

Date: September 20, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 5D

From: Carlos A. Gimenez
Mayor



Resolution No. R-729-11

Subject: Hibiscus Island Overhead Services Relocation Improvement Special Taxing District

Recommendation

It is recommended that the Board of County Commissioners (BCC) adopt the attached resolution authorizing that the assessment roll for the subject District be held in abatement for FY 2011-2012 at the request of the affected Homeowners Association (request letter attached). Collections began with FY 2010-2011 and will resume with FY 2012-2013 and subsequent years as itemized on the annual combined Real Property tax bill.

Scope

This special taxing district lies within Miami-Dade County Commission District Five (5), and wholly within the municipal limits of the City of Miami Beach (City), and provides for the relocation of electrical, telephone and cable television services from overhead to buried conduit.

Fiscal Impact/Funding Source

There will be no fiscal impact on the County's budget resulting from the adoption of this resolution. District establishment and creation costs have been paid from the District's initial FY 2010-2011 collections and District bond costs have yet to be incurred.

The economic impact on the private sector will remain as imposed by the District's preliminary assessment roll.

Track Record/Monitoring

District services will be provided by the City through an interlocal agreement between the City and the County. Performance, invoicing and payment to the City will be monitored by the Public Works Department's Special Taxing Districts Division once the City finalizes costs and executes their contract with the Florida Power and Light Company. The Miami-Dade County Tax Collector's Office will accomplish the terms of this resolution.

Background

On September 21, 2010, in response to resident petition and pursuant to Ordinance No. 10-51, the BCC approved the creation and establishment of the Hibiscus Island Overhead Services Relocation Improvement Special Taxing District and the District's preliminary assessment roll was subsequently adopted as a separate item on the same agenda per Resolution R-933-10. The

District's creation and implementation was then ratified by mailed ballot referendum of the District's qualified electors on December 7, 2010. Provision of District services is pending the execution of an interlocal agreement between the City and the County. The final costs of this project are conditional upon the City executing a contract with Florida Power and Light as service provider. The City has funding available for the provision of drainage facilities, repaving, and landscaping beautification and is planning to include the utility burial as part of the larger project to achieve economies of scale and elimination of redundant work. It is expected that the District will benefit financially from this effort and may result in a refund to District taxpayers when the project is completed.

Individual property assessments were initially placed on the affected property's annual combined Real Property tax bills beginning with the 2010 tax roll at the request of the Homeowners Association. Of the 181 assessed parcels, 46 have paid the capital lien in full and the remainder have opted to amortize this capital assessment lien through their annual tax bill. Those property owners who paid the capital tax lien in full have satisfied their lien obligation. The 2010 collections will remain in a special taxing district account through the Tax Collector's office to the credit of each individual property tax folio number and those who carry the lien through the tax bill are credited with a 1/15th payment of the fifteen (15) year installment plan.



County Manager/Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 20, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 5D

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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5 (D)
09-20-11

RESOLUTION NO. R-729-11

RESOLUTION ABATING PRELIMINARY ASSESSMENT ROLL PROVIDING FOR ANNUAL ASSESSMENTS AGAINST REAL PROPERTY LOCATED WITHIN BOUNDARIES OF A SPECIAL TAXING DISTRICT KNOWN AS HIBISCUS ISLAND OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT IN ACCORDANCE WITH PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND ORDINANCE NO. 10-51

WHEREAS, pursuant to petition, notice and public hearing, the Board of County Commissioners by Ordinance No.10-51, adopted on September 21, 2010, created and established a special taxing district in Miami-Dade County, Florida, known and designated as the HIBISCUS ISLAND OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, enacted under and pursuant to the provisions of Section 1.01(A)(11) of the Home Rule Charter of Miami-Dade County, Florida; and

WHEREAS, upon the district being approved on December 7, 2010, by a majority vote of qualified electors residing within the district; and

WHEREAS, pursuant to Ordinance No.10-51, the Board of County Commissioners determined that special assessments in this special taxing district for the purpose of providing for the underground burial of existing overhead utility services should be levied on a unit basis; and

WHEREAS, pursuant to Ordinance No.10-51, and Section 18-14(4) of the Code of Miami-Dade County, Florida, on September 21, 2010, the Board of County Commissioners adopted a preliminary assessment roll per Resolution R-933-10 providing for the collection of special assessments against affected property to fund District services; and

WHEREAS, each property owner was notified that the special assessments would be placed on the November 2010, and subsequent real property tax bills and that, if these special assessments are not paid when due, the properties on which the special assessments are levied will be respectively subject to the same collection procedures as for ad valorem taxes, including possible loss of title; and

WHEREAS, because burial of the underground utilities has not yet commenced, the residents of the District have expressed their desire to abate the collection of the Districts' special assessments for a one (1) year period (November 2011 tax bill),

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

Section 1. Collection of the special assessments as shown on the assessment roll approved by Resolution No. R-933-10 shall be abated for the 2011 real property tax roll under Section 18-14(4)(c)(9) of the Code of Miami-Dade County, Florida.

Section 2. The said assessment roll as approved by Resolution No. R-933-10 shall remain applicable and in full force and effect for 2012, and subsequent year's real property tax rolls.

Section 3. The Miami-Dade County Tax Collector's office is hereby directed to accomplish the provisions of this resolution.

The foregoing was offered by Commissioner **Bruno A. Barreiro**, who moved its adoption. The motion was seconded by Commissioner **Audrey Edmonson** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of September, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency:

James K. Kracht



Palm • Hibiscus • Star
ISLANDS ASSOCIATION, INC.

August 19, 2011

Donald L. Tock, Jr., Chief
Special Taxing Districts Division
Miami-Dade County Public Works Department
111 NW 1st Street, 15th Floor
Miami, FL 33128

**Re: Request for Delay in Collection of the Annual Payments for Hibiscus Island
Undergrounding Special Taxing District**

Dear Don,

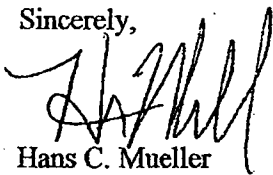
On behalf of the Palm-Hibiscus-Star Islands Association and specifically, the residents of Hibiscus Island, I am officially requesting that this year's tax installment payment under our Special Taxing District is deferred for this upcoming tax payment only.

We have just completed meetings with the City of Miami Beach where it has been decided to engage a Design Criteria Professional for the entire Palm and Hibiscus Islands Neighborhood Right-of-Way Improvement Project. This overall City of Miami Beach project which shall be completed under a design/build methodology includes items such as storm water drainage, new roads and landscaping. By combining and coordinating that project with our Utility Undergrounding Project we will minimize the inconvenience to our residents and be able to achieve cost savings, however, we are looking at a further delay to our anticipated project timing with ground breaking anticipated hopefully by the end of 2012.

Given that cash funding for our project will not be required for at least a year, Miami-Dade County has already collected a minimum of 1/15th of the project from our residents and the County has not yet completed a bond for our project, a deferral of this year's tax payment makes the most sense and would be most appreciated by our residents. That additional time would also allow us sufficient time to clean up the allocation issue relating to the condominiums on the west end of Hibiscus Island. Therefore, we want to request a delay in the collection of the annual payments due each resident on Hibiscus Island.

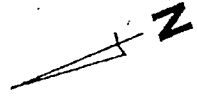
Thank you for your prompt response to our request. We look forward to continue working with you and your office to complete the undergrounding of utilities on Hibiscus Island. Please get back to Ian Kaplan, Chair of the Undergrounding Committee, our Executive Director Tim Rose or me with any questions or if other action is required of us in this matter. You can contact Tim at 305-299-2617 or by e-mail at tim.rose@phsislands.org.

Sincerely,

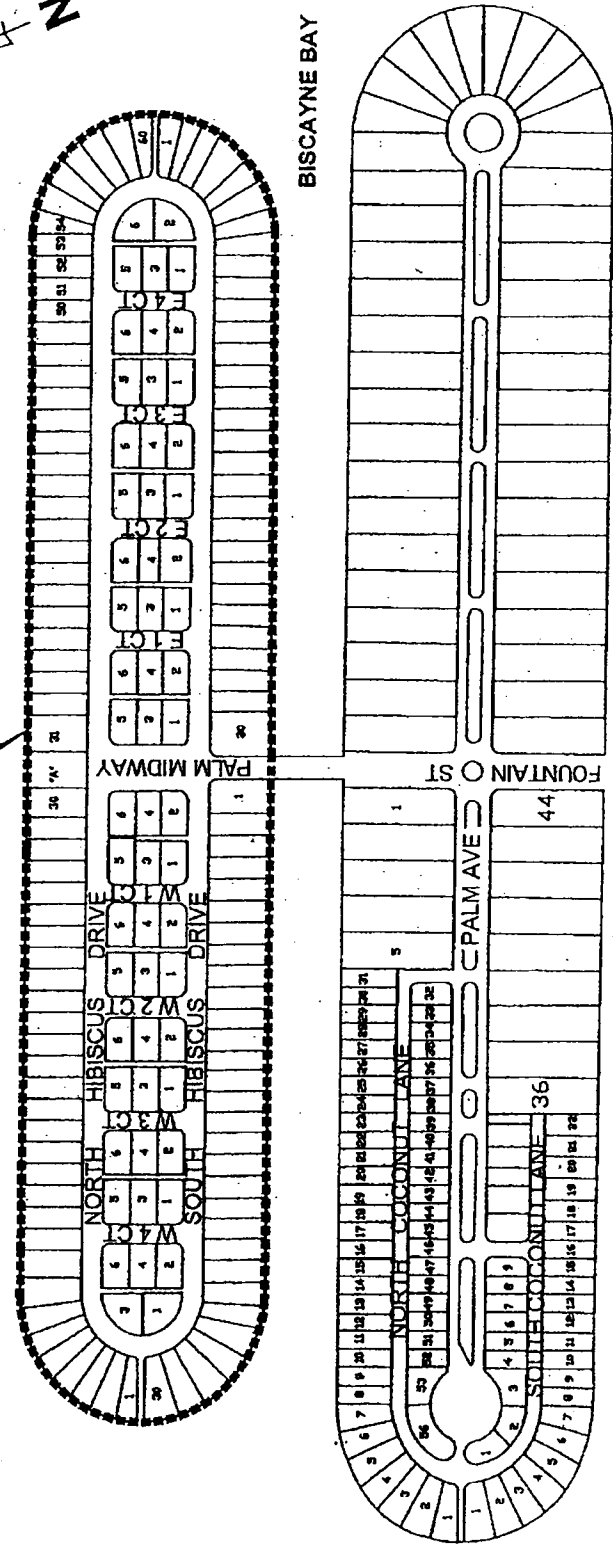


Hans C. Mueller
President

cc: Commissioner Bruno Barreiro
PHS Islands Board of Directors
PHS Islands Undergrounding Committee



DISTRICT BOUNDARIES



HIBISCUS ISLAND
 OVERHEAD SERVICES RELOCATION IMPROVEMENT
 SPECIAL TAXING DISTRICT

R-40 (COMM. 0006)
 SECTION: 5-54-32 & 32-53-42

EXHIBIT "A"