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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(20)

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

DATE: February 2, 2016

FROM: Abigail Price-Williams County Attorney

SUBJECT: Resolution calling special election in proposed Special Taxing District for the purpose of submitting to qualified electors residing in Riverwood Street Lighting Special Taxing District, for their approval or disapproval, Ordinance No. 16-1 creating and establishing said district pursuant to section 18-3(f) of the Code

Resolution No. R-145-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

Abigail Price-Williams
County Attorney

APW/cp

MEMORANDUM

(Revised)

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

DATE: February 2, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(20)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Statement of social equity required**

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

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(20)
2-2-16

RESOLUTION NO. R-145-16

RESOLUTION CALLING SPECIAL ELECTION IN PROPOSED SPECIAL TAXING DISTRICT FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS RESIDING IN RIVERWOOD STREET LIGHTING SPECIAL TAXING DISTRICT, FOR THEIR APPROVAL OR DISAPPROVAL, ORDINANCE NO. 16-1 CREATING AND ESTABLISHING SAID DISTRICT PURSUANT TO SECTION 18-3(f) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA

WHEREAS, on January 20, 2016, this Board passed Ordinance No. 16-1 creating and establishing Riverwood Street Lighting Special Taxing District; and

WHEREAS, Section 18-3(f) of the Code of Miami-Dade County, Florida, as amended, provides that an ordinance creating and establishing a special taxing district shall take effect when approved by a majority vote of the qualified electors residing in the district voting at an election to be called by the Board and noticed; and

WHEREAS, as recommended in the Mayor's memorandum attached hereto as Exhibit A, which is hereby incorporated by reference,

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

Section 1. In accordance with the provisions of Section 18-3(f) of the Code of Miami Dade County, Florida, a special election is hereby called and shall be held within the boundaries of the proposed Riverwood Street Lighting Special Taxing District, Miami-Dade County, Florida, for the purpose of submitting to the qualified electors residing in the said district, for their approval or disapproval, Ordinance No. 16-1 entitled:

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA KNOWN AND DESCRIBED AS RIVERWOOD STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA

Section 2. Notice of such special election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The results of such special election shall be determined by a majority of the qualified electors residing in the Riverwood Street Lighting Special Taxing District voting at such special election. All qualified electors residing in the Riverwood Street Lighting Special Taxing District shall be entitled to vote at said special election.

Section 4. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until March 14, 2016 at which date the registration books shall close in accordance with the provisions of the general election laws.

Section 5. Mailed ballots, as prescribed by the Code of Miami-Dade County, shall be used in this special election. The Supervisor of Elections shall cause such ballots to be sent by mail to all qualified electors residing in said district, at least ten (10) calendar days prior to the date of said special election.

Section 6. The special election shall be held on April 12, 2016. All marked ballots must be received by 7:00 p.m. on the day of said election.

Section 7. The question which shall appear on the ballot shall be in substantially the following form:

> Shall a special taxing district known and designated as the Riverwood Street Lighting Special Taxing District be created and established as provided for in County Ordinance No. 16-1?

YES ☐

NO ☐

Section 8. This special election shall be held and conducted in accordance with the County Code and other applicable provisions of the general laws relating to special elections. The County Mayor or County Mayor's designee, the Finance Director, the Supervisor of Elections, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this Resolution.

Section 9. This special election shall be canvassed by the County Canvassing Board as provided under the election laws of this State, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	**aye**		
Esteban L. Bovo, Jr., Vice Chairman	**aye**		
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 2016. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jorge Martinez-Esteve

Memorandum

MIAMI-DADE COUNTY

Date: February 2, 2016

EXHIBIT A

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Calling a Special Election for the Creation of the Riverwood Street Lighting Special Taxing District

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve a resolution submitted in accordance with Chapter 18, Article 1 of the Miami-Dade County Code (Code) for the calling of a Special Election for the creation of the Riverwood Street Lighting Special Taxing District.

Scope

This Special Taxing District lies within Commissioner Sally A. Heyman's District 4 and will provide street lighting services.

Fiscal Impact/Funding Source

Creation of this district is at the request of the proposed district's property owners pursuant to Chapter 18 of the Code. The economic impact on the Miami-Dade County (County) 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 street lighting to all property owners within the district. Florida Power and Light Company (FPL) is the owner of the street lighting system and, therefore, will derive revenues from it.

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.

Social Equity Statement

Pursuant to Ordinance No. 15-83, if approved, property owners within the proposed district will pay special assessments appropriately apportioned according to the special benefit they receive from the district's services regardless of their demographics or income levels. The creation of this Special Taxing District, which was requested by a majority of the property owners, will provide for lighting continuity between contiguous Street Lighting Special Taxing Districts on connecting roadways, allow higher intensity spotlighting at specific locations, and accommodate future PWWM lighting standards.

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

Background
The Board approved this district's creating ordinance and assessment resolution on January 20, 2016. At this time, the Board is requested to approve this resolution authorizing the district ratification by the district's qualified electorate. The street lighting improvements will be accomplished pursuant to an agreement between the County and FPL. The facilities provided will remain the property of FPL. FPL will be responsible for the maintenance, repair, upgrades, and replacement of the light standards, fixtures, lamps, and all connecting service lines. The Division will administer FPL's agreement, installation, and billing process.

Boundaries:	On the North, NE 195 Street; On the East, NE 25 Avenue and NE 26 Avenue; On the South, NE 192 Street; On the West, Oleta River.
Number of Parcels:	138
Number of Resident Property Owners:	93
Number of Owners with Homestead Exemption Signing Petition:	49% or 52.7% of the resident property owners.
Preliminary Public Meeting:	TBD
Type of Improvements:	It is expected that the district will install, operate, and maintain nine (9) 16,000 lumen sodium vapor bracket-arm streetlights mounted on new concrete and existing wood poles. It is also expected that the district will operate and maintain four (4) additional 16,000 lumen sodium vapor streetlights to be transferred from adjacent Special Taxing Districts for billing purposes only. At the discretion of the County Engineer, PWWM reserves the right to adjust the number, style, and luminosity of the street lighting installations for reasons including, but not limited to, changes in field conditions to address safety concerns, to provide for lighting continuity between contiguous Street Lighting Special Taxing Districts on

connecting roadways, to allow higher intensity spotlighting at specific locations, and to accommodate future PWWM lighting standards.

Required Referendum: Every qualified registered voter residing within the district's boundaries will be afforded the opportunity to vote at an election to be conducted by mail and estimated to be held in 2016.

Preliminary Assessment Roll: Approved on January 20, 2016 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.

Estimated Completion: Summer 2016

Estimated Initial Billing: November 2016. Assessment billed annually as an itemized portion of the Real Property tax bill.

	First Year	Second Year
Estimated Total District Costs:	$28,995.28	$3,769.91

Method of Apportionment: Front Footage

Estimated Annual District Assessments:	First Year	Second Year
Per Assessable Front Foot	$9.3805	$1.2196
For A Typical Interior Lot:	$938.05	$121.96
For A Typical Corner Lot:	$1,088.14	$141.47
For A Typical Condominium Unit:	$121.95	$15.85

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

State or Federal grants are not applicable to this Special Taxing District.

Each Street Lighting 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 to provide street lighting in existing subdivisions through the creation of Street Lighting Special Taxing Districts, 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 pursuant to Section 18-3 of the Code.

Alina T. Hudak
Deputy Mayor