

MEMORANDUM

Agenda Item No. 15(A)(3)

TO: Honorable Chairman Jose "Pepe" Diaz and

Members, Board of County Commissioners

DATE: May 3, 2022

FROM: Honorable Harvey Ruvin, Clerk

Circuit and County Courts

SUBJECT: Resolution Authorizing

Intergovernmental Cooperation Agreement

with the Old Town

Floridian Community

Development District

Basia Pruna, Director Clerk of the Board Division

Section 2-70(6) of the Miami-Dade County Code provides that the Property Appraiser may submit resolutions, ordinances, or reports related to his duties to the Clerk of the Board for placement on the next available agenda of the Miami-Dade County Board of County of Commissioners.

Attached for your consideration is a proposed resolution submitted by the Property Appraiser authorizing an Intergovernmental Cooperation Agreement with the Old Town Floridian Community Development District.

BP/dmc

Attachment

Memorandum



Date:

May 3, 2022

To:

Honorable Chairman Jose "Pepe" Diaz

and Members, Board of County Commissioners

From:

Pedro J. Garcia, MNAA

Property Appraiser

Subject:

Resolution Authorizing Intergovernmental Cooperation Agreement with the Old Town

Floridian Community Development District

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize execution of the attached Intergovernmental Cooperation Agreement (Agreement) by and among Miami-Dade County on behalf of the Tax Collector (Collector), Miami-Dade County Office of the Property Appraiser (Appraiser) and the Old Town Floridian Community Development District (District) to utilize the uniform method for the levy, collection and enforcement of non-ad valorem assessments, as prescribed in Section 197.3632, Florida Statutes.

Scope

The District is located within County Commission District 9, represented by Commissioner Kionne L. McGhee. The District has requested that the Appraiser and Collector include its proposed or adopted non-ad valorem assessments for the benefit and maintenance of the district on the notice of proposed taxes as specified in Section 200.069, Florida Statutes, and on the combined notice of ad valorem and non-ad valorem assessments provided for in Sections 197.3632 and 197.3635, Florida Statutes.

Delegation of Authority

This item authorizes the County Mayor or County Mayor's designee to execute the agreement approved by this item on behalf of the Tax Collector, following approval by the County Attorney's Office as to legal sufficiency.

Fiscal Impact/Funding Source

The District agrees that the County shall be entitled to retain two percent on the amount of special assessments collected and remitted to cover all the County's associated costs. There is no negative fiscal impact to the County because of this Agreement.

Track Record/Monitor

The District agrees that all certified assessment rolls will be maintained and transmitted to the Appraiser and Collector on compatible electronic medium as defined in Section 197.3632(1), Florida Statutes. The Agreement is managed by the Office of the Property Appraiser.

Background

In accordance with Sections 197.3632 and 197.3635, Florida Statutes, and the Agreement, the District will charge separate non-ad valorem assessments for the benefit and maintenance of the District. The Agreement affords the District the convenience and financial savings of utilizing the TRIM notice and combined tax bill for collection of its non-ad valorem assessments. Use of the ad valorem method for

Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners Page 2

collection of these assessments could result in issuance of tax certificates, tax deeds and the loss of title to the property, if said assessments are not paid by the property owners. The term of this Agreement commences with special assessments collected in 2022 and continues until cancelled by either party.



MEMORANDUM

(Revised)

TO:	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	DATE:	May 3, 2022			
FROM:	Bonzon-Keenan County Attorney	SUBJECT:	Agenda Item No.	15(A)(3)		
Ple	ease note any items checked.					
	"3-Day Rule" for committees applicable if ra	ised				
	6 weeks required between first reading and p	oublic hearing	g			
	4 weeks notification to municipal officials rec hearing	quired prior t	o public			
	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 det report for public hearing	tailed County	Mayor's			
	No committee review					
	Applicable legislation requires more than a more present, 2/3 membership, 3/5's 7 vote requirement per 2-116.1(3)(h) or (4)(c) requirement per 2-116.1(3)(h) or (4)(c), requirement per 2-116.1(4)(c)(2)) to apply	, unanimou), CDM or CDMP 9	s, CDMP P 2/3 vote			

Current information regarding funding source, index code and available

balance, and available capacity (if debt is contemplated) required

Approved	May	yor Agenda Item No. 15(A)((3)
Veto		5-3-22	
Override			

RESOLUTION NO.

RESOLUTION APPROVING THE INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE OLD TOWN FLORIDIAN COMMUNITY DEVELOPMENT DISTRICT, MIAMI-DADE COUNTY, AND THE MIAMI-DADE COUNTY OFFICE OF THE PROPERTY APPRAISER TO PROVIDE SERVICES TO THE OLD TOWN FLORIDIAN COMMUNITY DEVELOPMENT DISTRICT IN ACCORDANCE WITH THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENT CONTAINED IN SECTIONS 197.3632 AND 197.3635 OF THE FLORIDA STATUTES; AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE SAME AND EXERCISE **PROVISIONS** CONTAINED THEREIN, **INCLUDING CANCELLATION**

WHEREAS, the Old Town Floridian Community Development District ("the District") has adopted resolution number 2021-28, a copy of which is attached hereto as Exhibit A, setting forth the District's intent to use the uniform method for the levy and collection of certain non-ad valorem assessments; and

WHEREAS, prior to the public hearing at which Resolution 2021-28 was adopted, the District published notice of its intent to consider utilization of the uniform method of levy, collection and enforcement of non-ad valorem assessment, a copy of which notice is attached hereto as Exhibit B; and

WHEREAS, the District wishes to enter into an agreement with the Miami-Dade County Office of the Property Appraiser (the "Property Appraiser") and Miami-Dade County (the "County"), in substantially the form attached hereto as Exhibit C, to collect these non-ad valorem assessments by placing them on the TRIM notice and tax bill; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that, in accordance with sections 197.3632 and 197.3635 of the Florida Statutes, the uniform method for the levy, collection and enforcement of non-ad valorem assessments, this Board hereby approves the attached Intergovernmental Cooperation Agreement between the District, the County, and the Property Appraiser to provide services to the District ("Agreement"). This Board hereby further authorizes the Mayor or designee to execute the Agreement on behalf of the County, in substantially the form attached hereto, and to exercise the provisions contained therein, including cancellation.

The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman Oliver G. Gilbert, III, Vice-Chairman

Sen. René García Keon Hardemon
Sally A. Heyman Danielle Cohen Higgins

Eileen Higgins

Kionne L. McGhee

Raquel A. Regalado

Dannelle Cohen Higgi

Joe A. Martinez

Jean Monestime

Rebeca Sosa

Sen. Javier D. Souto

Agenda Item No. 15(A)(3) Page No. 3

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of May, 2022. 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:	
Deputy Clerk	

Approved by County Attorney as to form and legal sufficiency.

DPL

Jorge Martinez-Esteve Daija Page Lifshitz A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE OLD TOWN FLORIDIAN COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING THE USE OF THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS. PERMITTED BY SECTION 197.3632. FLORIDA STATUTES; EXPRESSING THE NEED FOR THE LEVY OF NON-AD VALOREM ASSESSMENTS AND SETTING FORTH THE LEGAL DESCRIPTION OF THE REAL PROPERTY WITHIN THE DISTRICT'S JURISDICTIONAL BOUNDARIES THAT MAY OR SHALL BE SUBJECT TO THE LEVY OF DISTRICT NON-AD VALOREM ASSESSMENTS: AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 197, *Florida Statutes*, provides for the usage by the Old Town Floridian Community Development District (the "District") of a uniform method of levying, collecting and enforcing its non-ad valorem assessments; and

WHEREAS, Chapter 197, *Florida Statutes*, sets forth certain requirements and procedures which have been implemented by the District in order to use said uniform method of levying, collecting and enforcing its non-ad valorem assessments; and

WHEREAS, the Board of Supervisors (the "Board") of the District, have determined that it is in the best interest of the District, for the District, to elect to use the uniform method for levying, collecting and enforcing non-ad valorem assessments as provided in Section 197.3632, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE OLD TOWN FLORIDIAN COMMUNITY DEVELOPMENT DISTRICT, THAT:

- 1. The above recitals are hereby incorporated and adopted as the findings of fact of the Board.
- 2. That the uniform method for levying, collecting and enforcing non-ad valorem assessments as authorized by Section 197.3632, *Florida Statutes*, is hereby adopted for usage by the District.
- 3. That non-ad valorem assessments will in the future be required to be assessed and levied by the District in order to provide necessary funds for one or more of the following reasons:
 - (a) Satisfying the lawful debt obligations of the District, and/or
 - (b) Financing, constructing, maintaining and servicing the Improvements within the District, and/or
 - (c) The administrative operation of the District, and/or

- (d) Such other lawful purposes which the District is empowered to provide as authorized by law.
- 4. That the uniform method for the levying, collecting and enforcing of non-ad valorem assessments now and in the future, shall, to the extent authorized by law, apply to all assessable lands in the District, and said boundaries of the District are described in attached Exhibit "A" which is incorporated herein and made a part hereof.
 - 5. This resolution shall take effect immediately upon its adoption.

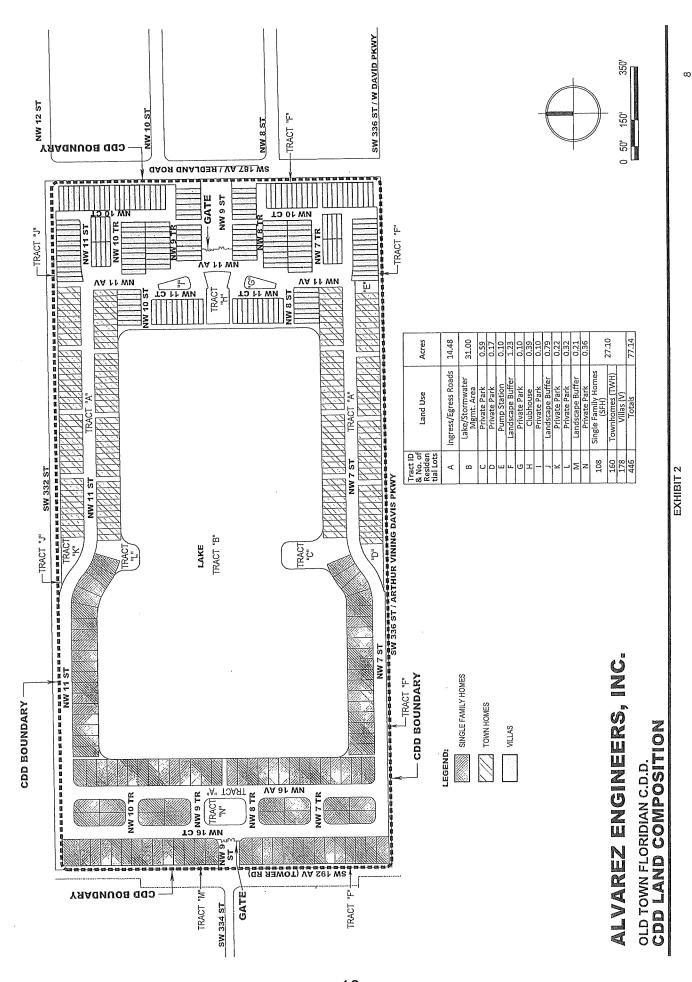
THIS RESOLUTION PASSED AND WAS ADOPTED this 21st day of July, 2021.

ATTEST:

OLD TOWN FLORIDIAN COMMUNITY DEVELOPMENT DISTRICT

Secretary/Assistant Secretary

Chairperson/Vice Chairperson



5/11/2021 Pr.200102 - Old Town Florida CDD - Petition/005 CADD/Yearly Reports 2021/Eatibit-02.dgn

LEGAL DESCRIPTION OLD TOWN FLORIDIAN COMMUNITY DEVELOPMENT DISTRICT

THE SOUTH ½ OF THE NORTHEAST ¼, LESS THE EAST 35 FEET, WEST 35 FEET AND LESS THE SOUTH 35 FEET FOR ROAD PURPOSES, OF SECTION 23, TOWNSHIP 57 SOUTH, RANGE 38 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

CONTAINING 78.144 ACRES, MORE OR LESS.

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and Legal Holidays Miami, Miami-Dade County, Florida

STATE OF FLORIDA COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

OLD TOWN FLORIDIAN COMMUNITY DEVELOPMENT DISTRICT - INTENT TO USE THE UNIFORM METHOD FOR THE LEVY COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS - PUBLIC HEARING - JUL. 21, 2021

in the XXXX Court, was published in said newspaper in the issues of

06/22/2021 06/29/2021 07/06/2021 07/13/2021

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn taland subscribed before me this

13

GUILLERMO GARCIA personally known to me

CHRISTINA LYNN RAVIX

Commission # GG 277771 Expires November 19, 2022 Bonded Thru Troy Fain Insurance 800-365-7019 **EXHIBIT B**

SEE ATTACHED

Public notice by the old town floridiancommunity development district of the intent to use the uniform method for the Levy, collection and enforcement of non-ad valorem assessments

Notice is hereby given to all owners of lands located within the Expansion Area of the Old Town Floridian Community.

Development District (the *District*), that the District's Board of Supervisors (the "Board") intends to use the uniform method for the levy) collection and enforcement of non-ad valorem assessments as set forth in Section 197,3632; Florida Statutes, for Such non-ad valorem assessments as may be levied by the District.

The District's Board will hold a Public Hearing on July 21, 2021, at 2:30 p.m. In the Zamora Corp. Meeting Room located at 5741 Coral Way, Suite-18, Mlaml, FE-33155, the purpose of which is to consider the adoption of a Resolution authorizing the District to use the uniform method for the levy, collection and enforcement of non-ad Valorem assessments as set forth in Section 197:3632, Florida Statutes, for such non-ad valorem assessments as may be levied by the District. Such non-ad valorem assessments will be collected by the Miami-Dade County tax collector Sald Ruble Hearing may be continued, if necessary to a time and date as specified on the record.

The non-ad valorem assessments anticipated to be jevied commencing with the District's riscal year 2021/2022 is estimated to be in the annual amounts of \$1,796 for single family units, \$1,381 for townhome units and \$1,105 for Villa units, for the purpose of payment of long term bond indebtedness, which amounts, due to amortization imay change from year to year, but levied to no more than thirty (30) years; and additionally in the annual amount of approximately \$300 per dwelling unit for the purpose of annual operation and maintenance and other lawful obligations to run and operate the District, You are entitled to a 4% discount if you pay your annual real estate property tax bill in November.

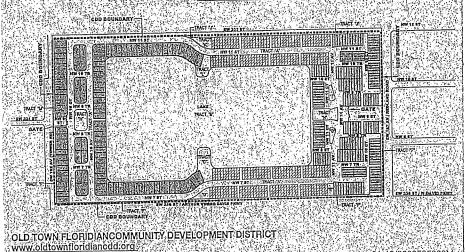
All affected property owners have the right to appear at the Public Hearing to be heard regarding the District's use of the high method for the levyl collection and enforcement of non-ad valorem assessments as set forth in Section 197.3632. Florida Statutes, for such non-ad valorem assessments as may be levied by the District. All affected property owners have the right to file written objections with the District's Manager, Special District Services, inc.: 8785/SW 165th Avenue, Suite 200, Miaml, Florida 33193, within 20 days of the first publication of this notice.

hany, person, decides to appeal any decision made by the Board with respect to any matter considered at this Public Hearing, such person will need a record of the proceedings, and that, for such purpose, such person may need to ensure that a verballm record of the proceedings is made, at their own expense, which record includes the testimony and evidence on which the appeal is based.

In accordance with Americans with Disabilities Act; persons needing special accommodations or an interpreter to participate in this proceeding should contact the District Manager by calling (305) 777-0761 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the proceeding.

OLD TOWN FLORIDIAN COMMUNITY DEVELOPMENT DISTRICT

BOUNDARY MAP



6/22-297/6-13

INTERGOVERNMENTAL COOPERATION AGREEMENT BY AND AMONG MIAMI-DADE COUNTY PROPERTY APPRAISER AND

EXHIBIT C

AND OLD TOWN FLORIDIAN COMMUNITY DEVELOPMENT DISTRICT

MIAMI-DADE COUNTY TAX COLLECTOR

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT (the "Agreement") is made and entered into as of the _____ day of _______, 2022, by and among Miami-Dade County Office of the Property Appraiser (hereinafter referred to as "Property Appraiser"), Florida, Miami-Dade County on behalf of the Tax Collector (hereinafter referred to as "Tax Collector"), Florida, and the Old Town Floridian Community Development District (hereinafter referred to as "District"), Florida.

WITNESSETH

WHEREAS, the District intends to adopt non-ad valorem assessments for collecting its benefit and maintenance assessments or such other assessments imposed by the District ("Non-Ad Valorem Assessments"); and

WHEREAS, the District intends to utilize the uniform method of collection, as outlined in Sections 197.3632 and 197.3635 of the Florida Statutes, for collection of its Non-Ad Valorem Assessments; and

WHEREAS, the District has requested that the Property Appraiser include the District's proposed or adopted Non-Ad Valorem Assessments for the District on the Notice of Proposed Property Taxes as specified in Section 200.069, Florida Statutes ("TRIM Notice"); and

WHEREAS, the District has requested the Tax Collector include the District's adopted Non-Ad Valorem Assessments on the Combined Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments in accordance with Section 197.3635, Florida Statutes ("Tax Bill"); and

WHEREAS, the District, the Tax Collector, and the Property Appraiser must enter into a written agreement evidencing the Tax Collector's and the Property Appraiser's agreement to place the District's Non-Ad Valorem Assessments on the TRIM Notice and Tax Bill; and

WHEREAS, pursuant to Rule 12D18.001 of the Florida Administrative Code, and Escambia County v. Bell, 717 So. 2d 85 (Fla. 1st DCA 1998), it is the duty of the District to determine, under law, whether the Non Ad-Valorem Assessments are constitutional and may be collected as a lien; the duties of the Property Appraiser and Tax Collector under section 197.3632 of the Florida Statutes are ministerial and shall not be construed to authorize the levy of the Non Ad-Valorem Assessments; and

WHEREAS, the District represents that it has duly complied with the notice provisions and adopted Resolution No. 2021-28 in compliance with Section 197.3632 Florida Statutes, so as to entitle the District to elect the non-ad valorem method of collection, and the Tax Collector and Property Appraiser have relied on these representations,

NOW THEREFORE, for good and valuable consideration, and intending to be legally bound hereby, the Tax Collector, the Property Appraiser, and the District agree as follows:

- 1. The District's request to place its Non-Ad Valorem Assessments TRIM Notice is granted by the Property Appraiser, subject to the District's compliance with the terms of this Agreement.
- 2. The District's request to place its Non-Ad Valorem Assessments on the Tax Bill is granted by the Tax Collector, subject to the District's compliance with the terms of this Agreement.

- 3. The District agrees to the following requirements in order to place its Non-Ad Valorem Assessments on the TRIM Notice and Tax Bill:
 - A. The Non-Ad Valorem Assessments will be assessed yearly against all eligible properties within the District, and the District shall never have attempted to collect the Non-Ad Valorem Assessments prior year assessments.
 - B. No later than **July 9**th of the current year the following should be provided to the Property Appraiser:
 - i. The final files for the TRIM Notice.
 - ii. The description of "Purpose of Assessment" as it would appear on the TRIM Notice.
 - iii. The District's contact name and phone number used to address questions regarding the assessment.
 - C. No later than **August 1**st of the current year an insert describing the Non Ad-Valorem Assessments to be included with the mailing of the TRIM Notice. A sample must be provided to the Property Appraiser for approval prior to August 1st.
 - D. No later than **September 15**th of the current year the final roll reflecting the Non-Ad Valorem Assessments that are to appear on the Tax Bill must be submitted to the Property Appraiser and the Tax Collector.
- 4. The District agrees that the Tax Collector shall be entitled to retain the actual costs of collection, or two percent (2%), on the amount of special assessments collected and remitted.
- 5. This Agreement shall not take effect until the District is in full compliance with all local zoning, land use, and other applicable regulations.
- 6. **Duration of this Agreement.** Subject to the limitation of paragraph 5 above, this Agreement shall take effect upon signing and shall extend to the collection of

- special assessments for each fiscal year thereafter, until cancelled by any Party pursuant to paragraph 11 herein.
- 7. Severability of the Provisions in this Agreement. The provisions of this Agreement are intended to be severable. If any provision of this Agreement shall be held to be invalid or unenforceable in whole or in part, such provision shall be ineffective to the extent of such invalidity or unenforceability without in any manner affecting the validity or enforceability of the remaining provisions of this Agreement.
- 8. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.
- 9. Amendments or Modifications of this Agreement. It is anticipated by the Parties that the terms and conditions of this Agreement will be periodically amended or modified. Such amendments or modifications must be in writing and must be duly executed by all Parties to this Agreement.
- 10. Indemnification and Hold Harmless. The District shall indemnify and hold harmless, to the extent permitted by Florida law, the Property Appraiser, Tax Collector and their respective officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the Property Appraiser, Tax Collector or their respective officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the negligent or intentional acts or omissions of the District or its employees, agents, servants, partners principals, or subcontractors arising out of, relating to, or resulting from the performance of the Agreement. The District shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature

in the name of the Property Appraiser or Tax Collector where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon.

11. Cancellation. This Agreement may be cancelled by any Party upon thirty (30)

days written notice to the other Parties.

12. Intent to be Legally Bound. By signing this Agreement, the Parties hereto

confirm and state that they have carefully read the Agreement, that they know

the contents thereof, that they fully expect to carry out each and every provision.

and that they intend to be legally bound by the rights and obligations set forth

herein.

13. Headings. The headings for each paragraph in this Agreement are for the

purposes of reference only and shall not limit or otherwise affect the meaning of

any provision.

14. Complete Agreement. This document shall represent the complete Agreement

of the Parties.

IN WITNESS WHEREOF, the Parties hereto execute this Agreement, and they affirm

that they have the power to do so on behalf of the District, the Tax Collector, and the

Property Appraiser.

ATTEST:

DEVELOPMENT DISTRICT

OLD TOWN FLORIDIAN COMMUNITY

District ASSISSIANT SELETARY

District SECU

MIAMI-DADE COUNTY, FLORIDA PROPERTY APPRAISER Pedro J. Garcia **Property Appraiser** MIAMI-DADE COUNTY, FLORIDA BY ITS BOARD OF COUNTY **COMMISSIONERS** By: Daniella Levine Cava Miami- Dade County Mayor Approved as to legal sufficiency for Miami-Dade County and the Office of the Property

ATTEST:

Appraiser:

By:_

Harvey Ruvin

County Clerk

Assistant County Attorney

By: