

MEMORANDUM

Agenda Item No. 5(D)

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

DATE: September 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to cease providing services within the Interian Homes Landscape Maintenance Special Taxing District, beginning at the earliest practicable time; declaring dormant the Interian Homes Landscape Maintenance Special Taxing District in order to allow the residents to provide multipurpose maintenance services within the subject area; authorizing the County Mayor to take actions necessary to accomplish such purposes; and directing the County Mayor to monitor the District and take actions necessary to recommence multipurpose maintenance services in the event the residents fail to adequately provide multipurpose maintenance services

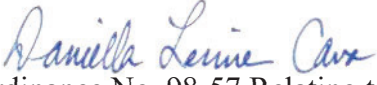
The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.


Geri Bonzon-Keenan
County Attorney

GBK/gh

Date: September 1, 2022

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

From: Daniella Levine Cava
Mayor 

Subject: Declaring Dormant Ordinance No. 98-57 Relating to the Interian Homes Landscape Maintenance Special Taxing District

Executive Summary

The purpose of this item is to gain authorization by the Board of County Commissioners (Board) to place dormant a special taxing district in unincorporated Miami-Dade County (County) in order for the resident owners to assume responsibility of the multipurpose maintenance areas as specified on the petition.

Recommendation

It is recommended that the Board approve the attached Resolution ceasing services and declaring dormant the Interian Homes Landscape Maintenance Special Taxing District (Special Taxing District) which was created by Ordinance No. 98-57, rescinding the Special Taxing District’s assessment roll, and refunding any excess monies in the Special Taxing District’s account.

Scope

This Special Taxing District lies within Commission District 10, which is represented by County Commissioner Javier D. Souto, and will be declared dormant if this Resolution is approved by the Board.

Fiscal Impact/Funding Source

The economic impact on the County’s budget will be from the Special Taxing District’s cash reserves. There will be no increase or decrease in County staffing as a result of placing the Special Taxing District dormant. Once final administrative and service costs are determined, the Parks, Recreation and Open Spaces Department will refund excess funds, if any, to the affected property owners. In the event final administrative and service costs exceed the monies in the Special Taxing District’s account, special assessments may be collected on the 2022-2023 combined real property tax bill to cover the expenses.

Social Equity Statement

The proposed Resolution declares dormant a Special Taxing District, pursuant to Article I, section 1.01(A)(11) of the Miami-Dade County Home Rule Charter and Chapter 18 of the Code. If approved, the multipurpose maintenance services will cease at the earliest practicable time and property owners within the Special Taxing District will no longer be assessed a special assessment.

Track Record/Monitor

The Special Taxing District is managed by the Parks, Recreation and Open Spaces Department (PROS) and overseen by the Chief of the Special Assessment Districts Division (Division), Liset Romero-Lopez.

Delegation of Authority

This item authorizes the County Mayor or County Mayor’s designee to monitor the district and take actions necessary to recommence multipurpose maintenance services in the event the residents fail to adequately provide multipurpose maintenance services.

Background

The Special Taxing District was created on April 21, 1998, by Ordinance No. 98-57 and provides multipurpose maintenance services. Contingent upon Board approval of the Resolution, the Special Taxing District’s multipurpose maintenance services will cease. The resident owners of property within the Special Taxing Districts will be responsible for the continuation of maintenance services as established by the creating Ordinance, and the petition. In the event the resident owners of property fail to adequately provide the multipurpose maintenance services, the County will take all actions necessary to recommence providing multipurpose maintenance services through the Special Taxing District.

Boundaries:

On the North, SW 26 Street;
On the East, theo. SW 111 Avenue.
On the South, theo. SW 27 Terrace;
On the West, theo. SW 112 Avenue.

Number of Parcels:

4

Number of Resident Owners:

3

Number of Owners With Homestead Exemption Signing Petition:

Signed by 3 or 100.0% of the resident property owners (See attached petition).

Public Hearing Notification:

A public notice will be duly published in a newspaper of general circulation published in Miami-Dade County, Florida, and copies thereof will be mailed to all owners of taxable real property within the boundaries of the Special Taxing District as their names and addresses appear on the latest Miami-Dade County Real Property Tax Roll.

In compliance with the provisions of section 18-3(c) of the Code, I have reviewed the facts submitted by PROS and concur with their recommendation of ceasing multipurpose maintenance services within the Special Taxing District be approved.



Jimmy Morales
Chief Operations Officer

Attachments

Memorandum



Date: April 20, 2022

To: Basia Pruna, Deputy Clerk
Office of the Clerk of the Board
Attn: Shania Momplaisir

From: *LRL*
Liset Romero-Lopez
Chief, Special Assessment Districts Division
Parks, Recreation and Open Spaces Department

Subject: Interian Homes Landscape Maintenance Special Taxing District

In reference to the subject petition, we hereby certify that, in compliance with Chapter 18 of the Code of Miami-Dade County, this Department has checked the names in the attached petition against the records of the Property Appraisal Department, and is submitting the following information:

1. Total number of parcels of land within district boundaries	<u>4</u>
2. Total number of resident owners of property within district boundaries	<u>3</u>
3. Total number of resident owners signing the attached petition	<u>3</u>
4. Percentage of resident owners signing the attached petition	<u>100</u>
5. Net Property Valuation	<u>\$2,069,537</u>

Utilizing Homestead Exemption as the basis for the resident owner requirement, we certify that this petition does contain the signatures of at least the minimum 75% of the resident property owners within the Special Taxing District's boundaries as required by the petition; therefore, the subject petition is valid.

Attachment

**PETITION TO DISCONTINUE THE MULTIPURPOSE MAINTENANCE SERVICES OF THE
INTERIAN HOMES
LANDSCAPE MAINTENANCE SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY PARKS, RECREATION AND OPEN SPACES DEPARTMENT
SPECIAL ASSESSMENT DISTRICTS DIVISION**

Petition Issue Date 4 / 8 /2022

Petition Receive Date 4 /14 /22
(TO BE COMPLETED BY THE DEPARTMENT)

To the Petitioner: You are recommended to circulate this petition among all property owners within the District boundaries listed below. In order for the petition to be considered a valid current indicator of community preference, it must be completed and returned within two months from the date of issue. All submitted petition forms must be original and completed in ink.

To the Board of County Commissioners of Miami-Dade County, Florida: We, the undersigned property owners, do hereby petition Miami-Dade County, Florida, to deactivate the multipurpose maintenance services of the Interian Homes Landscape Maintenance Special Taxing District, created by the Board of County Commissioners (the Board) pursuant to Ordinance No. 98-57. We understand that the signatures of at least 75% of the resident property owners with homestead exemption within the District's boundaries signing the petition will validate the petition. We also understand that if approved by the Board at a public hearing; 1) all landscape maintenance services provided by the Special Assessment Districts Division will cease; therefore, the property owners will be responsible for all landscape maintenance services (i.e. pruning, fertilizing, and mulching of trees and hedges, removing any trash and debris in the swale area); 2) the District will not be dissolved but rather made dormant until such time as any property owner or association fails to provide the required maintenance services.

District Boundaries: On the North, SW 26st Street; On the East, Theo. SW 111th Avenue;
On the South, Theo. SW 27th Terrace; On the West, SW 112th Avenue.
(See district boundaries and geographical location sketch, Exhibit A, on reverse side)

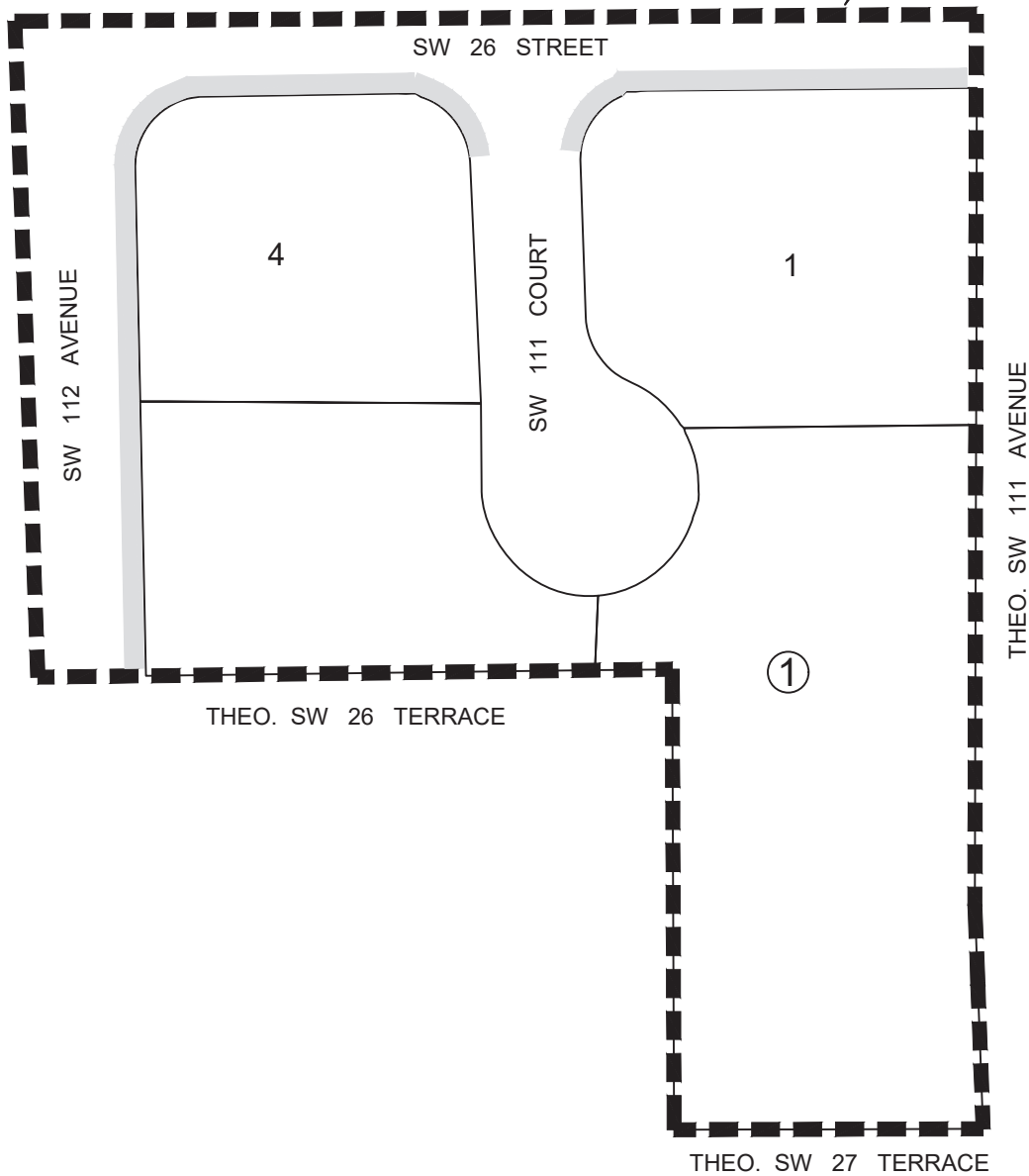
IF THE MULTIPURPOSE MAINTENANCE SERVICES ARE MADE DORMANT, A REIMBURSEMENT WOULD OCCUR TO EACH PROPERTY OWNER FOR UNEXPENDED SPECIAL ASSESSMENTS, LESS THE COSTS OF CEASING THE LANDSCAPING MAINTENANCE SERVICES. SPECIAL ASSESSMENTS MAY BE COLLECTED ON THE 2022-2023 COMBINED REAL PROPERTY TAX BILL TO COVER DISTRICT EXPENSES IN THE EVENT DISTRICT DEACTIVATION COSTS EXCEED DISTRICT FUNDS HELD IN ACCOUNT OR THE MAINTENANCE SERVICES REMAIN IN OPERATION.

NOTE: Only one resident owner's signature per household will count toward the 75% requirement for petition validation. However, circulation of petition among all properties in the Taxing District is urged to ensure these persons are informed on the deactivation of the district's services. **Altering this form in any way invalidates the entire petition.**

OWNER'S NAME	TAX FOLIO AND PROPERTY ADDRESS	DATE SIGNED
Print: Adalberto S. Pereira & Graciela Pereira Sign: [Redacted]	Address: 2610 SW 111 Court Miami, Florida 33165 Folio: 30-4018-098-0040	04.12.22
Print: Lazaro F. Calderin Blanco & Juliet Chavib Sign: [Redacted]	Address: 2611 SW 111 Court Miami, Florida 33165 Folio: 30-4018-098-0010	4-12-22
Print: Rolando Muro Lopez & Dayli Acevedo Sign: [Redacted]	Address: 2660 SW 111 Court Miami, Florida 33165 Folio: 30-4018-098-0030	4-12-22
Print: Jings Petite Market, Inc. Sign: [Redacted]	Address: 2661 SW 111 Court Miami, Florida 33165 Folio: 30-4018-098-0020	4-13-22
Print: [Redacted] Sign: [Redacted]	Address: Folio:	



DISTRICT
BOUNDARIES



INTERIAN HOMES LANDSCAPE MAINTENANCE SPECIAL TAXING DISTRICT



SHADING DENOTES AREAS TO BE MAINTAINED. SEE ATTACHED SHEET FOR LOCATIONS & SERVICE DESCRIPTIONS.

M-248 (COMM. 0010)
SECTION: 18-54-40

EXHIBIT "A"
(Boundaries and Geographical Location Sketch)



MEMORANDUM
(Revised)

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

DATE: September 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(D)

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(D)
9-1-22

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CEASE PROVIDING SERVICES WITHIN THE INTERIAN HOMES LANDSCAPE MAINTENANCE SPECIAL TAXING DISTRICT, BEGINNING AT THE EARLIEST PRACTICABLE TIME; DECLARING DORMANT THE INTERIAN HOMES LANDSCAPE MAINTENANCE SPECIAL TAXING DISTRICT IN ORDER TO ALLOW THE RESIDENTS TO PROVIDE MULTIPURPOSE MAINTENANCE SERVICES WITHIN THE SUBJECT AREA; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ACTIONS NECESSARY TO ACCOMPLISH SUCH PURPOSES; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MONITOR THE DISTRICT AND TAKE ACTIONS NECESSARY TO RECOMMENCE MULTIPURPOSE MAINTENANCE SERVICES IN THE EVENT THE RESIDENTS FAIL TO ADEQUATELY PROVIDE MULTIPURPOSE MAINTENANCE SERVICES

WHEREAS, on April 21, 1998, this Board passed Ordinance No. 98-57, creating the Interian Homes Landscape Maintenance Special Taxing District (“Special Taxing District”); and

WHEREAS, on April 21, 1998, the Board adopted the Special Taxing District’s Preliminary Assessment Roll per Resolution No. R-380-98; and

WHEREAS, in accordance with the provisions of chapter 18 of the Code of Miami-Dade County, Florida (“Code”), a petition to discontinue the multipurpose maintenance services within the Special Taxing District, duly signed by all of the resident owners of property within the Special Taxing District, was filed with the Clerk of the Board (“Clerk”); and

WHEREAS, upon receipt of such petition the Clerk transmitted a copy thereof to the County Mayor or County Mayor's designee who examined it and filed with the Clerk a memorandum, a copy of which is incorporated in this Resolution by reference, setting forth the background of the Special Taxing District and recommending that the Special Taxing District be declared dormant; and

WHEREAS, the memorandum of the County Mayor or County Mayor's designee recommends declaring dormant the Special Taxing District and discontinuing all multipurpose maintenance services provided within the Special Taxing District; and

WHEREAS, the Board desires to comply with the wishes of the entirety of the resident owners of property within the Special Taxing District,

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

Section 1. This Board incorporates the matters set forth in the foregoing recitals as if set forth herein.

Section 2. This Board: (1) declares dormant the Interian Homes Landscape Maintenance Special Taxing District; and (2) directs the County Mayor or County Mayor's designee to cease providing multipurpose maintenance services within the Interian Homes Landscape Maintenance Special Taxing District, beginning at the earliest practicable time, in order to allow the resident owners of property of the Interian Homes Landscape Maintenance Special Taxing District to provide such services.

Section 3. This Board authorizes the County Mayor or County Mayor's designee to take all actions necessary to accomplish these actions, including, but not limited to, refunding any excess assessments received after all expenses incurred by the Interian Homes Landscape Maintenance Special Taxing District have been covered.

Section 4. This Board directs the County Mayor or County Mayor’s designee to monitor the Interian Homes Landscape Maintenance Special Taxing District and, in the event the resident owners fail to adequately provide the multipurpose maintenance services, hereby directs the County Mayor or County Mayor’s designee to take all actions necessary to recommence providing multipurpose maintenance services through the Interian Homes Landscape Maintenance Special Taxing District.

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	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of September, 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

Daija Page Lifshitz