



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

MEMORANDUM

Agenda Item No. 15(A)(2)

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

DATE: May 18, 2021

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

SUBJECT: Resolution Authorizing
Intergovernmental
Cooperation Agreement
with the City of Miami
Shores Village


Melissa Adames, Director
Clerk of the Board Division

Resolution No. R-523-21

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 Intergovernmental Cooperation Agreement with the City of Miami Shores Village.

MA/dmc

Attachment

Memorandum



Date: May 18, 2021

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 Miami Shores Village

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 Miami Shores Village 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 Village is located within County Commission District 3, which is represented by Keon Hardemon. The Village has requested that the Appraiser and Collector include its proposed or adopted non-ad valorem assessments for the purpose of funding wastewater collection within the Shores Estates residential subdivision, 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 Village 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 Village 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 Village will charge separate non-ad valorem assessments for wastewater services. The Agreement affords the Village 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 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 2021 and continues until cancelled by either party.



MEMORANDUM

(Revised)

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

DATE: May 18, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 15(A)(2)

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 Agenda Item No. 15(A)(2)
Veto _____ 5-18-21
Override _____

RESOLUTION NO. R-523-21

RESOLUTION APPROVING THE INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE MIAMI SHORES VILLAGE, MIAMI-DADE COUNTY, AND THE MIAMI-DADE COUNTY OFFICE OF THE PROPERTY APPRAISER IN ACCORDANCE WITH THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS 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 Miami Shores Village (“the Village”) has adopted a resolution, numbered 2021-03, attached hereto as Exhibit A, setting forth the Village’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 2021-03 was adopted, the Village published notice of its intent to consider utilization of the uniform method of levy, collection and enforcement of non-ad valorem assessments, as demonstrated by Exhibit B; and

WHEREAS, the Village 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

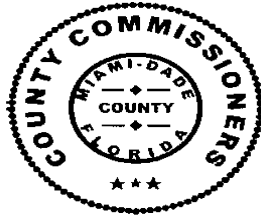
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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 Village, the County, and the Property Appraiser to provide services to the Village (“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 **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman	aye
Oliver G. Gilbert, III, Vice-Chairman	aye
Sen. René García	aye
Sally A. Heyman	aye
Eileen Higgins	aye
Kionne L. McGhee	aye
Raquel A. Regalado	aye
Sen. Javier D. Souto	aye
Keon Hardemon	aye
Danielle Cohen Higgins	aye
Joe A. Martinez	aye
Jean Monestime	aye
Rebeca Sosa	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of May, 2021. 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

RC

Ryan Carlin

EXHIBIT A

MIAMI SHORES VILLAGE RESOLUTION

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RESOLUTION 2021-03

A RESOLUTION OF THE VILLAGE COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA, CONFIRMING THE VILLAGE COUNCIL'S INTENT TO UTILIZE THE UNIFORM METHOD OF LEVY AND COLLECTION OF NON-AD VALOREM ASSESSMENTS WITHIN THE SHORES ESTATES RESIDENTIAL SUBDIVISION WHICH MAY BE LEVIED BY THE VILLAGE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 197.3632, FLORIDA STATUTES FOR THE PURPOSES OF CONSTRUCTION AND OPERATION OF A WASTEWATER COLLECTION SYSTEM PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of Miami Shores Village has determined to consider utilization of the uniform method of levy, collection and enforcement of certain non-ad valorem assessments authorized pursuant to section 197.3632, Florida Statutes for the purpose of funding a program of wastewater collection within the Shores Estates residential subdivision of the Village; and

WHEREAS, the Village, as required by section 197.3632, has published notice of the Council's intent to consider utilization of the uniform method once a week for four weeks in a newspaper of general circulation in Miami Dade County prior to consideration of utilization of the uniform method; and

WHEREAS, the Village Council is authorized pursuant to its constitutional grant of home rule authority, Chapter 166, Florida Statutes and section 197.3632, Florida Statutes to levy, collect and enforce non-ad valorem assessments for wastewater collection on benefitted properties within the Village; and

WHEREAS, the legal description of the Shores Estates benefitted properties on which non-ad valorem assessments would be levied is attached to this resolution by Exhibit "A" and incorporated herein as required by section 197.3632, Florida Statutes.

NOW THEREFORE, BE IT RESOLVE BY THE VILLAGE COUNCIL OF MIAMI SHORES VILLAGE:

Section 1: The Village Council of Miami Shores Village, upon conducting its public hearing as required by section 197.3632, Florida Statutes hereby expresses its intention to use the uniform method of collection non-ad valorem assessments for the purpose of funding wastewater collection within the Shores Estates residential subdivision of the Village.

Section 2: Said assessments shall be levied annually for the purpose of funding the construction of a wastewater collection system within the Shores Estates residential subdivision of the Village.

Section 3: The resolution shall become effective upon its adoption. The Village Manager is hereby directed to provide the Property Appraiser and Tax

1 Collector of Miami Dade County and the Florida Department of Revenue
2 with a copy of this resolution upon adoption.

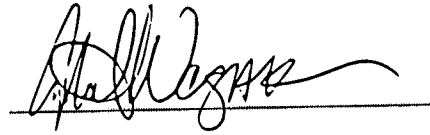
3 PASSED AND ADOPTED THIS 16th DAY OF FEBRUARY 2021.
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7 ATTEST:

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11 Ysabely Rodriguez, GMC
12 Village Clerk
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15 APPROVED AS TO FORM:

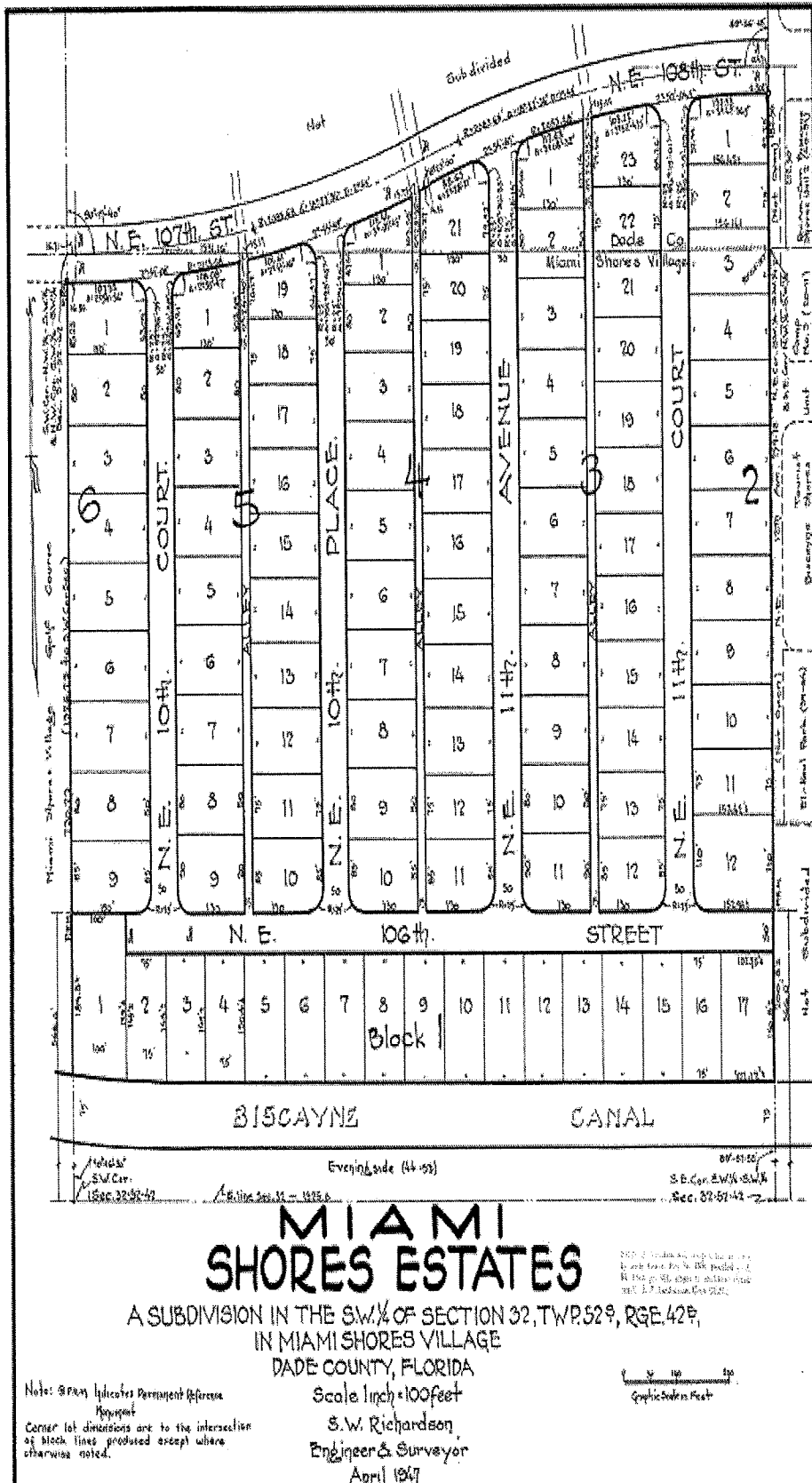
16
17 Richard Sarafan, Village Attorney



Crystal Wagar, Mayor

FINAL VOTES AT ADOPTION

Council Member Sean Brady	<u>Yes</u>
Council Member Stephen Loffredo	<u>Yes</u>
Council Member Jonathan Meltz	<u>Yes</u>
Vice-Mayor Alice Burch	<u>Yes</u>
Mayor Crystal Wagar	Absent



KNOW ALL MEN BY THESE PRESENTS:-

47-58

That Jay A. Weber and Ruth P. Weber, his wife, as owners have caused to be made the attached plat entitled MIAMI SHORES ESTATES, the same being a subdivision of that part of the S.W. 1/4 of the S.W. 1/4 lying North of the Biscayne Canal and that part of the N.W. 1/4 of the S.W. 1/4 lying South of the Biscayne Canal and that part of the N.W. 1/4 of the S.W. 1/4 lying South of the Biscayne Canal, all of Section 32, Township 52 South, Range 42 East, Miami Shores Village, Dade County, Florida.

The Streets, Avenue, Court and Place, as shown on the attached plat are hereby dedicated to the perpetual use of the public for proper purposes, reserving to the said Jay A. Weber and Ruth P. Weber, their heirs and assigns, the reversion or reversions thereof whenever discontinued by law.

In Witness Whereof the said Jay A. Weber and Ruth P. Weber have hereunto set their names this 21st day of April, A.D. 1947.

Witness *[Signature]* Jay A. Weber Seal
 Witness *[Signature]* Ruth P. Weber Seal

STATE OF FLORIDA
 COUNTY OF DADE

Before me this day personally appeared Jay A. Weber and Ruth P. Weber his wife, known by me to be the persons described in and who executed the above instrument and wife, upon being duly sworn, acknowledged said execution to be their free and voluntary act and deed. And the said Ruth P. Weber, wife of Jay A. Weber, upon a separate examination, acknowledged that she executed the above instrument without constraint, compulsion, apprehension or fear of or from her said husband and as her free and voluntary act and deed.

In Testimony Whereof I have hereunto set my name and affixed my notarial seal this 21st day of April, A.D. 1947.

My commission expires Feb. 25, 1950.
[Signature]
 Notary Public
 State of Florida

This plat was approved by Resolution passed and adopted by the Village Council of Miami Shores Village, Florida this 2nd day of April, A.D. 1947.

Attest: *[Signature]* Mayor

This plat was approved by Resolution passed and adopted by the Board of County Commissioners of Dade County, Florida this 2nd day of April, A.D. 1947.

Attest: *[Signature]* Chairman of the Board
 By: *[Signature]* County Clerk

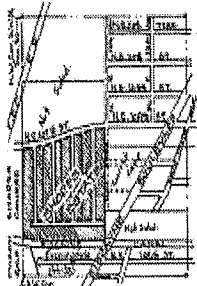
Approved: *[Signature]* County Engineer

I hereby certify that the attached plat is a true representation of the lands described, as recently surveyed and plotted under my direction and that the P.M.s were in place on the 22nd day of April, 1947 in accordance with Sec. 1, Chapter 10275 (N.S. 235) Laws of the State of Florida.

[Signature]
 Reg. Eng. No. 1363 Reg. Surveyor-Nat'l
 State of Florida

Filed for record this 10 day of April, A.D. 1947 at 12:02 P.M. in Book of Plats 47 at page 58, Public Records of Dade County, Florida. This plat complies with provisions of Chapter 10275, Laws of the State of Florida.

E.B. Leathem
 Clerk of Circuit Court
 By: *[Signature]* Deputy Clerk



LOCATION PLAN
 Scale 1" = 4000'
 GRAPHIC SCALE IN FEET

This Plat approved by Dade County Zoning Department this 2nd day of April, 1947

By: *[Signature]* Director

This plat approved by Dade County Regional Planning Board this 2nd day of June, 1947

By: *[Signature]* Executive Director



EXHIBIT B

MIAMI SHORES VILLAGE PUBLIC NOTICE



NOTICE OF PUBLIC HEARING

THE MIAMI SHORES VILLAGE COUNCIL TO CONSIDER UTILIZATION OF THE UNIFORM METHOD OF COLLECTION OF ASSESSMENTS FOR WASTEWATER COLLECTION WITHIN THE SHORES ESTATES RESIDENTIAL SUBDIVISION OF THE VILLAGE.

NOTICE IS HEREBY GIVEN that the Miami Shores Village Council will conduct a Public Hearing take up consideration of utilization of the uniform method of annual collection of non-ad valorem assessments for the collection of wastewater within the Shores Estates residential subdivision of the Village. The Village Council will determine whether to use the uniform method at its Council meeting scheduled for:

**TUESDAY, FEBRUARY 16, 2021
9900 NE SECOND AVENUE,
MIAMI SHORES VILLAGE, FL 33138.
6:30 PM.**

If a person decides to appeal the decision of the Council with respect to consideration of utilization of the Section 197.3632, Florida Statutes process to levy and collect non-ad valorem assessments within the Shores Estates residential subdivision for construction of a wastewater collection system, that person will need a record of the proceedings and may need to ensure a verbatim record of the proceedings, which record includes the testimony and evidence upon which the appeal will be based.

Persons with disabilities requiring accommodations in order to participate should contact the Village Clerk at 305-762-4870 at least three business days in advance to request such accommodations.

Holly Hugdahl, Finance Director
Telephone Number: (305) 762-4855



WAYS TO WATER WISELY

IRRIGATION RESTRICTIONS



DID YOU KNOW know that Miami-Dade County has year-round water restrictions?

LEARN when you can and cannot water your lawn at miamidade.gov/WaterWisely

LANDSCAPE IRRIGATION REBATES



Request a free landscape irrigation assessment and learn how to qualify for rebates.

SCHEDULE your free assessment today at miamidade.gov/WaterWisely

SMART IRRIGATION



PLANTING the right plants in the right place makes all the difference.

LEARN more about Florida-friendly landscaping at miamidade.gov/WaterWisely



miamidade.gov/WaterWisely



EXHIBIT C

MIAMI SHORES VILLAGE INTERGOVERNMENTAL COOPERATION
AGREEMENT

**INTERGOVERNMENTAL COOPERATION AGREEMENT
BY AND AMONG
MIAMI-DADE COUNTY PROPERTY APPRAISER
AND
MIAMI –DADE COUNTY TAX COLLECTOR
AND
MIAMI SHORES VILLAGE**

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT (the “Agreement”) is made and entered into as of the ____ day of _____, 2021, 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 Miami Shores Village, Florida (hereinafter referred to as “Village”).

WITNESSETH:

WHEREAS, the Village intends to adopt non-ad valorem assessments for the purpose of funding wastewater collection within the Shores Estates residential subdivision of Miami Shores Village; and

WHEREAS, the Village intends to utilize the uniform method of collection, as outlined in Sections 197.3632 and 197.3635, Florida Statutes, for collecting the above-referenced non-ad valorem special assessments for the aforementioned services; and

WHEREAS, the Village has requested that the Property Appraiser include its adopted non-ad valorem assessments for the purpose of funding wastewater collection on the Notice of Proposed Property Taxes as specified in Section 200.069, Florida Statutes (“TRIM Notice”); and

WHEREAS, the Village has requested that the Tax Collector include its adopted non-ad valorem assessments for the purpose of funding wastewater collection on the Combined Notice of Ad Valorem and Non-Ad Valorem Assessments provided for in Section 197.3635, Florida Statutes; and

WHEREAS, pursuant to Section 197.3632, Florida Statutes, the Village, the Property Appraiser, and the Tax Collector must enter into a written agreement evidencing the Property Appraiser's and the Tax Collector's agreement to place the Village's herein specified non-ad valorem assessments on the TRIM Notice and tax bill; and

WHEREAS, the Village represents that it has duly complied with the Notice provisions and adopted Resolution No. 2021-03 in compliance with the required resolutions set forth in Section 197.3632 Florida Statutes, so as to entitle the Village to utilize the non-ad valorem method of collection, and the Tax Collector and Property Appraiser have relied on these representations, and

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

1. The Village, Property Appraiser, and Tax Collector shall abide by all statutes, rules and regulations pertaining to the levy and collection of non-ad valorem assessments, including the provisions of sections 197.3632, 197.3635, Florida Statutes, as amended, and any applicable rules duly promulgated by the Department of Revenue.
2. The Property Appraiser agrees to place the Village's non-ad valorem assessments for the purpose of funding wastewater collection within the Shores Estates residential subdivision of the Village on the Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments prepared in accordance with Section 200.069, Florida Statutes.
3. The Tax Collector agrees to the Village's request to place its adopted non-ad valorem assessments for the purpose of funding wastewater collection

within the Shores Estates residential subdivision of the Village on the Combined Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments in accordance with Section 197.3635, Florida Statutes.

4. The Village agrees that all certified assessment rolls will be maintained and transmitted to the Property Appraiser and the Tax Collector on compatible electronic medium as defined in Section 197.3632(1), Florida Statutes.
5. The Village agrees that, in consideration for services herein agreed to be performed by the Tax Collector, the Tax Collector shall be entitled to retain, in the Tax Collector's sole discretion, the actual costs of collection not to exceed two percent (2%) on the amount of special assessments collected and remitted.
6. **Duration of this Agreement.** This Agreement shall take effect upon signing and shall extend to the collection of special assessments for each fiscal year thereafter until canceled by any Party pursuant to Section 10 herein.
7. **Severability of the Provisions in this Agreement.** The provisions in this Agreement, except for Section 4, 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

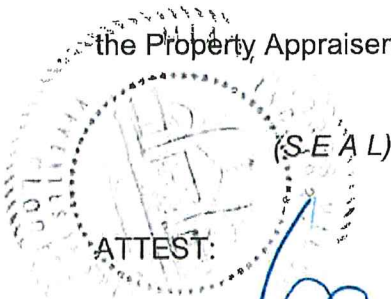
periodically amended or modified. Such amendments or modifications must be in writing and must be duly executed by all parties to this Agreement.

10. **Terms and Cancellation.** The Term of this Agreement shall commence upon the date first above written and shall run through the end of the calendar year and shall automatically be renewed thereafter, for successive terms, not to exceed one year each. Any party may cancel this Agreement at the end of the term upon written notice to the other parties prior to the end of the term.
11. **Intent to be Legally Bound.** By signing this Agreement, the Parties hereto confirm and state that they have carefully read this Agreement, that they know the contents hereof, 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.
12. **Indemnification and Hold Harmless** The Village shall indemnify and hold harmless, to the extent permitted by Florida law and without waiving its right of sovereign immunity, 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 Village or its employees, agents, servants, partners principals, or subcontractors arising out of, relating to, or resulting from the performance of the Agreement. The Village 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.

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 Village, the Tax Collector, and the Property Appraiser.



By: [Signature]
Ysabely M. Rodriguez
(name and title)

MIAMI SHORES VILLAGE, FLORIDA

A municipal corporation of the
State of Florida

By: [Signature]

Tom Benton Village Manager
(name and title)

MIAMI-DADE COUNTY, FLORIDA
OFFICE OF THE PROPERTY APPRAISER

By: _____
Pedro J. Garcia
Property Appraiser

MIAMI-DADE COUNTY, FLORIDA

ATTEST:

BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Harvey Ruvin
County Clerk

By: _____
Daniella Levine Cava
Mayor

Approved as to legal sufficiency for Miami-Dade County and the Office of the Property
Appraiser:

By: _____
Assistant County Attorney