

Memorandum



Date: (Public Hearing: 10-19-21)
October 5, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

Agenda Item No. 5(C)

From: Daniella Levine Cava
Mayor

Subject: Ordinance Authorizing Issuance of Miami-Dade County Special Assessment Revenue Bonds (Ojus Sanitary Sewer Special Benefit Area) in an amount not-to-exceed \$13 million

Recommendation

It is recommended that the Board of County Commissioners (“Board”) adopt the accompanying ordinance (“Ordinance”), which authorizes the issuance of Miami-Dade County, Florida Special Assessment Revenue Bonds (Ojus Sanitary Sewer Special Benefit Area) (the “Bonds”), in an aggregate amount not to exceed \$13 million, in one or more series, for the purpose of providing funds for constructing sanitary sewer facilities, as described in Exhibit A of the Ordinance, within the Special Benefit Area (as defined below).

Delegation of Authority

No delegation of authority is being given to the Mayor as part of this item.

Scope

The sanitary sewer improvements will be constructed in an area bounded by N.E. 186 Street, N.E. 187 Street and N.E. 188 Street to the north, by the Oleta River to the west, by the Florida East Coast Railway to the east, and by NE 179 Street to the south (the “Special Benefit Area”) in District 4 which is represented by Commissioner Sally A. Heyman. This Special Benefit Area was established by the Board through Ordinance 19-31, as amended by Ordinance 21-47.

Fiscal Impact/Funding Source

The Bonds will be payable as to principal and interest from special assessments levied on the property owners within the Special Benefit Area over a period of thirty (30) years. The assessment will be based on a “per square foot” of parcel size based on the Property Appraiser’s data.

A preliminary assessment roll has been developed. If costs are lower than estimated, then the Director of the County’s Water and Sewer Department (“WASD”) will make an adjustment and decrease the per square foot rate of assessment. If costs are higher, no adjustments will be made prior to the Board adopting a revised assessment roll.

Social Equity Statement

The Special Benefit Area includes certain non-residential and non-institutional parcels made-up of mixed use, industrial, and residential modified live/work zoned properties that do not currently have access to the County’s sewer system and the Ordinance authorizes the County to issue bonds secured by the special assessments previously authorized by the Board to fund such access.

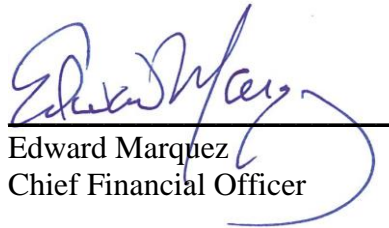
The special assessment rate levied upon each property within the Special Benefit Area is commensurate to the benefit property owners will receive from the sanitary sewer infrastructure, regardless of their demographics or income levels.

Track Record/Monitoring

The Chief Financial Officer of WASD, Frances Morris, will be responsible for monitoring the use of the Bond proceeds. WASD’s Chief of Planning, Annalise Mannix, will be responsible for the implementation and operation of the assessments. Bond issuance and continuing disclosure compliance will be managed by Arlesa Wood, Director of Division of Bond Administration of the County Finance Department.

Background

After petition by property owners, report and evaluation by County staff, and a public hearing, the Board established the Special Benefit Area through Ordinance 19-31 in order to provide sanitary sewer services to the affected parcels. Subsequent modifications, most recently through Ordinance 21-47, have updated the exact parcels and folios within the Special Benefit Area, and the current and actual sizes of the parcels as reflected in data from the Office of the Property Appraiser. The Ordinance authorizes the funding to provide sanitary sewer services to the Special Benefit Area.



Edward Marquez
Chief Financial Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 19, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(C)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(C)
10-19-21

ORDINANCE NO. _____

ORDINANCE AUTHORIZING ISSUANCE OF MIAMI-DADE COUNTY, FLORIDA SPECIAL ASSESSMENT REVENUE BONDS (OJUS SANITARY SEWER SPECIAL BENEFIT AREA), IN ONE OR MORE SERIES, IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$13,000,000.00 FOR PURPOSE OF ACQUIRING, CONSTRUCTING AND/OR IMPROVING CERTAIN SANITARY SEWER FACILITIES WITHIN THE SPECIAL BENEFIT AREA; PROVIDING THAT DETAILS OF SAID BONDS BE DETERMINED IN ONE OR MORE SERIES RESOLUTIONS; PROVIDING FOR SEVERABILITY, EXCLUSION FROM THE COUNTY CODE AND EFFECTIVE DATE

WHEREAS, pursuant to Article VIII, Section 11 of the Constitution of the State of Florida (the “Constitution”), The Home Rule Amendment and Charter of Miami-Dade County, Florida, as amended (the “Charter”), and, in particular, Section 1.01A of the Charter, the Board of County Commissioners (the “Board”) of Miami-Dade County, Florida (the “County”), has the power, among others, to:

1. Levy and collect taxes and special assessments, borrow and expend money and issue bonds, revenue certificates, and other obligations of indebtedness in such manner, and subject to such limitations, as may be provided by law.
2. By ordinance, establish, merge and abolish special purpose districts within which may be provided police and fire protection, beach erosion control, recreation facilities, water, streets, sidewalks, street lighting, waste and sewage collection and disposal, drainage, and other essential facilities and services. All county funds for such districts shall be provided by service charges, special assessments, or general

tax levies within such districts only. The Board of County Commissioners shall be the governing body of all such districts and when acting as such governing body shall have the same jurisdiction and powers as when acting as the Board.

WHEREAS, pursuant to the Constitution and the Charter, the Board duly enacted Chapter 18 of the Code of Miami-Dade County, Florida (the “County Code”), providing several methods for the creation and establishment of special taxing districts, other special purpose districts, special assessment projects, and special assessment project areas for certain enumerated purposes and prescribing the procedures therefor; and

WHEREAS, Chapter 18 of the County Code provides a method of financing local improvements through the establishment of special taxing districts and special assessment project areas; and

WHEREAS, pursuant to Ordinance No. 19-31 enacted by the Board on April 9, 2019, as amended by Ordinance No. 21-47 enacted by the Board on April 20, 2021 (collectively, the “Special Benefit Area Ordinance”), the Board, upon review and consideration of the Report (as defined in the Special Benefit Area Ordinance), created and established a special benefit area to be known as Ojus Sanitary Sewer Special Benefit Area (the “Special Benefit Area”) for the purpose of financing the construction of sanitary sewer facilities within the Special Benefit Area as more particularly described in Exhibit A hereto (the “Project”); and

WHEREAS, this Board finds that the funding of the Project serves a public purpose and is in the best interests of the Special Benefit Area; and

WHEREAS, the Board wishes to approve the issuance of its Special Assessment Revenue Bonds (Ojus Sanitary Sewer Special Benefit Area) (the “Bonds”), from time to time in one or more series, in an aggregate principal amount not to exceed \$13,000,000.00 to pay all or a portion of the cost of the Project; and

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. The matters set forth in the recitals to this Ordinance are incorporated as part of this Ordinance.

Section 2. (a) Pursuant to the Constitution, Chapters 125 and 166, Florida Statutes, as amended, the Charter, the County Code, other applicable provisions of law and the provisions of this Ordinance, the issuance by the County of the Bonds, from time to time in one or more series, in an aggregate principal amount not to exceed \$13,000,000.00 to pay all or a portion of the cost of the Project is authorized and approved. Prior to the issuance of one or more series of Bonds, the Board shall adopt a subsequent resolution with respect to such Bonds (each, a “Series Resolution” and collectively, the “Series Resolutions”). The Board may, by Series Resolution, provide that after the issuance of the Bonds with respect to which such Series Resolution is being adopted, the authorization for the issuance of any portion of the aggregate principal amount of Bonds authorized under this Ordinance that has not been issued shall expire.

(b) The Bonds shall be dated such date or dates, shall mature at such time or times, not to exceed thirty (30) years, shall bear interest at such rate or rates, fixed or variable, or any combination of the same authorized by law, not to exceed in any event the maximum rate

authorized by law, and may be either tax-exempt or taxable bonds, or a combination thereof, all as shall be determined by the Series Resolution with respect to such Bonds.

(c) The Bonds shall be payable from special assessments levied on benefited property within the Special Benefit Area, as more fully described and conditioned in the Series Resolution, and/or, to the extent provided in the Series Resolution, from moneys otherwise available from authorized funds and any reserves.

(d) The Bonds shall be issued for the purpose of paying all or a portion of the cost of the Project, including, where applicable, reimbursing the County for any expenses previously incurred in connection with the Project, and for such other purposes as may be specified in the Series Resolutions.

(e) The Board may, by Series Resolution, authorize the Mayor of the County or a designee of the Mayor of the County to negotiate all agreements associated with the issuance of the Bonds and to award the sale of the Bonds from time to time in the manner, and subject to such conditions and limitations, as may be set forth in the Series Resolutions.

Section 3. This Ordinance shall be governed by and construed and interpreted in accordance with the laws of the State of Florida. Venue shall lie in Miami-Dade County, Florida.

Section 4. If any one or more of the provisions of this Ordinance should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separate from the remaining provisions of this Ordinance.

Section 5. This Ordinance shall be excluded from the County Code and shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by the Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Handwritten initials in blue ink: "GBK" on the top line and "JRA" on the bottom line.

Prepared by:

Juliette R. Antoine

EXHIBIT A

PROJECT

The Project consists of the acquisition, construction and improving of sanitary sewer facilities to serve the benefited property within the Special Benefit Area, which improvements include, but are not limited to:

- Approximately 5,920 linear feet of 6-inch PVC public sewer laterals
- Approximately 9,915 linear feet of 8-inch to 12-inch PVC public gravity sewer piping
- Approximately 1,150 linear feet of 10-inch to 12-inch ductile iron force main or PVC sewer force main piping within the public right-of-way
- A sewer pump station located within the public right-of-way, or an alternate County owned parcel or easement, if available.

The estimated costs of the Project are set forth below:

Construction cost estimate	\$6,572,867
Other direct costs	1,446,030
Indirect costs and WASD allocations	<u>1,934,290</u>
Total	\$9,953,187