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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

(Public Hearing 4-24-07)

Date: March 20, 2007

Agenda Item No. 5(D)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Amendment to Ordinance No. 97-120
Relating to the Bay Heights Roving Patrol
Security Guard Special Taxing District

O#07-55

Recommendation

It is recommended that the Board approve an amendment to Ordinance No. 02-83, which amended Ordinance No. 97-120, creating the Bay Heights Roving Patrol Security Guard Special Taxing District, for the purpose of increasing the level of roving security patrol service from 16 hours per day to 24 hours per day. Miami-Dade County has received approval from the City of Miami to amend this special taxing district per Ordinance No. 12866.

Scope

The Special Taxing District is within Commission District 7.

Fiscal Impact/Funding Source

The economic impact on the private sector will be the special assessment levied for the cost of roving patrol security guard service to all property owners within the district.

Track Record/Monitor

The service will be provided through an interlocal agreement between the City of Miami as service provider and Miami-Dade County. The Special Taxing Districts Division of the Public Works Department will be responsible for monitoring compliance with the terms and conditions of the interlocal agreement.

Background

Boundaries:

On the North, Shore Drive North;
On the South, Shore Drive South;
On the East, Shore Drive East;
On the West, Shore Drive West.

Number of Parcels: 188

Number of Homestead Exemptions: 167

Number of Owners With Homestead Exemption Signing Petition:	Signed by 95 or 56.9% of the resident property owners.
Preliminary Public Meeting:	Not held at the Homeowners Association's request.
Type of Improvements:	Increasing the level of service of an existing security guard special taxing district from 16 hours per day, 365 days a year to 24 hours per day, 365 days a year. Service is provided by off-duty City of Miami Police through an interlocal agreement between the City of Miami and Miami-Dade County.
Required Referendum:	Every qualified registered voter re-siding within the district limits will be afforded the opportunity to vote at an election conducted by mail, estimated to be held in June 2007.
Preliminary Assessment Roll:	Submitted on the same agenda as a separate agenda item for consideration and adoption by the Board of County Commissioners and contingent upon the Board's approval of the ordinance to amend the district and subsequent ratifying referendum. The implementation of the assessment roll will be in accordance with the procedures defined in Chapter 18 of the Code.
Estimated Start of Service:	October 2007. The service will be provided through an interlocal agreement between the City of Miami as service provider and Miami-Dade County. The Special Taxing Districts Division of the Public Works Department will be responsible for monitoring compliance with the terms and conditions of the interlocal agreement.

ECONOMIC/FISCAL/HOUSING COSTS IMPACT ANALYSIS

The economic impact on the County's budget will be from the advancement of funds by several County Departments. Advancement of funds will result from various Departments' expenditure of labor and materials necessary to engineer and administrate the amended district. All district costs incurred will be reimbursed to each Department after the Board's adoption of the

preliminary assessment roll, ratification of the amended district by the qualified electorate within the district limits and collection of the assessments from the affected property owners' November 2007 and subsequent annual tax bills.

At this time there will be no increase or decrease in County staffing due to the amending of this existing district. The private sector may increase their staffing levels to provide the service requirements created by the amended special taxing district.

Estimated Initial Billing:	November 2007. Assessment billed annually as an itemized portion of the annual tax bill.	
	First Year	**Second Year**
Estimated Total District Cost:	$287,700	$267,750
Method Of Apportionment:	Unit	Unit
Estimated Annual Assessments	**First Year**	**Second Year**
Per Developed Lot or Parcel Assessed as 1 Unit:	$1,560	$1,450

The annual assessments shown above are representative annual assessments of developed lots within this district for the increased service request to 24 hours per day. Present assessments for the 16 hours of service per day are $856.91 per developed unit.

State or Federal grants are not applicable to this special taxing district.

For the purpose of increasing the roving patrol services referenced herein, amending existing Ordinance No. 02-83 is the most efficient method since the added service will be delivered within the boundaries of an existing security guard special taxing district

As required by the provisions of Section 18-3 (c) of the Code, I have reviewed the facts submitted by the Public Works Director and concur with her recommendation that this amendment be adopted, if approved by the referendum subsequent to this public hearing.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Agenda Item No. 5(D)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

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

_____ **Housekeeping item (no policy decision required)**

✓ **No committee review**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 5(D)
4-24-07

ORDINANCE NO. 07-55

ORDINANCE AMENDING ORDINANCE NO. 97-120, AS PREVIOUSLY AMENDED BY ORDINANCE No. 02-83, RELATING TO BAY HEIGHTS ROVING PATROL SPECIAL TAXING DISTRICT INCREASING THE LEVEL OF SERVICE, IN ACCORDANCE WITH CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AND PROVIDING AND EFFECTIVE DATE

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 the governing body of Miami-Dade County, shall have the power to establish and govern special taxing districts within Miami-Dade County, Florida; and

WHEREAS, this Board adopted Ordinance No. 97-120 on July 8, 1997, establishing the BAY HEIGHTS ROVING PATROL Special Taxing District; and

WHEREAS, this Board adopted Ordinance No. 02-83 on May 21, 2002, amending Ordinance No. 97-120; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a petition requesting an increase in the level of services to a twenty-four hour stationary security guard service in the already-established 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; and

WHEREAS, such petition prayed for the service level increase in the existing special taxing district to provide security guard services to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described,

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

Section 1. Sections 3 and 4 of Ordinance No. 97-120, as previously amended by 02-83 are hereby amended to read as follows:[1]

> Section 3. The improvements and services to be provided within this special taxing district will consist of the following:
>
> A roving patrol security service provided by off-duty police officers from the City of Miami, [[~~16~~]]>>24<< hours per day, 365 days a year.
>
> Section 4. The estimated cost to the property owners for the security guard services required by the provisions of this ordinance including administrative, billing, collecting and processing for the first year of increased security service is [[~~185,150~~]]>>287,700<<and [[~~$161,100~~]] >>$267,750 << [[~~for each year thereafter~~]]>>for the second year. The second and succeeding years' assessments will be adjusted from actual experience.<< It is estimated that the total cost for the security guard services per developed parcel of real property within the district for the first year of increased security service is [[~~$984.84~~]]>>$1,560<< and [[~~$856.91~~]]>>$1,450<< for the second [[~~and succeeding~~]] year[[~~s~~]]. >>The second and succeeding years' assessments will be adjusted from actual experience.<<

Section 2. 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.

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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 3. 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 determined by Resolution, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board and an approval by a majority of those voting at the election referred to herein.

PASSED AND ADOPTED: April 24, 2007

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

James J. Kracht

REPORT AND RECOMMENDATIONS ON
THE AMENDMENT TO ORDINANCE NO. 02-83 FOR THE
BAY HEIGHTS ROVING PATROL SECURITY GUARD
SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY, FLORIDA

A petition has been submitted to Miami-Dade County requesting that the Bay Heights Roving Patrol Security Guard Special Taxing District, which was created by Ordinance No. 97-120 and amended by Ordinance No. 02-83, be further amended to increase the level of roving security patrol service from 16 hours per day, 365 days a year, to 24 hours per day, 365 days a year.

As Public Works Director, responsible for the detailed investigation of such requests, the following facts are hereby submitted concerning this proposed amendment.

1. BOUNDARIES OF THIS DISTRICT

The district is located entirely within the municipal limits of the City of Miami, Florida; and the boundaries of the existing Bay Heights Roving Patrol Security Guard Special Taxing District will not be altered by the proposed amendment. Pursuant to Chapter 18 of the Code, Miami-Dade County has received approval from the City of Miami to amend this special district for security service per Ordinance No. 12866, duly passed and executed on December 14, 2006.

Therefore, the boundaries of the Bay Heights Roving Patrol Security Guard Special Taxing District are follows:

> A portion of Section 14, Township 54 South, Range 41 East, City of Miami, Miami-Dade County, Florida; being more particularly described as follows:
>
> All of "Bay Heights" according to the plat thereof, as recorded in Plat Book 50 at Page 93;
>
> And
>
> All of "First Addition to Bay Heights" according to the plat thereof, as recorded in Plat Book 53 at Page 30;
>
> And
>
> All of "Bay Heights Groves" according to the plat thereof, as recorded in Plat Book 132 at Page 94;
>
> All of the above named plats are recorded in the Public Records of Miami-Dade County, Florida.

The boundaries are shown on the attached plan entitled Bay Heights Roving Patrol Security Guard Special Taxing District and hereinafter referred to as Exhibit A.

A preliminary community meeting to present the facts pertaining to the district was not held at the request of the Homeowners Association

2. DESCRIPTION OF THE SEVICE TO BE PROVIDED

The service as specified by the petition is to increase the level of service of roving patrol security from 16 hours per day, 365 days a year, to 24 hours per day, 365 days a year. District services are presently provided and will continue to be provided by City of Miami off-duty police officers. As is current procedure, in the event the services of off-duty police officers cannot be secured, the County may provide service through a State of Florida licensed and bonded security guard firm under contract with Miami-Dade County.

3. ESTIMATED COST FOR THIS SERVICE

The request made by the petitioners is for the increase in the number of hours of roving patrol security service as indicated in Section 2 of this report. The security service costs are based on current costs used for the existing district. For this report, the current City of Miami off-duty police hourly average rate of $28.00 was used to calculate the annual roving patrol service costs. The rate, when multiplied by the annual number of hours of roving service, amounts to an estimated annual total cost of $248,000. The first year's cost must also include $8,000, which is to be added to an existing prepaid fund to cover one month of services.

It will also be necessary for the County to recover the processing and contract administrative costs incurred to amend and continue to maintain the district as provided by Chapter 18 of the Code. This is estimated to be $13,000 the first year and $6,000 annually thereafter. Also, it will be necessary for the County to charge the district a fee for handling the billing, election costs, advertising, collecting, and processing the monthly invoices to the security service provider. This cost is estimated to be $5,000 the first year and $1,000 annually thereafter. Additionally, an allocation for contingencies and discount in the amount of $13,700 for the first year and $12,750 annually thereafter are provided. Therefore, the first year total cost is $287,700 and the second year total cost is estimated to be $267,750. The succeeding years' costs will be determined on an annual basis.

The above estimated costs cover 24 hours of service and are not additional to the costs of the 16 hours of service currently provided by the district.

4. PROCEDURE

The additional hours of service will commence at the earliest practicable time following the amending of the district by the Miami-Dade County Board of County Commissioners and its ratification by the electorate at the required subsequent referendum. The County Manager is already authorized under Ordinance No. 02-83 to enter into an interlocal agreement with the City of Miami for off-duty police service or a contractual agreement with a corporation of off-duty police officers wherein it is agreed that Miami-Dade County will pay to the service provider in scheduled payments all hourly services contracted for and rendered.

Each property owner in the district will pay the County, by special assessment on a unit basis, a proportionate share of the total annual cost. This cost will be shown as an itemized portion of the annual ad valorem tax bill.

5. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS IMPROVEMENT

The proposed security program is desirable as evidenced by the property owners' petition. The 2005 net property valuation ($63,912,724) within the district is a good indication that the affected properties are able to pay such assessments as may be required and, in my opinion, the proposed security guard service will provide special benefits to properties within the district exceeding the amount of special assessments to be levied.

6. ESTIMATE OF ASSESSMENT AGAINST BENEFITED PROPERTY

The estimated annual cost for the 24-hour security patrol service and other expenses as indicated in Section 3 is $287,700 the first year and $267,750 the second year, with succeeding years' costs determined annually. The cost is to be paid for by a special assessment against benefited properties and is to be apportioned to individual properties within the boundaries of the district on a unit basis.

ESTIMATED ANNUAL COSTS FOR 24 HOURS OF SERVICE

	First Year	Second Year
Annual Service Costs	$248,000	$248,000
Cost to Add to Prepaid Fund to Cover One Month of Service	8,000	0
Processing & Contract Administrative Costs	13,000	6,000
Advertising, Printing, Mailing, Election and Collecting Costs	5,000	1,000
Contingencies and Discount Costs	13,700	12,750
Estimated Total District Cost	$287,700	$267,750

ESTIMATED ASSESSMENTS FOR 24 HOURS OF SERVICE

Estimated Annual Assessments	First Year	Second Year
Per Developed Lot or Parcel Assessed as 1 Unit	$1,560	$1,450

The sample assessment shown above was derived using 188 total assessable units as its basis.

7. RECOMMENDATION

It is my recommendation that the referendum required by Chapter 18 of the Code be conducted by mailed ballot. The Elections Department will send a Summary of the Report on this district, a copy of which is attached, to each registered voter living within the district. Upon adoption of the amended Ordinance, and the Board of County Commissioners' approval of the election resolution, it is also recommended that the Board adopt as the next agenda item, the Amended Bay Heights Roving Patrol Security Guard Special Taxing District Preliminary Assessment Roll Resolution. Adoption of this resolution will enable Miami-Dade County to reimburse its departments the funds advanced for the engineering and/or administration involved in amending this district as well as providing funds advanced for payment to the security service provider. In the event actual costs are lower than the costs estimated in the amended Ordinance, the Director of the Public Works Department or her designee shall adjust and decrease the unit rate of assessment necessary to provide adequate revenue to cover these expenses. In the event actual costs are higher than the costs estimated in the amended Ordinance, the County Manager may, at his discretion, cause to be prepared a revised

preliminary assessment roll and file the same with the Clerk of the Board for a scheduled public hearing to adopt the revised assessment roll. The amended Ordinance shall take effect ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, it shall become effective only upon an override by the Board and approved at an election to be formally called by this Board and noticed and conducted as this Board shall determine by resolution. My office will also be available to answer any questions from the public or from your office in regard to the financial and/or engineering facts of this district. We further recommend that the County Manager forward the attached report to the Board of County Commissioners after he has reviewed it and concurred with our findings.

Encls:
(1) Copy of Petition and Attachments
(2) Copy of Ordinance from the City of Miami
(3) Revised Summary of the Report
(4) District Boundary Map (Exhibit A)