 5, 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 Town in accordance with section 18-3.1 of the Code.

Scope

This Special Taxing District lies within Commission District 13, which is represented by Chairman Esteban L. Bovo, Jr.

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 Town 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.

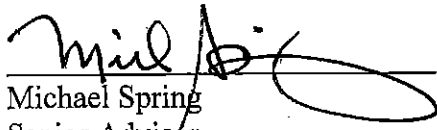
Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
Page No. 2

Background

Contingent upon approval of the transfer of this Special Taxing District by this Board and the Town by joint resolution, and subsequent ratification by the qualified registered voters within the Special Taxing District, the Town will become the governing body as provided in the Interlocal Agreement between the County and the Town, 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 Town, and will be assisted by PROS.

Boundaries: On the North, a canal north of Gleneagle Drive;
 On the East, a golf course east of Aberdeen Way;
 On the South, a golf course south of South Prestwick Place;
 On the West, a golf course west of West Prestwick Place.

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


Michael Spring
Senior Advisor

**TRANSFER OF THE MIAMI LAKES – LOCH LOMOND SECURITY GUARD
SPECIAL TAXING DISTRICT FROM MIAMI-DADE COUNTY TO THE TOWN OF
MIAMI LAKES**

THIS AGREEMENT FOR TRANSFER OF THE MIAMI LAKES – LOCH LOMOND SECURITY GUARD SPECIAL TAXING DISTRICT CURRENTLY MAINTAINED BY MIAMI-DADE COUNTY (**AGREEMENT**), made and entered into this ____ day of _____, 2017, by and between the **TOWN OF MIAMI LAKES, FLORIDA**, a municipal corporation of the STATE OF FLORIDA (hereinafter referred to as the “**Town**”) and **MIAMI-DADE COUNTY**, a political subdivision of the STATE OF FLORIDA (hereinafter referred as the “**County**”).

WITNESSETH

WHEREAS, the Town has requested transfer of the ownership of the assets and control of the Miami Lakes – Loch Lomond Security Guard Special Taxing District (“**Special Taxing District**”) from the County to the Town such that the Town Commission will become the governing body responsible for the Special Taxing District; and

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

WHEREAS, the Town 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 Town of Miami Lakes 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**”).
3. 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.
4. On October 1, 2018, the County will cease all involvement, including all operations and maintenance for the Special Taxing District, and the Town will be exclusively responsible for the Special Taxing District (“**Completion Date**”).

5. 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 Town Commission.
6. Prior to the Transfer Date, the Special Taxing Districts Division of the County shall provide to the Town a preliminary financial reconciliation of all known liabilities for the Special Taxing District.
7. Beginning on the Transfer Date, the Town 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.
8. During the Transition Period, the Special Taxing Districts Division of the County will be available to meet with the Town to provide assistance with operations questions.
9. The Town shall be responsible for establishing assessment rates and collecting assessments for the Special Taxing District beginning October 1, 2018. If the Town intends on using the uniform method for the levy, collection, and enforcement of non-ad valorem assessments, the Town 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.
10. The Town shall arrange for transfer of the Special Taxing District’s utility accounts into the Town’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.
11. Prior to the Completion Date, the Town 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 Town’s contractors shall commence service on October 1, 2018.
12. Prior to the Completion Date, the Town 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 Town the Special Taxing District’s entire inventory of unissued access devices.
13. Beginning on the Completion Date, the Town’s 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.
14. Beginning on the Completion Date, the Town shall be responsible for payment of all of the Special Taxing District’s expenses.

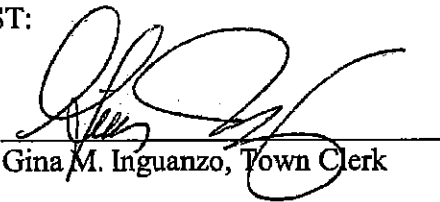
15. The County shall transfer to the Town, effective on the Completion Date, any active, transferrable warranties on the Special Taxing District's improvements or equipment.
16. Within thirty (30) days of the Completion Date, the County shall provide to the Town a final financial reconciliation of all known liabilities for the Special Taxing District. Any omission from the final reconciliation shall not constitute a waiver by either the County or the Town for payment to or from the Special Taxing District's account.
17. Within sixty (60) days of the Completion Date, the County shall remit to the Town any remaining surplus funds in the Special Taxing District's account, or shall issue an invoice to the Town for any deficit in the Special Taxing District's account.
18. Following expiration of all existing contractual obligations, pursuant to section 2-8.9 of the Code of Miami-Dade County, the Town is encouraged to pay the Living Wage.
19. To the extent allowed by, and subject to the limitations of, section 768.28 of the Florida Statutes, the Town 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 Town's failure to provide services or maintain, repair, replace, or operate the Improvements.
20. The undersigned further agrees that these conditions shall be deemed a continuing obligation between the Town and the County and shall remain in full force and effect and be binding on the Town, and any permitted successors or assigns.
21. In the event that the Town requests any third party to assume any of the responsibilities hereunder, the Town acknowledges that such assumption shall not relieve the Town 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.
22. 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.
23. The language agreed to herein expresses the mutual intent and agreement of the County and the Town, and shall not, as a matter of judicial construction, be construed more severely against one of the parties from the other.

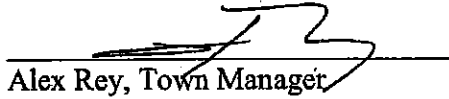
Town: Town of Miami Lakes
6601 Main Street
Miami Lakes, Florida 33014

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

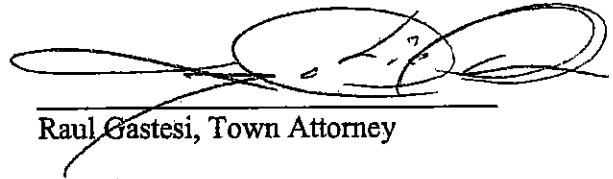
IN WITNESS WHEREOF, the Town of Miami Lakes has caused this instrument to be executed by its respective officials thereunto duly authorized, this the day and year above written.

TOWN OF MIAMI LAKES, a municipal corporation

ATTEST:
By: 
Gina M. Inguanzo, Town Clerk

By: 
Alex Rey, Town Manager

APPROVED AS TO LEGAL FORM
AND CORRECTNESS:


Raul Gastesi, Town Attorney

MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS, FLORIDA

ATTEST:

By: _____ Date _____
Mayor or Mayor's Designee

HARVEY RUVIN, CLERK

By: _____ Date _____
Deputy Clerk

RESOLUTION NO. 17-1485

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES REQUESTING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO TRANSFER CONTROL OF THE MIAMI LAKES-LOCH LOMOND SECURITY GUARD SPECIAL TAXING DISTRICT, ROYAL OAKS EAST SECURITY GUARD, ROYAL OAKS SECTION I, MIAMI LAKES SECTION I, LAKE HILDA MULTIPURPOSE MAINTANANCE, LAKE PATRICIA MULTIPURPOSE MAINTANANCE SPECIAL TAXING DISTRICTS LOCATED ENTIRELY WITHIN THE TOWN; SUBJECT TO A MAJORITY VOTE OF THE QUALIFIED ELECTORS OF THE RESPECTIVE SPECIAL TAXING DISTRICTS, AND DESIGNATING THE TOWN COUNCIL AS THE GOVERNING BODY IN ACCORDANCE WITH SECTION 18-3.1 OF THE MIAMI DADE COUNTY CODE; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE

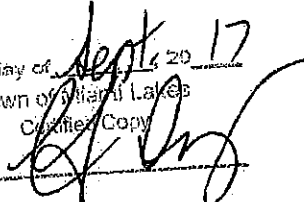
WHEREAS, Miami-Dade County (the "County") approved the creation of the Loch Lomond Security Guard Special Taxing District in County Ordinance No. 82-2; and

WHEREAS, the County approved a second special taxing district, Royal Oaks East Security Guard Special Taxing District in County Ordinance No. 00-102; and

WHEREAS, the Town of Miami Lakes (the "Town") and County approved a third special taxing district, Royal Oaks Section I Security Guard Special Taxing District in County Ordinance No. 08-38 and Town Resolution No. 07-528Z; and

WHEREAS, the Town and County approved a forth special taxing district, Lake Hilda Special Multipurpose Maintenance Taxing District in County Ordinance No. 15-72 and Town Resolution No. 15-1301; and

WHEREAS, the Town and County approved a fifth special taxing district, Lake Patricia Multipurpose Maintenance Special Taxing District in County Ordinance No. 15-73 and Town Resolution No. 14-1265; and

15th day of Sept, 2017
Town of Miami Lakes
Certified Copy


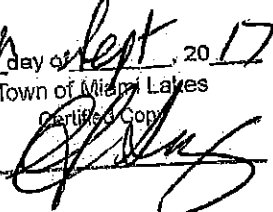
WHEREAS, the Town and County approved a fifth special taxing district, Lake Patricia Multipurpose Maintenance Special Taxing District in County Ordinance No. 15-73 and Town Resolution No. 14-1265; and

WHEREAS, on February 2, 2016, the County Approved Ordinance No. 16-14, codified as Section 18-3.1 of the Miami Dade County Code, providing that subject to Charter referendum approval at the November 8, 2016, election, municipalities would be authorized to act as the governing body for special taxing districts located entirely within their municipal boundaries; and

WHEREAS, on November 8, 2016, the electorate approved a Charter Amendment validating and giving effect to Miami-Dade County Ordinance No. 61-14; and

WHEREAS, Loch Lomond Security Guard; Miami Lakes Section I Security Guard; Royal Oaks East Security Guard; Royal Oks Section I; Lake Hilda Multipurpose Maintenance; Lake Patricia Multipurpose Maintenance are located entirely within the Town of Miami Lakes and County Ordinance No. 16-14 provides, in part, that special taxing districts located entirely within municipal boundaries may designate the municipal governing body as the governing body of the special taxing district, subject to a majority vote of the qualified electors of the respective districts; and

WHEREAS, the Town Council hereby request the transfer of control of the Loch Lomond Security Guard; Miami Lakes Section I Security Guard; Royal Oaks East Security Guard; Royal Oks Section I; Lake Hilda Multipurpose Maintenance; Lake Patricia Multipurpose Maintenance Special Taxing District from Miami-Dade County to the Town of Miami Lakes and, subject to a majority vote of the qualified electors of the respective districts, designate the Mayor and City Commission as the governing body of Loch Lomond Security Guard; Royal

15th day of Sept, 2017
Town of Miami Lakes
Certified Copy


Oaks East Security Guard; Royal Oks Section I; Lake Hilda Multipurpose Maintenance; Lake Patricia Multipurpose Maintenance.

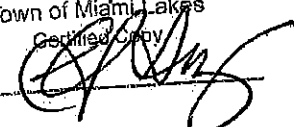
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA,

Section 1 Recitals. The recitals are true and correct and are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Approval of Special Taxing District Transfers. The Town Council hereby request the transfer of control of , Loch Lomond Security Guard; Royal Oaks East Security Guard; Royal Oks Section I; Lake Hilda Multipurpose Maintenance; Lake Patricia Multipurpose Maintenance Special Taxing Districts from Miami-Dade County to the Town of Miami Lakes and, subject to a majority vote of the qualified electors of the respective districts, designate the Town Council as the governing body of , Loch Lomond Security Guard; Royal Oaks East Security Guard; Royal Oks Section I; Lake Hilda Multipurpose Maintenance; Lake Patricia Multipurpose Maintenance.

Section 3. Authorization of Town Officials. The Town Council hereby authorizes the Town Manager and or his designee, and the Town Attorney to execute the inter local agreements, substantially in the same form as attached, and to allow the Town Manager and or his designee, and the Town Attorney the authority and ability to modify the agreement as needed and in the best interest of the Town and to do all things necessary to carry out the intent of this Resolution.

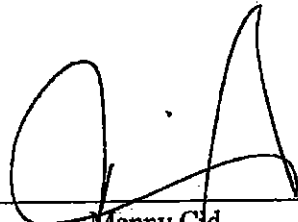
Section 4. Authorization of the Town Clerk. The Town Council, hereby direct the Town Clerk to transmit a copy of this Resolution to Mayor Carlos A. Gimenez, and members of the Miami-Dade County Board of County Commissioners.

15th day of Sept 20 17
Town of Miami Lakes
Certified Copy


PASSED AND ADOPTED this 5th day of September 2017.

The foregoing resolution was offered by Councilmember Daubert and moved its adoption. The motion was seconded by Vice Mayor Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	<u>yes</u>
Vice Mayor Nelson Rodriguez	<u>yes</u>
Councilmember Luis Collazo	<u>yes</u>
Councilmember Timothy Daubert	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Marilyn Ruano	<u>yes</u>



Manny Cid
MAYOR


Attest:

For:

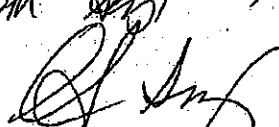


Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

15th Sept 17


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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)(23)

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)(23)
11-7-17

RESOLUTION NO. _____

RESOLUTION RELATING TO THE MIAMI LAKES - LOCH LOMOND SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE TOWN OF MIAMI LAKES, AND BOUNDED ON THE NORTH BY A CANAL NORTH OF GLENEAGLE DRIVE, ON THE WEST BY A GOLF COURSE WEST OF WEST PRESTWICK PLACE, ON THE EAST BY A GOLF COURSE EAST OF ABERDEEN WAY, AND ON THE SOUTH BY A GOLF COURSE SOUTH OF SOUTH PRESTWICK PLACE; TRANSFERRING THE SPECIAL TAXING DISTRICT TO THE TOWN OF MIAMI LAKES 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 Town of Miami Lakes as the governing body of the Miami Lakes - Loch Lomond Security Guard Special Taxing District.

Section 3. The Town of Miami Lakes 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 Town of Miami Lakes, and authorizes the County Mayor or County Mayor's designee to execute said agreement.

Section 5. The Town of Miami Lakes will take full control of the Miami Lakes - Loch Lomond 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.



Daija Page Lifshitz