

#### MEMORANDUM

Agenda Item 15(A)(4)

TO: Honorable Chairwoman Audrey M. Edmonson

and Members, Board of County Commissioners

DATE: May 5, 2020

FROM: Honorable Harvey Ruvin, Clerk

Circuit and County Courts

SUBJECT: Resolution Authorizing

Intergovernmental

Cooperation Agreement

with Palm Glades

Community

Development District

Melissa Adames, Interim Director

Clerk of the Board Division

Section 2-70(6) of the Miami-Dade County Code provides that the Property Appraiser may submit resolutions, ordinances, or reports related to his duties to the Clerk of the Board for placement on the next available agenda of the Miami-Dade County Board of County of Commissioners.

Attached for your consideration is a proposed resolution submitted by the Property Appraiser authorizing Intergovernmental Cooperation Agreement with Palm Glades Community Development District.

MA/dmc

Attachment

## Memorandum



Date:

May 5, 2020

To:

Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

From:

Pedro J. Garcia, MNAA

Property Appraiser

Subject:

Resolution Authorizing Intergovernmental Cooperation Agreement with Palm Glades

Community Development District

#### 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 Palm Glades Community Development District (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 District 8, represented by Daniella Levine Cava. The District has requested that the Appraiser and Collector include its proposed or adopted non-ad valorem assessments for benefit and maintenance assessments or such other imposed by 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 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 benefit and maintenance assessments or such other imposed by 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 2020 and continues until cancelled by either party.

Attachment



(Revised)

^	Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners	<b>DATE</b> : May 5, 2020	
FROM:	digail Price-Williams  County Attorney	SUBJECT: Agenda Item No. 15(A)(4)	
Plea	se note any items checked.		
	"3-Day Rule" for committees applicable it	f raised	
	6 weeks required between first reading and public hearing		
	4 weeks notification to municipal officials hearing	required prior to public	
	Decreases revenues or increases expenditu	res without balancing budget	
	Budget required		
	Statement of fiscal impact required		
	Statement of social equity required		
	Ordinance creating a new board requires report for public hearing	detailed County Mayor's	
	No committee review		
	Applicable legislation requires more than present, 2/3 membership, 3/5's 7 vote requirement per 2-116.1(3)(h) or (4) requirement per 2-116.1(3)(h) or (4)(c) to a requirement per 2-116.1(4)(c)(2) ) to a	, unanimous, CDMP )(c), CDMP 2/3 vote , or CDMP 9 vote	
	Current information regarding funding so balance, and available capacity (if debt is		

Approved	Mayor	Agenda Item No. 15(A)(4)
Veto		5-5-20
Override		
RES	OLUTION NO.	

RESOLUTION APPROVING THE INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN PALM GLADES COMMUNITY DEVELOPMENT DISTRICT, MIAMI-DADE COUNTY, AND THE MIAMI-DADE COUNTY OFFICE OF THE PROPERTY APPRAISER IN ACCORDANCE WITH THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS CONTAINED IN SECTIONS 197.3632 AND 197.3635 OF THE FLORIDA STATUTES; AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE SAME AND EXERCISE **PROVISIONS** CONTAINED THEREIN, **INCLUDING CANCELLATION** 

WHEREAS, the Palm Glades Community Development District ("the District") has adopted a resolution, numbered 2020-05, attached hereto as Exhibit A, setting forth the District's intent to use the uniform method for the levy and collection of certain non-ad valorem assessments; and

WHEREAS, prior to the public hearing at which Resolution 2020-05 was adopted, the District published notice of its intent to consider utilization of the uniform method of levy, collection and enforcement of non-ad valorem assessment, as demonstrated by Exhibit B; and

WHEREAS, the District wishes to enter into an agreement with the Miami-Dade County Office of the Property Appraiser (the "Property Appraiser") and Miami-Dade County (the "County"), in substantially the form attached hereto as Exhibit C, to collect these non-ad valorem assessments by placing them on the TRIM notice and tax bill; and

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 of the Florida Statutes, the uniform method for the levy, collection and enforcement of non-ad valorem assessments, this Board hereby approves the attached intergovernmental cooperation agreement between the District, the County, and the Property Appraiser to provide services to the District ("Agreement"). This Board hereby further authorizes the Mayor or designee to execute the Agreement on behalf of the County, in substantially the form attached hereto, and to exercise the provisions contained therein, including cancellation.

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:

Audrey M. Edmonson, Chairwoman Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava
Sally A. Heyman
Barbara J. Jordan
Jean Monestime
Sen. Javier D. Souto

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The Chairperson thereupon declared this resolution duly passed and adopted this 5<sup>th</sup> day of May, 2020. 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.

Jorge Martinez-Esteve

#### RESOLUTION 2020-05

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PALM GLADES COMMUNITY DEVELOPMENT DISTRICT EXPRESSING ITS INTENT TO UTILIZE AND AUTHORIZING THE USE OF THE UNIFORM METHOD OF LEVYING, COLLECTING AND ENFORCING NON-AD VALOREM ASSESSMENTS OVER REAL PROPERTY WITHIN THE EXPANSION AREA OF THE DISTRICT'S JURISDICTIONAL BOUNDARIES, WHICH MAY BE OR HAVE BEEN LEVIED BY THE DISTRICT ACCORDANCE WITH THE PROVISIONS OF SECTION 197.3632, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Palm Glades Community Development District (the "District") was established pursuant to the provisions of Chapter 190, Florida Statutes, and Miami-Dade County Ordinance No. 05-181; and

WHEREAS, Miami-Dade County Ordinance No. 19-99 expanded the boundaries of the District include certain real property referred to as the "Expansion Area"; and

WHEREAS, Chapter 190, Florida Statutes authorizes the District to levy certain non-ad valorem special assessments, which include benefit and maintenance assessments, and further authorizes the Board to levy special assessments pursuant to Chapter 170 Florida Statutes for the acquisition, construction or reconstruction of assessable improvements authorized by Chapter 190, Florida Statutes; and

WHEREAS, the above referenced assessments are considered to be non-ad valorem in nature, and therefore, are subject to the provisions of Section 197.3632. Florida Statutes, in which State of Florida, through its legislature, has provided a Uniform Method for the Levying, Collection, and Enforcement of such non-ad valorem assessments (the "Uniform Method"); and

WHEREAS, pursuant to Section 197.3632 Florida Statutes, the District has caused notice of a public hearing to be advertised weekly in a newspaper of general circulation within Miami-Dade County for four consecutive weeks preceding said hearing; and

WHEREAS, the District Board of Supervisors has determined that it is in the best interests of the District, its residents and landowners within the District, to elect to use the Uniform Method.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE PALM GLADES COMMUNITY DEVELOPMENT DISTRICT, THAT:

- 1. The above recitals are hereby incorporated into and adopted a part of this Resolution.
- 2. The District, upon conducting its public hearing as required by Section 197.3632 Florida Statutes, hereby expresses its intent to use and authorizes the use of the Uniform Method of levying, collecting, and enforcing its non-ad valorem benefit and maintenance assessments or such other assessments imposed by the District on assessable lands within the expanded area of the District as provided in Chapters 170 and 190, Florida Statutes, which may be levied by the District pursuant to the provisions of Chapter 170, Florida Statutes, or annually pursuant to the provisions of Chapter 190, Florida Statutes, for the purpose of paying principal and interest on its bonded indebtedness, the cost of operating and maintaining its assessable improvements within the boundaries of the Expansion Area of the District as described in the attached legal description attached hereto and made a part of this Resolution as Exhibit "A," and such other lawful purposes which the District is empowered to provide as authorized by law. Said assessments and the District's use of the Uniform Method may continue for more than one year.
- 3. This Resolution shall become effective upon its adoption, and the District's Secretary is authorized to provide the Property Appraiser and Tax Collector of Miami-Dade County and the Department of Revenue of the State of Florida with a copy of this Resolution on or before March 10, 2020.

THIS RESOLUTION WAS PASSED AND ADOPTED THIS  $14^{\mathrm{TH}}$  DAY OF JANUARY 2020.

PALM

Secretary / Assistant Secretary

1116

DEVELOPMENT DISTRICT

GLADES

COMMUNITY

Chairman Vice Chairman

### Exhibit A

#### I. OVERVIEW

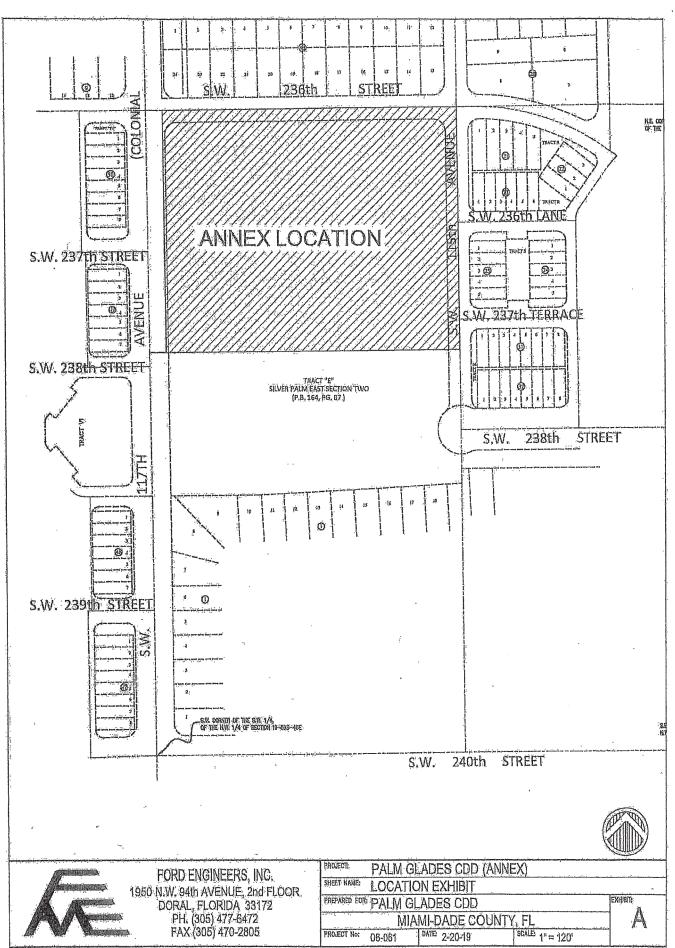
This Supplemental Engineer's Report (the "Report") was prepared by Ford Engineers, Inc., as authorized by the Palm Glades Community Development District, (the "CDD" or the "District"). This Report supplements the previous District Engineering Reports issued on November 21st, 2005, June 16th, 2006, November 19th, 2007, and May 26, 2017.

This Report includes the description and estimated value of public improvements that will be acquired by the District. These improvements will be located on a 7.19-acre parcel of land (the "Annex") within the current District boundary and will be integrated into the overall system of improvements of the District. These improvements will serve a residential development comprising 43 single family homes. The Annex is bounded on the west by SW 117th Avenue, on the north by SW 236th Street, on the east by SW 115th Avenue, and on the south by the Palm Glades CDD Clubhouse (see Exhibits A and B). These improvements will be completed by Lennar Homes, LLC, the developer of the Annex (the "Developer") and will be acquired by the CDD with proceeds of debt issued by the CDD at the lower of cost or fair market value. The Annex Improvements will be constructed in one phase.

#### IL DESCRIPTION OF ANNEX IMPROVEMENTS

The proposed Annex Improvements will generally consist of the following:

- 1. Storm Water Management System (including Earthwork)
- 2. Sanitary Sewer System (including Impact Fees)
- 3. Water Distribution System (including Impact Fees)
- 4. Roadway / Public Right-of-Way Improvements (including Impact Fees)
- 5. Miscellaneous Civil Engineering, Surveying, Inspections, Planning, Design, Permitting and Fees, Insurance, Appraisals, Legal, Administrative and Project Management



#### MIAMI DAILY BUSINESS REVIEW

Published Dälly except Salunday, Sundey and Legal Holidays Miami, Mami-Dade Gounly, Florida

STATE OF FLORIDA COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he of she is the DIRECTOR OF OPERATIONS, Legal Notices of the Manif Daily Business Review that Mamir Review, a daily (except Saturday, Sunday and Legal Holldays) pewspaper, published at Miamir in Miami-Dade Gounty, Florida; that the attached copy of advertisement being a Legal Advertisement of Notice in the matter of

PALM GLADES COMMUNITY DEVELOPMENT DISTRICT-INTENT TO USE THE UNIFORM METHOD OF COLLECTION OF NON-AD-VALOREM ASSESSMENTS - JAN: 14:2020

In the XXXX Count,
was published in said newspaper in the Issues of

12/16/2019 12/23/2019 12/30/2019 01/06/2020

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami Dade County, Florida and Itial the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holldays) and that been entered as second class mall matter at the post-office in Miami in said Miami-Dade County, Florida, for a period of one year mext preceding the first publication of the attacked 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

Curvara

(SEAL)

GUILLERMO GARCIA personally known to me

BARBARA THOMAS

Commission & GG 121171

Expires November 2, 2021

Excided Thru Troy Fain (baurance 800-385-7019)

Notice by the Palm Glades Community
Development district of the
District's intent to use the Uniform
Method of Collection of
Non ad Valorem assessments

Notice is hereby, given that the Palm Glades Continuity Development District Intends to use the uniform method of collecting non-ad valorem generalments to be levied by the District pursuant to Section 1973632, Florida Statutes, to be levied by the District pursuant to Section 1973632, Florida Statutes, The Board of Supervisors of the District will conduct a public hearing on language 14, 2020 at 8:30 PM at the Silver Palms By Lennary Clubhouse Silver Palms, 23770 SW 115, Avenue, Miami, FL 33032.

The purpose of the public hearing is to consider the adoption of a resolution authorizing the District to use the uniform method of collecting non-ad valors in assessments to be levied by the District, pursuant to Seption 197,3532, Florida Statutes.

The District may levy non-ad valorem assessments for the purpose(s) of constructing, acquiring, making, maintaining, operating, and equipping ninestructure improvements to serve the District including, but not limited to, drainage facilities, transportation improvements, water and sever facilities, and recreation improvements and facilities, and any other lawful projects of any feet the Uniform method of collection for a pariod of more than one year.

The District's non ad valoram assessment(s) shall be subject to the same discounts and penalties and the issuance and sale of tax penilticates and tax deads for non-payment as ad valoram taxes. The non-payment of sald non ad valoram assessments will subject the property to the patential loss of title. Interested parties may appear at the public nearing to be heard regarding the use of the uniform ad valoram method of collecting such non ad valoram assessments.

The public hearing may be confinued to a date, time, and place to be specified on the record at the hearing. It any person decides to appeal any decidiston made with respect to any matter considered, at this public hearing such person will need a record of proceedings, and for such purpose such person may need to ensure that a verballin record of the proceedings is made at heir own expanse and that such record includes the restlmony and eyidence on which the appeal is based.

One or two Supervisors may participate in the public hearing by epsaker telephone as long as a quorum is present at the location. Juliana Duque

Manager

77 19 01/0000443842M

12/16-23-30 1/8

# INTERGOVERNMENTAL COOPERATION AGREEMENT BY AND AMONG MIAMI-DADE COUNTY PROPERTY APPRAISER AND MIAMI-DADE COUNTY TAX COLLECTOR AND PALM GLADES COMMUNITY DEVELOPMENT DISTRICT

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT (the "Agreement") is				
made and entered into as of the day of, 2020, 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 Palm Glades Community				
Development District (hereinafter referred to as "District"), Florida.				

#### WITNESSETH

WHEREAS, the District intends to adopt non-ad valorem assessments for collecting its benefit and maintenance assessments or such other assessments imposed by the District ("Non-Ad Valorem Assessments"); and

WHEREAS, the District intends to utilize the uniform method of collection, as outlined in Sections 197.3632 and 197.3635 of the 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 District on the Notice of Proposed Property Taxes as specified in Section 200.069, Florida Statutes ("TRIM Notice"); and

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 ("Tax Bill"); and

WHEREAS, the District, the Tax Collector, and the Property Appraiser must enter into a written agreement evidencing the Tax Collector's and the Property Appraiser's agreement to place the District's Non-Ad Valorem Assessments on the TRIM Notice and Tax Bill; and

WHEREAS, pursuant to Rule 12D18.001 of the Florida Administrative Code, and Escambia County v. Bell, 717 So. 2d 85 (Fla. 1st DCA 1998), it is the duty of the District to determine, under law, whether the Non Ad-Valorem Assessments are constitutional and may be collected as a lien; the duties of the Property Appraiser and Tax Collector under section 197.3632 of the Florida Statutes are ministerial and shall not be construed to authorize the levy of the Non Ad-Valorem Assessments; and

WHEREAS, the District represents that it has duly complied with the notice provisions and adopted Resolution No. 2020-05 in compliance with Section 197.3632 Florida Statutes, so as to entitle the District to elect the non-ad valorem method of collection, and the Tax Collector and Property Appraiser have relied on these representations,

**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 Non-Ad Valorem Assessments TRIM Notice is granted by the Property Appraiser, subject to the District's compliance with the terms of this Agreement.
- 2. The District's request to place its Non-Ad Valorem Assessments on the Tax Bill is granted by the Tax Collector, subject to the District's compliance with the terms of this Agreement.

- The District agrees to the following requirements in order to place its Non-Ad Valorem Assessments on the TRIM Notice and Tax Bill:
  - A. The Non-Ad Valorem Assessments will be assessed yearly against all eligible properties within the District, and the District shall never have attempted to collect the Non-Ad Valorem Assessments prior year assessments.
  - B. No later than **July 9**th of the current year the following should be provided to the Property Appraiser:
    - i. The final files for the TRIM Notice.
    - ii. The description of "Purpose of Assessment" as it would appear on the TRIM Notice.
    - iii. The District's contact name and phone number used to address questions regarding the assessment.
  - C. No later than **August 1**st of the current year an insert describing the Non Ad-Valorem Assessments to be included with the mailing of the TRIM Notice. A sample must be provided to the Property Appraiser for approval prior to August 1st.
  - D. No later than **September 15**<sup>th</sup> of the current year the final roll reflecting the Non-Ad Valorem Assessments that are to appear on the Tax Bill must be submitted to the Property Appraiser and the Tax Collector.
- 4. 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.
- 5. This Agreement shall not take effect until the District is in full compliance with all local zoning, land use, and other applicable regulations.
- 6. **Duration of this Agreement.** Subject to the limitation of paragraph 5 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 11 herein.
- 7. 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.
- 8. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.
- 9. 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.
- 10. Indemnification and Hold Harmless. The District shall indemnify and hold harmless, to the extent permitted by Florida law, the Property Appraiser, Tax Collector and their respective officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the Property Appraiser, Tax Collector or their respective officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the negligent or intentional acts or omissions of the District or its employees, agents, servants, partners principals, or subcontractors arising out of, relating to, or resulting from the performance of the Agreement. The District shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature

in the name of the Property Appraiser or Tax Collector where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon.

- 11. Cancellation. This Agreement may be cancelled by any Party upon thirty (30) days written notice to the other Parties.
- 12. 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.
- 13. **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.
- 14. 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:

District Seed

Secretary

PALM GLADES COMMUNITY

DEVELOPMENT DISTRICT

District Dass

## MIAMI-DADE COUNTY, FLORIDA PROPERTY APPRAISER

	By:			
	Pedro J. Garcia			
	Property Appraiser			
	MIAMI-DADE COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS			
ATTEST:				
Ву:	Ву:			
Harvey Ruvin	Carlos A. Gimenez			
County Clerk	Miami- Dade County Mayor			
Approved as to legal sufficiency for Miami-Dade County and the Office of the Property Appraiser:				
By:				
Assistant County Attorney	·			