OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 5(E)

(Public Hearing 9-1-15)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 30, 2015

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

SUBJECT: Ordinance creating and establishing a Special Taxing District in Miami-Dade County, Florida, known and described as Lake Patricia Multipurpose Maintenance Special Taxing District in accordance with the provisions of Chapter 18 of the Code

Ordinance No. 15-73

The accompanying ordinance was prepared by Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Esteban L. Bovo, Jr.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: September 1, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Lake Patricia Multipurpose Maintenance Special Taxing District

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve a petition submitted in accordance with Article 1, Chapter 18 of the Code (Code) of Miami-Dade County (County) for the creation of the Lake Patricia Multipurpose Maintenance Special Taxing District.

Scope

This proposed special taxing district lies within Commissioner Esteban Bovo, Jr.'s District 13 and will provide lake maintenance services.

Fiscal Impact/Funding Source

The creation of this district is at the request of the proposed district's property owners in accordance with Chapter 18 of the Code. 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 administer the district. All district costs incurred will be reimbursed to each Department after the Board's adoption of the preliminary assessment roll, ratification of the district by the qualified electorate within the district's boundaries, and collection of the assessments from the affected property owners on their November 2016 and subsequent annual tax bills.

After the first year, the economic impact on the private sector will be a perpetual annual special assessment for the cost of lake maintenance service to all property owners within the district.

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

Track Record/Monitoring

The Chief of Causeways and Special Taxing Districts Division, Michael R. Bauman, of the County's Public Works and Waste Management Department (PWWM) is managing and overseeing this item.

Background

Contingent upon Board approval of this district's creating ordinance, the County's Parks, Recreation and Open Spaces Department (PROS) and PWWM's Special Taxing Districts Division will provide the district's required maintenance services and cause implementation of special assessments for the costs of such services against benefited properties, as well as contract monitoring, compliance and enforcement.

Boundaries:	On the North, Miami Lakeway South; On the East, Lake Candlewood Court; On the South, Lake Patricia Drive; On the West, Lake Childs Court.
Number of Parcels:	73
Number of Resident Property Owners:	63
Number of Owners with Homestead Exemption Signing Petition:	In compliance with Chapter 18 of the Code, this petition was signed by the County Mayor on behalf of the residents of Lake Patricia.
Preliminary Public Meeting:	TBD
Required Referendum:	Every qualified registered voter residing within the district's boundaries will be afforded the opportunity to vote at an election conducted by mail, estimated to be held in January 26, 2016.
Preliminary Assessment Roll:	Submitted on the same agenda as a separate agenda item for consideration and adoption by the Board and contingent upon the approval of this district's creating ordinance and subsequent ratifying referendum. The implementation of the assessment roll will be in accordance with the procedures defined in Chapter 18 of the Code.
Type of Improvements:	Lake Maintenance services including but not limited to: the removal of debris, aquatic weeds, plans and algae by chemical and/or mechanical means as needed. Lake maintenance services may be adjusted as a function of the budget process, upon recommendation by the district's property owners, collected at a public meeting.
Estimated Initial Billing:	Assessment billed annually as an itemized portion of the combined Real Property tax bill.

	First Year	Second Year
Estimated Total District Costs:	$22,144.57	$10,423.98
Method of Apportionment:	Unit	
Estimated Annual District Assessments:	**First Year**	**Second Year**
Per Developed Lot or Parcel Assessed as 1 Unit	$303.35	$142.79

The above annual costs and assessment information are based on the expected lake maintenance services to be provided by the district and are subject to change in the event that district services are adjusted by the County as provided herein.

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

Each special taxing district is unique due to its geographical boundaries, affected property owners, and level of service to be provided. Creation of a new special taxing district to provide this service is the best and most cost-effective method to achieve this benefit.

In accordance with the requirements of Section 18-3 of the Code and in compliance with the provisions of Section 18-3 (c) of the Code, I have reviewed the facts submitted by PWWM and concur with their recommendation that this district be created, if approved by the referendum subsequent to this public hearing.

Alina T. Hudak
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 1, 2015

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

SUBJECT: Agenda Item No. 5(E)

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 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. 5(E)
9-1-15

ORDINANCE NO. 15-73

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS LAKE PATRICIA MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 6) grants to the electors of Miami-Dade County power to adopt a home rule charter of government for Miami-Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Miami-Dade County from time to time; and

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 governing body of Miami-Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services, including landscape improvement and other maintenance programs, and that all funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

WHEREAS, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County Commissioners duly enacted Chapter 18 of the Code of Miami-Dade County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefor; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a petition for the creation of a special taxing district to be known as the

LAKE PATRICIA MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT duly signed by the Mayor of Miami-Dade County on behalf of the residents of Lake Patricia, was filed with the Clerk of the County Commission. Such petition prayed for the creation and establishment of a special taxing district for the purpose of providing a lake maintenance program to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described; and

WHEREAS, upon receipt of such petition the Clerk of the County Commission transmitted a copy thereof to the County Mayor or County Mayor's designee who examined it and filed a written report with the Clerk certifying that such petition was sufficient in form and substance and signed and properly presented in accordance with the requirements of Chapter 18 of the Code of Miami-Dade County, Florida; and

WHEREAS, the County Mayor or County Mayor's designee, after making appropriate investigations, surveys, plans and specifications, compiled and filed with the Board of County Commissioners a written report and recommendations, included herein by reference, setting forth the boundaries of the proposed special taxing district, the location, nature and character of the lake maintenance program to be provided within the proposed district, an estimate of the cost of maintaining and operating such improvements and/or services, certification that the proposed district's improvements and lake maintenance programs and/or services conform to the master plan of development for the County, and setting forth recommendations concerning the need for and desirability of the requested district, the ability of the affected properties to bear special assessments to fund the cost of maintaining and operating such improvements and lake maintenance programs and/or services, and an estimate of the amount to be assessed against each of the benefited properties within the proposed district, and expressing an opinion that the properties to be specially assessed will be benefited in excess of the special assessments to be levied, and the County Mayor or County Mayor's designee attached to such report and recommendations a map or sketch showing the boundaries and geographical location of the

proposed district. Such "Report and Recommendations" of the County Mayor or County Mayor's designee was filed with the Clerk and transmitted to the Chairperson; and

WHEREAS, it appearing to the Board of County Commissioners from such report of the County Mayor or County Mayor's designee and other investigations that the district petitioned for would be of special benefit to all property within the proposed boundary and that the total amount of the special assessments to be levied would not be in excess of such special benefit; the Clerk of the Board certified the place, date and hour for a public hearing on the petition of the owners (developer/petitioner) and the report and recommendations of the County Mayor or County Mayor's designee -- said hearing was held on Tuesday, September 1, 2015. Copies of the public notice were duly published in a newspaper of general circulation published in Miami-Dade County, Florida, and copies thereof were posted in not less than five (5) public places within the proposed district, and copies thereof were mailed to all owners of taxable real property within the boundary of the proposed district as their names and addresses appear on the latest Miami-Dade County Real Property Tax Roll; and

WHEREAS, pursuant to said notice, the Board of County Commissioners on Tuesday, September 1, 2015, held a public hearing, at which all interested persons were afforded the opportunity to present their objections, if any, to the creation and establishment of the proposed special taxing district; and

WHEREAS, the Board of County Commissioners, upon review and consideration of the report and recommendations of the County Mayor or County Mayor's designee and the views expressed by the property owners within the proposed special taxing district, has determined to create and establish such special taxing district in accordance with the report and recommendations of the County's Mayor or County Mayor's designee, and the provisions of Chapter 18 of the Code of Miami-Dade County, Florida,

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

Section 1. In accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a special taxing district to be known and designated as the LAKE PATRICIA MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT is hereby created and established in the municipal limits of the Town of Miami Lakes, Florida.

Section 2. The area or boundaries of this proposed special taxing district are as follows:

> A portion of Section 24, Township 52 South, Range 40 East, Miami-Dade County, Florida; being more particularly described as follows:
>
> Lots 20 through 26, 28 through 35, 37 through 41, and 43 through 47 of Block 2 of "Miami Lakes Section One" according to the Plat thereof, as recorded in Plat Book 75 at Page 35;
>
> And
>
> Lots 1, 3 through 15, 19 through 22, 24 through 33, 36, 37, 40 through 42, 47 through 51, 53, and 54 of Block 2A of "Miami Lakes Section Two" according to the Plat thereof, as recorded in Plat Book 76 at Page 70;
>
> And
>
> Lots 4 through 10, and Tract P-8 of Block 11 of "Miami Lakes Section One" according to the Plat thereof, as recorded in Plat Book 75 at Page 35.

All the aforementioned plats being recorded in the Public Records of Miami-Dade County. The area and geographical location of this proposed special taxing district are shown on the map or sketch, and made a part herein by reference.

Section 3. The services to be provided within this proposed special taxing district will initially consist of the following:

> Lake Maintenance services including but not limited to the removal of debris, aquatic weeds, plans and algae by chemical and/or mechanical means as needed.. Lake maintenance services may be adjusted as a function of the budget process, upon recommendation by the district's property owners, collected at a public meeting.

Section 4. The estimated cost to the property owners for the lake maintenance program and operation of the proposed district's improvements and/or services including engineering, administration, billing, collecting and processing for the first year is $22,144.57, and $10,423.98 for the second year. It is estimated that the cost per unit within the proposed district is $303.35 for the first year, and $142.79 for the second year. The second and succeeding years' assessments will be adjusted from actual experience.

Section 5. It is hereby declared that said improvements and/or services will be a special benefit to all properties within the proposed special taxing district and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

Section 6. Miami-Dade County, as administrator of this district's lake maintenance program, is directed to provide service by the most effective and efficient means available on a yearly basis, as detailed in the County Mayor or County Mayor's designee's report which is made a part herein by reference. If there is a proposed significant change to the level of service to be provided, the Parks, Recreation and Open Spaces Department shall conduct a meeting in the community, inviting all affected district property owners for the purpose of reviewing the district's budget and level of service.

Section 7. The County Mayor or County Mayor's designee is authorized and directed to cause to be made the maintenance and operation of various public improvements to be installed within the proposed district in accordance with the provisions of this Ordinance.

Section 8. The County Mayor or County Mayor's designee is further directed to cause to be prepared and filed with the Clerk of the County Commission a Preliminary Assessment Roll in accordance with the provisions of Section 18-14 of the Code of Miami-Dade County, Florida. As authorized by Section 197.363, Florida Statutes, all special assessments levied and imposed under the provisions of this Ordinance shall be collected, subject to the provisions of Chapter 197, Florida Statutes, in the same manner and at the same time as ad valorem taxes. In accordance with utilization of the ad valorem tax collection method, if such special assessments are not paid, when due, the potential for loss of title to the property exists.

Section 9. 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.

Section 10. The provisions of this Ordinance shall become effective ten (10) days after the date of its enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: September 1, 2015

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Jorge Martinez-Esteve

REPORT AND RECOMMENDATIONS ON THE CREATION OF LAKE PATRICIA MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT MIAMI-DADE COUNTY, FLORIDA

Pursuant to Chapter 18 of the Code of Miami-Dade County (Code), and as a result of a detailed investigation of a duly petitioned for special taxing district, the following facts are submitted by the Miami-Dade County Public Works and Waste Management (PWWM) Director concerning the creation of Lake Patricia Multipurpose Maintenance Special Taxing District.

1. BOUNDARIES OF THIS DISTRICT

The proposed district is located entirely within the municipal limits of the Town of Miami Lakes, Florida. Pursuant to Chapter 18 of the Code, Miami-Dade County (the County) has received approval from the Town of Miami Lakes to create this special taxing district per Resolution No. 14-1265, a copy of which is attached, and the boundaries, as set forth in the petition, are as follows:

> A portion of Section 24, Township 52 South, Range 40 East, of Miami-Dade County, Florida, being more particularly described as follows:
>
> Lots 20 through 26, 28 through 35, 37 through 41, and 43 through 47 of Block 2 of "Miami Lakes Section One" according to the Plat thereof, as recorded in Plat Book 75 at Page 35;
>
> And
>
> Lots 1, 3 through 15, 19 through 22, 24 through 33, 36, 37, 40 through 42, 47 through 51, 53, and 54 of Block 2A of "Miami Lakes Section Two" according to the Plat thereof, as recorded in Plat Book 76 at Page 70;
>
> And
>
> Lots 4 through 10, and Tract P-8 of Block 11 of "Miami Lakes Section One" according to the Plat thereof, as recorded in Plat Book 75 at Page 35.

All the aforementioned plats being recorded in the Public Records of Miami-Dade County.

The district's boundaries and geographical location are shown on the attached sketch entitled Lake Patricia Multipurpose Maintenance Special Taxing District and hereinafter referred to as Exhibit A.

A preliminary community meeting will be held to present the facts pertaining to the boundaries of this proposed district, a description of the improvement to be provided, its costs, and the method of payment.

2. LOCATION AND DESCRIPTION OF DISTRICT

The creation of this district is requested to maintain Lake Patricia. Lake maintenance service includes the removal of debris, aquatic weeds, plans and algae by chemical and/or mechanical means as needed. Service will commence at the earliest practicable time following the creation and establishment of the district by the Miami-Dade County Board of County Commissioners (BCC) and said creation ratified by the electorate at a subsequent referendum. Service will be administered by the Miami-Dade County Parks, Recreation and Open Spaces Department (PROS) using the most effective and efficient means available. Other maintenance services may be provided in the future as specified in the district's ordinance and amendments thereto. The areas to be maintained are shown on the attached Exhibit A.

3. ESTIMATED COSTS AND ANNUAL EXPENSE FOR MAINTENANCE, REPAIR AND OPERATION OF THIS DISTRICT

The proposed district is to be created to provide lake maintenance as described in Item 2 above. The County may elect, due to the location, to provide lake maintenance services utilizing an open contract when significant service cost savings can be realized. The service level will be reviewed with the district's Homeowners' Association Board prior to renewal or relenting of a service contract as it is an integral part of this district's budget process. In the absence of a bona fide homeowners' association, notification will be sent informing the district's property owners of Miami-Dade County's selection of a service provider.

The combined annual costs of the district's lake maintenance services for the initial maintenance program are estimated to be $22,144.57 for the first year, and $10,423.98 for the second year. The expense of the lake maintenance program will be continuous and service costs following district implementation are to be apportioned to individual properties within the district on a unit basis. The costs of the lake maintenance program and administrative expenses as shown below are to be paid for by special assessments levied against all benefited properties.

Estimated Annual Costs	**First Year**	**Second Year**
Initial Annual Maintenance	$10,224.00	$9,627.00
Engineering and Administrative Costs	$2,500.00	$150.00
Billing, Collecting and Processing Costs	$6,532.15	$150.00
Contingencies	$2,888.42	$496.38
Total Annual Maintenance Services Costs	$22,144.57	$10,423.98

Estimated Annual Assessments	**First Year**	**Second Year**
Per Lot or Parcel Assessed as 1 Unit:	$303.35	$142.79

The above costs are estimated and will be adjusted annually based on actual experience.

4. CONFORMITY TO THE MASTER PLAN OF MIAMI-DADE COUNTY

The proposed district conforms to and in no way conflicts with the Comprehensive Development Master Plan for the Miami-Dade County (the County) (see attached memorandum from the Department of Regulatory and Economic Resources, a successor to the Department of Planning and Zoning).

5. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS DISTRICT

The need for lake maintenance programs is apparent. Residents and property owners of the County continue to demonstrate their desire for the services which will be provided by this district through petitions and personal requests.

The 2014 net property evaluation within the proposed district, based on information provided by the Miami-Dade County Office of the Property Appraiser is $15,851,617.00, which is a good indication that the affected properties are able to pay such assessments as may be required and, in my opinion, the proposed lake maintenance program will provide special benefits to properties within the district exceeding the amount of special assessments to be levied.

6. PROCEDURE

As provided for under Section 18-3 of the Code, the owners within the proposed district shall pay all costs and expenses incidental to the creation of this district and shall be assessed through special assessments for the entire cost of creating the district and providing lake maintenance within the district for the first year. Based on lot or parcel unit, each property owner will pay the County, through a special assessment, a proportionate share of the total annual costs each year thereafter. Following commencement of services by the district, any increase in future maintenance functions may be recommended by a majority of the property owners for consideration by the County as administrator. An annual meeting will be conducted with the owners of real property within the district as an integral part of the annual budget process. This will enable Miami-Dade County, as administrator, to secure input from affected community representatives, association, and property owners to improve delivery of services or lower costs of the services provided within the scope of the district's authorized functions as specified above, and to determine the following:

1. Level of service;
2. Areas to be maintained;
3. Approximate effect on cost and rate of the assessment for any changes.

The deletion of services is subject to maintaining a minimum level of service as determined by PWWM (property owners may not delete maintenance services altogether unless this district is abolished).

The expense of the lake maintenance program will be continuous. However, because cost and/or level of maintenance may increase, the estimated annual expense, as indicated herein, can only be based on the initial maintenance program. The cost of the maintenance program will therefore require adjustment annually through the budget process performed by PROS or PWWM as administrator of the district.

7. RECOMMENDATION

It is recommended that the Lake Patricia Multipurpose Maintenance Special Taxing District be created pursuant to Section 18-3 of the Code, which provides for the creation of special taxing districts in existing subdivisions and that the creation of the district be authorized by an ordinance to be adopted by the BCC, subject to ratification by the district's qualified electorate at a special referendum to be called by the BCC. It is also recommended that upon adoption of the ordinance creating this special taxing district, the BCC adopt, as the next agenda item, a resolution calling for a special election, as required by Chapter 18 of the code. Said election will be conducted by the Miami-Dade County Elections Department using a mailed ballot provided, along with a project report summary, to each district registered voter. It is further recommended that the BCC on the same agenda also adopt the district's preliminary assessment roll resolution. Adoption of this resolution will enable the Miami-Dade Tax Collector to bill the affected property owners, collection of which will provide the necessary funds to reimburse affected County Departments involved in the creation and establishment of the district, as well as provide funds to construct and maintain the improvement provided by the district. The implementation of the assessment roll will follow the procedures defined in Chapter 18 of the Code and be subject to district ratification by qualified electorate. The assessment will appear on the November 2016 tax bill following the election, if approved by the electorate. In the event actual costs are lower than the estimated costs in the ordinance, PWWM shall adjust and decrease the unit rate of assessment necessary to provide adequate revenue to cover the expenses. Should actual costs be higher than costs estimated, the County Mayor or County Mayor's designee may, at his discretion, cause to be prepared a revised preliminary roll and file the same with the Clerk of the Board for a scheduled public hearing to adopt it. This ordinance shall take effect when ratified at an election to be formally called, noticed and conducted as the BCC shall determine by resolution, unless vetoed by the Mayor, and if vetoed, it shall become effective only upon an override by the BCC and the district approved at the subsequent election. PWWM will also be available to answer any

questions from the public or from your office with regards to the financial and/or engineering facts of this district. We further recommend that the County Mayor or County Mayor's designee forward the attached report to the BCC after review and concurrence with our findings.

Attachments: (1) Copy of Petition Validation Memo
(2) Copy of Petition
(3) Copy of Resolution from Town of Miami Lakes
(4) Copy of Memo from Department of Regulatory and Economic Resources
(5) District Boundaries and Geographical Location Sketch (Exhibit A)

Memorandum

MIAMI-DADE COUNTY

Date: December 8, 2014

To: Christopher Agrippa
Division Chief
Office of the Clerk of the Board
Attn: Daysha McBride

From: Michael R Bauman
Chief, Special Taxing Districts Division
PWWM Department

Subject: Proposed Lake Patricia Multipurpose Maintenance Special Taxing District

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In reference to the subject petition, we hereby certify that, in compliance with Chapter 18 of the Miami-Dade County Code, that this petition was signed by the Mayor of Miami-Dade County, and therefore, the subject petition is valid.

Attachment

MEMORANDUM

From the Office of

Commissioner Esteban Bovo, Jr.
District 13

To: Mayor Carlos A. Gimenez

From: Commissioner Esteban Bovo, Jr.

Date: October 15, 2014

Re: Lake Patricia special taxing district petition

Several months ago a group of Miami Lakes residents began collecting signatures from their neighbors in an effort to establish a special taxing district along Lake Patricia. The purpose of the proposed district is to maintain the cleanliness and appearance of the lake which, for many years, is a responsibility that has been funded and managed by a small group of concerned residents. For obvious reasons, this "pass the hat" approach is unsustainable and gives rise to a host of logistical and legal issues.

The Code of Miami-Dade County requires that residents interested in creating a special taxing district must complete a three step process.[1] The first step in the process involves obtaining the signatures of at least 50% of the homeowners within the proposed district's boundaries. Once the requisite signatures are obtained and validated by our Public Works and Waste Management Department, the code requires that your administration (reference in the code is to the County Manager) initiate a comprehensive study of the proposed area. At the conclusion of this investigation, your administration is required to file a recommendation with the Board which, at a minimum, expresses the desirability of creating the proposed district. If the recommendation is favorable, the Board **will put the question directly to the residents of the affected area, where a simple majority of the ballots cast will determine whether the district shall be established.**

The Lake Patricia residents labored over a period of three months to obtain the signatures of 68%[2] of the homeowners within the proposed special taxing district. Unfortunately, the residents who volunteered to coordinate the signature gathering effort made a simple, yet fatal, mistake. When the petitions were photocopied in preparation for signature collection, the residents unintentionally omitted a sketch drawing of the proposed district boundaries. Consequently,

[1] *See generally* Section 18-3, Code of Miami Dade County

[2] Percentage of homes within the proposed district as reported by PWWM on October 10, 2014.

when the petitions were submitted to the County for certification a determination was made that the petitions were void as a matter of law.

Subsequent to this determination, the County Attorney's Office has informed me that there is another mechanism by which phase two of the special taxing district process (the mayoral investigation and report to the board) may be initiated without again requiring these residents to go out and obtain the requisite number of homeowner signatures. As mayor you are empowered by the Code to sign a petition on behalf of the concerned residents.[3] Your signature on the petition **is not the final word on the issue. Board approval and a majority vote of the residents in the proposed special taxing district are required before any monetary assessments may begin.**

As the district commissioner, I am respectfully requesting that you sign a petition on behalf of the Lake Patricia residents, and initiate the study required by the Code. These residents have volunteered a great deal of time and effort, and I would hate to disillusion them over a minor technicality. Thank you, in advance, for taking the time to review and consider this request. If you or your staff has any questions you may contact me or my legislative director, Alex Annunziato, at (305) 375-1678.

Cc: Alex Ferro, Chief of Staff
Alina Hudak, Deputy Mayor
Jorge Martinez-Esteve, County Attorney's Office
Antonio Cotarelo, Public Works and Waste Management Department
Alex Rey, Town of Miami Lakes

ELB/aca

[3] Section 18-3(a) of the Code of Miami Dade County states: "There shall be filed with the Clerk of the Board a petition requesting the creation and establishment of a special taxing district under the provisions of this article, **signed by the Mayor or by fifty (50) per centum of the resident owners** of property embraced within the proposed district."(emphasis added)

RESOLUTION NO. 14-1265

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING AND AUTHORIZING MIAMI-DADE COUNTY TO CREATE AND ESTABLISH THE LAKE PATRICIA MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT; AUTHORIZING THE TOWN MANAGER TO EXECUTE AN EASEMENT IN FAVOR OF MIAMI-DADE COUNTY; PROVIDING FOR TRANSMITTAL BY TOWN CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 18, Article I of the Code of Miami-Dade County ("County Code") allows for the purpose of acquiring, constructing, reconstructing and installing public improvements or of providing special services with a special taxing district; and

WHEREAS, Chapter 18, Article I of the County Code sets forth the procedure for creating special taxing districts; and

WHEREAS, Section 18-2 of the County Code provides that no special taxing district shall be created within a municipality without the approval of the governing body of the said municipality; and

WHEREAS, the residents of the Lake Patricia community ("the Residents") in the Town of Miami Lakes ("the Town") have petitioned Miami-Dade County under Section 18-3 of the County Code to create a special taxing district in order to provide a more stabilized and structured payment process to maintain Lake Patricia; and

WHEREAS, in their petition, the Residents seek lake maintenance service including but not limited to the stocking and annual restocking of triploid grass carp to control submerged aquatic weeds and chemical treatment to control emergent weeds around the lake's perimeter; and

WHEREAS, the proposed special taxing district boundaries would include all properties fronting the lake known as "Lake Patricia," as detailed in the map attached hereto as Exhibit "A;" and

WHEREAS, the Miami-Dade County Mayor, Carlos A. Gimenez, has signed a petition for the creation and establishment of the Lake Patricia Multipurpose Maintenance Special Taxing District, pursuant to the authority granted to him by Section 18-3(a) of the County Code and pursuant to the request of Commissioner Esteban Bovo, Jr. and on behalf of the Residents; and

15th day of Dec 2014
Town of Miami Lakes
Certified Copy

Passed and adopted this 9th day of December, 2014.

The foregoing resolution was moved for adoption by Councilman Lama. The motion was seconded by Councilman Mestre and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	Yes
Vice Mayor Manny Cid	Yes
Councilmember Tim Daubert	Yes
Councilmember Tony Lama	Yes
Councilmember Ceasar Mestre	Yes
Councilmember Frank Mingo	Yes
Councilmember Nelson Rodriguez	Yes

Wayne Slaton
MAYOR

Attest:

M. Tejeda
Marjorie Tejeda
TOWN CLERK

Approved as to form and legal sufficiency:

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

TOWN OF MIAMI LAKES
15th day of Dec., 20 14
Town of Miami Lakes
Certified Copy

PROPOSED LAKE PATRICIA
MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT
SPECIAL TAXING DISTRICTS DIVISION

To be completed by the Department: Petition Issue Date: 10/20/2014 Petition Received Date: 10/23/14

To the Board of County Commissioners of Miami-Dade County, Florida: I, Miami-Dade County Mayor Carlos A. Gimenez, do hereby petition for the creation and establishment of the Lake Patricia Multipurpose Maintenance Special Taxing District. I hereby sign this petition for the proposed Lake Patricia Multipurpose Maintenance Special Taxing District pursuant to the authority granted to me by Section 18-3(a) of the Code of Miami-Dade County, and pursuant to the request of Commissioner Esteban Bovo, Jr., and on behalf of the residents of the proposed district, as indicated in the Exhibits attached hereto. If approved by the Board, a subsequent Special Election will be held for all registered voters in the district boundary to ratify the Board's decision.

Petition: Lake maintenance service including but not limited to: The stocking and annual restocking of triploid grass carp to control submerged aquatic weeds and chemical treatment to control emergent weeds around the lake's perimeter. Additional services may be included as a function of an annual budget meeting conducted by the Miami-Dade County Public Works and Waste Management Department with all district property owners invited.

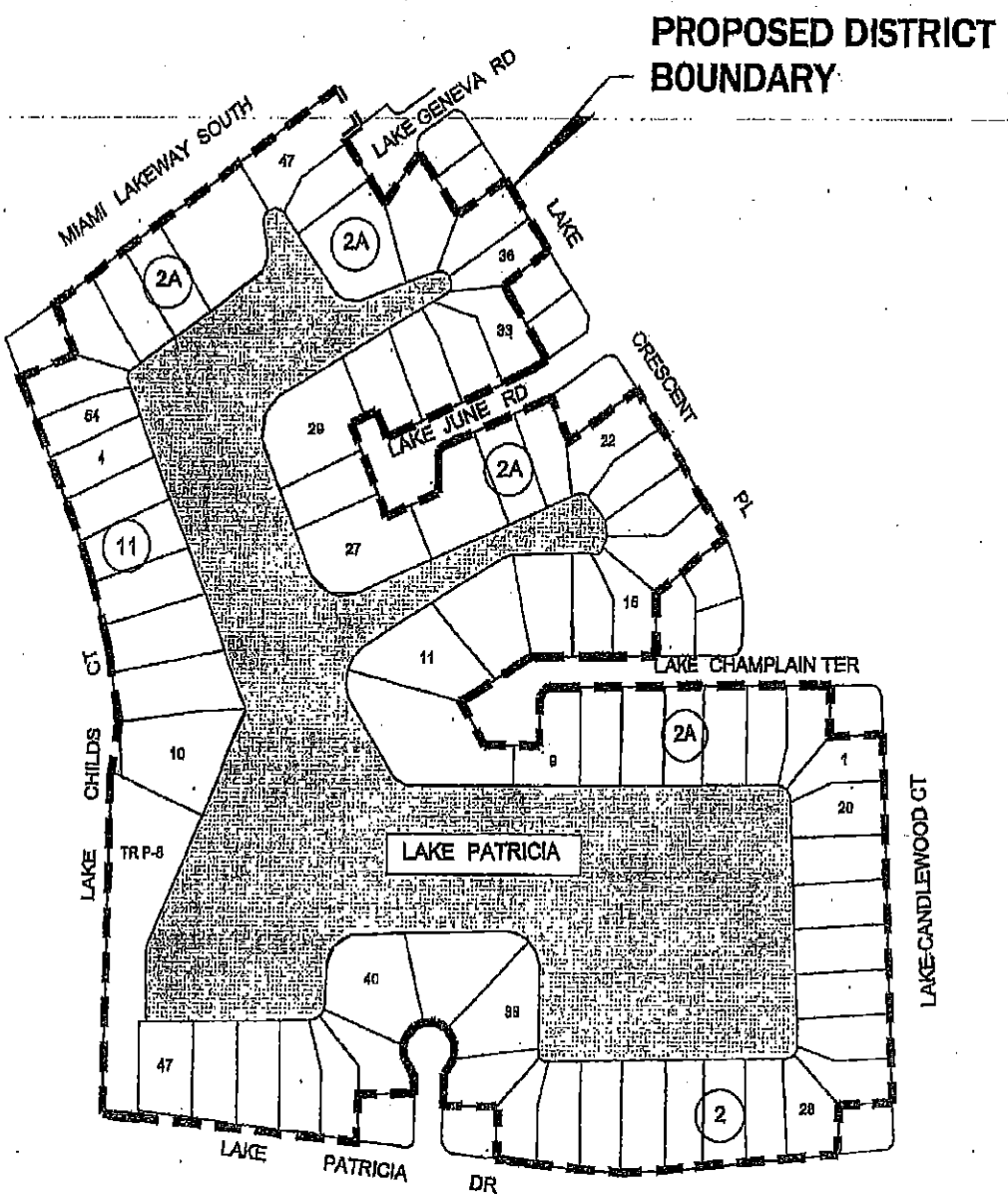
District Boundaries: All properties fronting a lake known as Lake Patricia.
(See district boundary and location sketch, Exhibit A, on reverse side)

Miami-Dade County Mayor Carlos A. Gimenez

Harvey Ruvin, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By _____ 10/23/14
Deputy Clerk

COUNTY COMMISSIONERS MIAMI-DADE COUNTY FLORIDA



LAKE PATRICIA

MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT

N

M-751 (COMM. 0013)
SECTION: 24-52-40

EXHIBIT "A"

MEMORANDUM

To: Aristides Rivera, P.E., P.L.S., Director
Public Works Department

Date: January 15, 2002

From: Diane O'Quinn Williams, Director
Department of Planning and Zoning

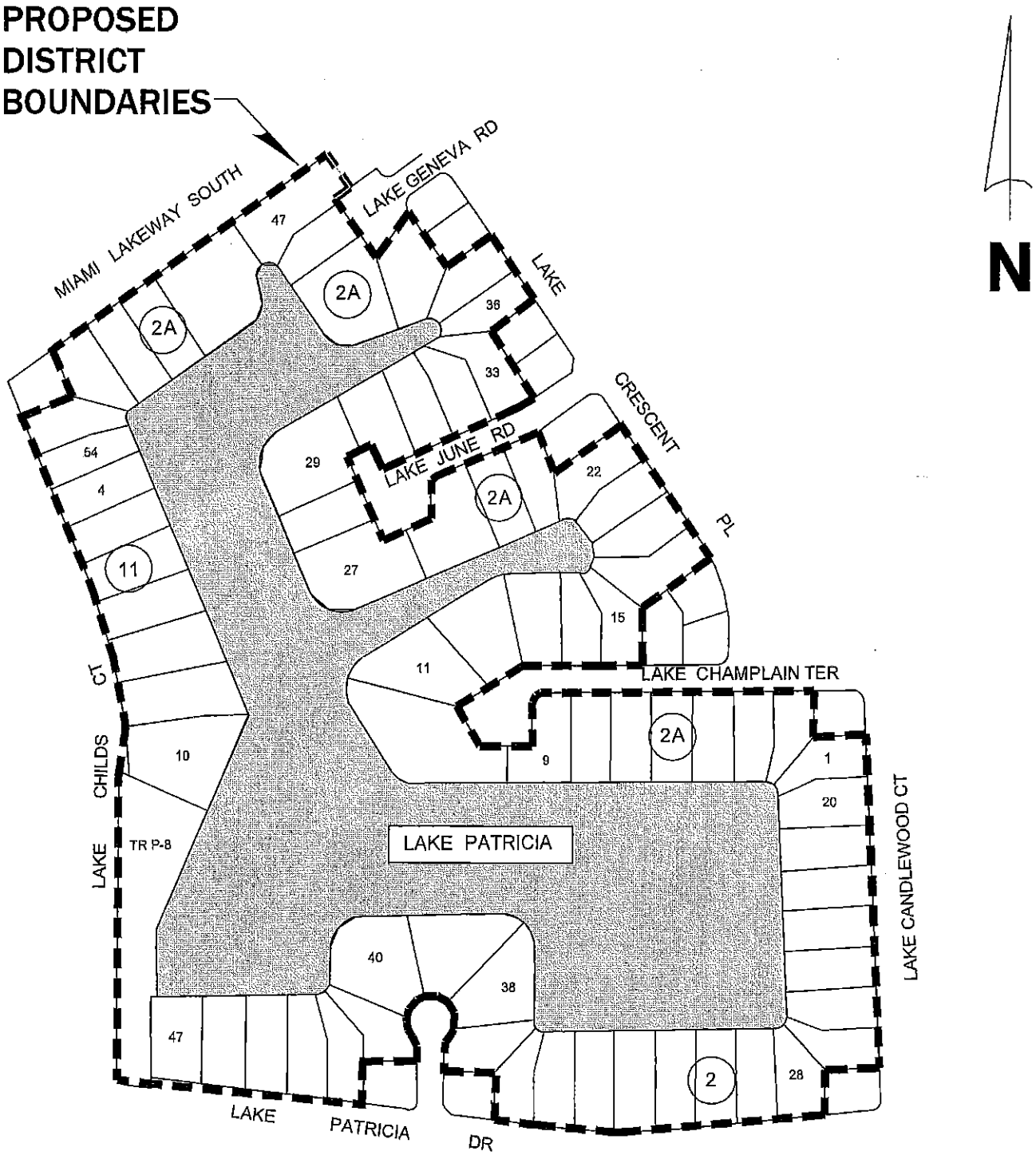
Subject: Street Lighting, Maintenance of Landscape, Walls Adjacent to Double-Frontage Lots and Lakes Special Taxing Districts

Section: As Required
District: As Required
Council: As Required

Effective September 5, 2001, all tentative plats in the unincorporated area of Miami-Dade County submitted to the Land Development Division of the Public Works Department, must be accompanied by a properly executed petition for all applicable special taxing districts including, but not limited to street lights, maintenance of landscape, walls adjacent to double frontage lots, entrance features and lakes. Final Plats will not be presented to the Board of County Commissioners for consideration until the applicable special taxing districts are created, and all fees have been paid. In that regard, to ensure expeditious processing, this Memorandum may serve as approval for certain future special taxing district application requests as being consistent with the intent and purpose of the adopted 2005-2015 Comprehensive Development Master Plan (CDMP). Policy 4A – Capital Improvement Element states: Appropriate funding mechanisms will be adopted and applied by Miami-Dade County in order to assure the fiscal resources to maintain acceptable levels of service. Such funding mechanisms include special tax districts, municipal taxing service units, local option taxes, user fees, local gas tax, general obligation bond, impact fees, and special purpose authorities, or others as appropriate and feasible (Adopted Components as Amended through April 2001, page IX-10). The provision for services over and above minimum for neighborhoods and communities may be accomplished through the special taxing district as may be prescribed by the code.

The Department of Planning and Zoning (DP&Z) has no objection to a blanket approval with condition to establish future special taxing districts as limited to requests for street lighting, landscape maintenance, walls adjacent to double-frontage lots and lake maintenance districts. The previously noted special taxing districts may be established on the condition that the DP&Z review all landscape maintenance districts for compliance with plantings in public rights-of-way and lake maintenance districts for consistency with Landscape Code (Chapter 18A) Section 18A-6(L) Storm Water Retention/Detention Areas.

DO'QW: GA: TBS



LAKE PATRICIA

MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT

SHADING DENOTES AREAS TO BE MAINTAINED.

M-751 (COMM. 0013)
SECTION: 24-52-40

EXHIBIT "A"

(Boundaries and Geographical Location Sketch)

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ATTACHMENT TO EXHIBIT "A"

LAKE PATRICIA
MULTIPURPOSE MAINTENANCE
SPECIAL TAXING DISTRICT

AREAS TO BE MAINTAINED:

LAKE PATRICIA , LYING IN THE PLATS OF MIAMI LAKES - SECTION ONE (PB 75, PG 35) AND MIAMI LAKES SECTION TWO (PB 76, PG 70).

MAINTENANCE SCHEDULE:

LAKE MAINTENANCE TO INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING:

- WATER MANAGEMENT
- AQUATIC WEED CONTROL
- REMOVAL OF DEBRIS
- CHEMICAL TREATMENT OF WEEDS AND GRASSES
- COLLECTION AND DISPOSAL OF FLOATING AND SHORELINE DEBRIS
- MAINTENANCE CYCLE: MINIMUM OF TWELVE (12) ANNUAL TREATMENTS