

Memorandum



Date: (Public Hearing 7-21-20)
July 8, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

Agenda Item No. 5(G)

Subject: Ordinance Approving, Adopting and Ratifying Special Taxing District Rates for Newly Active and Abolished Street Lighting and Multipurpose Maintenance Special Taxing Districts

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached Ordinance pertaining to the proposed FY 2020-21 assessment rates for newly active Street Lighting and Multipurpose Maintenance Districts; and the abolishment of two existing Street Lighting Districts listed in Exhibit A, attached hereto. The 26 newly active districts, comprised of 22 street lighting and 4 multipurpose maintenance districts, are being assessed for the first time and approval of this Ordinance is required to begin providing the services previously approved by the Board for those districts. The two other districts were abolished by the Board at the request of the residents. Approval of this Ordinance is required to complete the abolishment because the lighting equipment must be removed, and these assessments are necessary to cover those removal costs. All lots and parcels within the districts are unique due to their geographical boundaries, affected property owners, and level of service. The Parks, Recreation and Open Spaces Department (PROS) has determined, and I concur, that the services provided by these Special Taxing Districts will offer special benefits to properties within each district, exceeding the amount of special assessments to be levied. Therefore, it is hereby recommended that the proposed rates in Exhibit A be approved and adopted.

Scope

The scope of this item extends countywide.

Fiscal Impact/Funding Source

The fiscal impact of this Ordinance is countywide, but only for those homeowners within the boundaries of one or more Special Taxing Districts. The total assessment in the Ordinance for these 28 districts is \$43,158.00 (see Exhibit A for districts' proposed rates). The 26 new Special Taxing Districts comprises 4,383 folios. The two Special Taxing Districts, whose rates are being collected to cover the termination and removal of street lighting services as approved by the Board pursuant to Ordinance No. 20-29 and Ordinance No. 20-30, are comprised of 30 folios. These funds will accrue from the special assessments paid by the property owners of folios within the active Special Taxing Districts. As per Section 1.01A(11) of the Miami-Dade County's Charter, expenses accrued for Special Taxing Districts on a yearly basis must be paid on the year they become due. The Charter provides that "[a]ll county funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only." Approval of these rates is necessary to ensure that the required funding is available to provide the level of service required by ordinance.

Social Equity Statement

If approved, property owners within the affected Special Taxing Districts may have an increase in special assessments appropriately apportioned according to the special benefit they receive from the Special Taxing District services, regardless of their demographics or income levels.

Track Record/Monitor

The implementation and operation of the Special Taxing Districts are monitored by Lorena Guerra-Macias, Chief of the Special Assessment Districts Division (Division) with PROS, and the financials are overseen by Christina Salinas Cotter, Assistant Director, PROS.

Background

Miami-Dade County (County) creates Special Taxing Districts, at the request of residents or developers, to provide public improvements and special services. Chapter 18 of the County Code (Code) provides the legal framework for Special Taxing Districts. Pursuant to petition, notice and public hearing, the Board by various ordinances has established special taxing districts in the County for the following types of services:

1. Street Lighting - created in existing communities at their request and mandated by Code in new subdivisions within unincorporated County to provide lighting continuity along the public right-of-way;
2. Security Guard - provides stationary and/or roving patrols staffed by off-duty police officers or commercial guards;
3. Multipurpose Maintenance - includes, but is not limited to, landscape and lake maintenance; maintenance of swales, walls, and graffiti abatement for walls within or abutting the public right-of-way; and
4. Capital Improvement/Road Maintenance - provides for upgrades or improvements within public right-of-way; examples include water/sewer, drainage, utilities and other roadway improvements.

Once these new districts are activated, the County will be responsible for the management and operation of 1,001 active Special Taxing Districts. Of these, 853 are Street Lighting Districts, 25 are Security Guard Districts, 121 are Multipurpose Maintenance Districts, and 2 are Capital Improvement/Road Maintenance Districts. The special assessments are levied on a unit basis for security guard services, road maintenance and service relocations; square-footage basis for multipurpose maintenance services; and front-footage basis for street lighting services and gas pipeline services.

Special Taxing Districts are petitioned for and voted on by the homeowners within the area or created by developers at the inception of a development project. These services are beyond those traditionally provided by County government and are billed to property owners as non-ad valorem assessments included in their annual property tax bill. Homeowners also have the option to abolish existing Special Taxing Districts if approved by over 50% of the homesteaded homeowners and subsequently approved by the Board.

Pursuant to section 18-14(4) of the Code, the County Mayor or County Mayor's designee caused assessment rolls to be prepared and filed with the Clerk of the Board. Each affected property owner

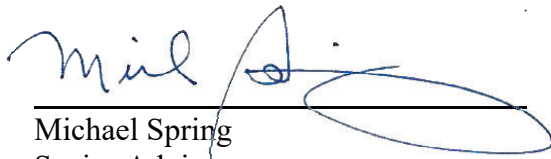
was notified that the special assessments, when approved and confirmed pursuant to section 18-14(6) of the Code, will be placed on the 2020 real property tax bills and that, if these special assessments are not paid when due, the properties on which the special assessments are levied will be respectively subject to the same collection procedures as for ad valorem taxes, including possible loss of title.

Pursuant to Florida Statute 197.3632 and section 18-14(5) of the Code, the County is required to publicly notice the hearing regarding the adoption of the non-ad valorem assessment rolls in Special Taxing Districts. Pursuant to Florida Statute 197.3632, the Board is required to adopt non-ad valorem assessment rolls at a public hearing held between January 1st and September 25 for any district for which the rates will increase from the prior year. In order to meet the County's TRIM noticing deadline for non-ad valorem assessments, it is imperative that the item be approved to proceed to public hearing, which has been noticed for July 21, 2020.

Pursuant to notice published, posted, and mailed to all property owners within the Special Taxing Districts, the Board will hold a public hearing upon the notification of the assessment rolls, and all interested persons will be afforded the opportunity to present their objections, if any, with respect to their assessments on such assessment rolls. Prior to the hearing, residents of districts with proposed new rates will receive a required notice in the mail informing them of the public hearing. In addition, as required by law, staff will advertise the public hearing for impacted districts in a newspaper of general circulation. Finally, staff from the Division will reach out to impacted districts with organized associations to arrange for meetings with residents.

In accordance with section 18-19 of the Code, the Audit and Management Services Department (AMS) has been conducting annual audits on Special Taxing Districts. The most recent audit conducted for FY 2018 resulted in no adverse findings. AMS continues to provide oversight and review of these proposed new rates calculations were found to be accurate. PROS is working cooperatively with AMS to address any recommendations for improving the program.

These proposed new rates will provide funding to cover expenses for utilities, landscape and lake maintenance contracts, and administrative and operational costs. If these rates are not approved, multipurpose maintenance services will not be performed for the FY 2020-21, and street lighting services for the new districts may be discontinued. As for the rates of the two districts being abolished, funding is required to cover expenses accrued in addition to the cost associated with the removal of all lighting fixtures. If not approved, the residents who have requested and are aware of the cost to terminate their services will continue accruing expenses until the necessary funds to close their accounts are collected and streetlights are removed.



Michael Spring
Senior Advisor

Proposed Fiscal Year 2020-21 Special Taxing Districts Assessment Rates
(Assessments based on front footage)
EXHIBIT A (Lighting Districts with New/Abolished Rates)

District No.	District Description	FY2019-20 Current Rate	FY 2020-21 Proposed Rate	Number of Folios	Number of Units	Value	Avg Impact per Household/Folio
L0689	MARQUESA SUBDIVISION	\$ -	\$ 0.5539	77	1170	\$ 648.00	\$ 8.42
L0816	SHOMA VILLAS AT COUNTRY CLUB OF MIAMI 1	\$ -	\$ 1.5992	121	484	\$ 774.00	\$ 6.40
L0820	EGRET LAKES HOMES	\$ -	\$ 1.4381	588	7260	\$ 10,441.00	\$ 17.76
L0950	VICTORIA BAY ESTATES	\$ -	\$ 1.9324	17	1316	\$ 2,543.00	\$ 149.59
L0994	MISSY ESTATES SECOND ADDITION	\$ -	\$ 1.0063	21	1440	\$ 1,449.00	\$ 69.00
L1021	BEACON LAKES PHASE ONE	\$ -	\$ 2.3133	53	18775	\$ 43,432.00	\$ 819.48
L1031	ESTATES MANSIONS FIRST ADDITION	\$ -	\$ 0.7804	86	12900	\$ 10,067.00	\$ 117.06
L1040	INTERLAKEN	\$ -	\$ 0.7891	187	5707	\$ 4,503.00	\$ 24.08
L1168	BAILES COMMON	\$ -	\$ 0.1780	31	2871	\$ 511.00	\$ 16.49
L1204	COCO PALM ESTATES	\$ -	\$ 4.4474	807	1871	\$ 8,321.00	\$ 10.31
L1205	CORAL TOWN PARK	\$ -	\$ 4.2630	12	1316	\$ 5,610.00	\$ 467.51
L1235	PARK SQUARE AT DORAL	\$ -	\$ 4.2744	134	2613	\$ 11,169.00	\$ 83.35
L1243	VENETIAN PARC AND VENETIAN PARC WEST	\$ -	\$ 2.4401	639	13516	\$ 32,980.00	\$ 51.61
L1260	SION ESTATES FIRST ADDITION	\$ -	\$ 0.1032	27	1474	\$ 152.00	\$ 5.63
L1269	DORAL VILLAS	\$ -	\$ 7.8992	977	1190	\$ 9,400.00	\$ 9.62
L1286	CW 144 SUBDIVISION	\$ -	\$ 1.6646	25	1446	\$ 2,407.00	\$ 96.28
L1290	DORAL PUBLIC WORKS FACILITY	\$ -	\$ 2.2245	1	753	\$ 1,675.00	\$ 1,675.05
L1293	HAMPTON APARTMENTS	\$ -	\$ 1.9577	1	968	\$ 1,895.00	\$ 1,895.05
L1300	HIBISCUS GARDENS	\$ -	\$ 3.2537	1	406	\$ 1,321.00	\$ 1,321.00
L1315	DORAL COMMONS RESIDENTIAL AND COMMERCIAL	\$ -	\$ 1.2708	333	5591	\$ 7,105.00	\$ 21.34
L1323	WALDEN TOWNHOMES	\$ -	\$ 1.0699	73	2576	\$ 2,756.00	\$ 37.75
L1330	AVANTI 10 SUBDIVISION	\$ -	\$ 2.7693	10	663	\$ 1,836.00	\$ 183.60
L0471	MARFER SUBDIVISION (ABOLISHMENT)	\$ 3.2115	\$ 34.2737	5	402	\$ 13,778.00	\$ 2,497.40
L0934	FLAMINGO HOMES (ABOLISHMENT)	\$ 3.6688	\$ 8.4157	25	4066	\$ 34,218.00	\$ 772.04

Proposed Fiscal Year 2020-21 Special Taxing Districts Assessment Rates
(Assessments based on square footage)
EXHIBIT A (Multipurpose Maintenance Districts with New Rates)

District No.	District Description	FY2019-20 Current Rate	FY 2020-21 Proposed Rate	Number of Folios	Number of Units	Value	Avg Impact per Household/Folio
M797	Cypress Lake	\$ -	\$ 0.0445	61	330837	\$ 14,722	\$ 241
M518	Bailes Common 1st	\$ -	\$ 0.0473	48	251824	\$ 11,911	\$ 248
M527	Bailes Common	\$ -	\$ 0.0602	31	159709	\$ 9,614	\$ 310
M781	Bailes Common 2nd	\$ -	\$ 0.0617	22	112003	\$ 6,911	\$ 314

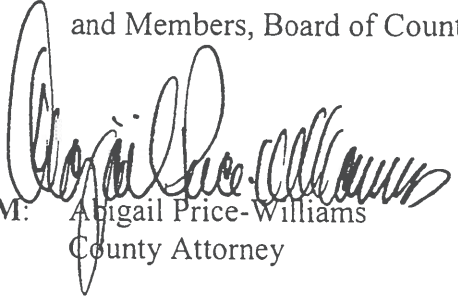


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: July 21, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(G)

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(G)
7-21-20

ORDINANCE NO. _____

ORDINANCE APPROVING, ADOPTING AND RATIFYING NON-AD VALOREM ASSESSMENT ROLLS, RATES AND ASSESSMENTS FOR CERTAIN NEWLY ACTIVE AND ABOLISHED SPECIAL TAXING DISTRICTS IN MIAMI-DADE COUNTY, FLORIDA FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; AND PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

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

WHEREAS, the public hearing was held during the meeting of this Board on Tuesday, _____, beginning at 9:30 a.m. in the Commission Chambers, Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida,

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

Section 1. This Board intends to use the uniform method of collection of non-ad valorem assessments as authorized in section 197.3632, Florida Statutes, as amended, for collecting the non-ad valorem assessments levied within Miami-Dade County for special taxing districts, including, but not limited to, street lighting, security guard, multipurpose maintenance, and capital improvement/road maintenance. Legal descriptions of such areas to the assessments, units of measurement, and the amount of the assessment are attached to the accompanying memorandum as Exhibit A and incorporated herein by reference. Except as herein provided, this Board hereby also incorporates by reference: (1) all previously adopted ordinances establishing and/or amending the districts and service areas described in Exhibit A to the accompanying memorandum; and, (2) any resolutions adopting preliminary or amended assessment rolls resolutions for the districts and service areas described in Exhibit A.

Section 2. After duly advertised public hearing, this Board has received written objections, if any, and heard testimony from all interested persons and, based on the special benefits to the properties within the districts described in Exhibit A to the accompanying memorandum, hereby determines that the assessments shown on the assessment rolls are in proportion to the special benefits accruing to the respective parcels of real property appearing on said assessment rolls and that the levies of the assessments are needed to fund the cost of providing street lighting, and multipurpose maintenance services within these districts. Said assessment rolls (a copy of which are made a part hereof by reference) are approved, adopted, and confirmed pursuant to section 18-14(6) of the Code of Miami-Dade County, Florida.

Section 3. All assessments made upon said assessment rolls shall constitute a special assessment lien upon real property so assessed from the date of the confirmation of such assessments, in accordance with the provisions of section 18-14(8) of the Code of Miami-Dade County, Florida.

Section 4. All assessments shall be payable in accordance with section 18-14(7) of the Code of Miami-Dade County, Florida. As authorized by section 197.363, Florida Statutes, all special assessments levied and imposed under the provisions of the various ordinances previously approved by the Board, shall be collected, subject to the provisions of Chapter 197, Florida Statutes, in the same manner and at the same time as ad valorem taxes. Unless paid when due, such assessments shall be deemed delinquent and payment thereof may be enforced by means of the procedures provided by the provisions of Chapter 197, Florida Statutes, or section 18-14(8) of the Code of Miami-Dade County, Florida.

Section 5. Within thirty (30) days from the effective date of this ordinance, the Clerk of the Board of County Commissioners is directed to deliver to the Finance Director a copy of the assessment roll, and to cause a duly certified copy of this ordinance, together with the assessment roll, to be filed and recorded in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 6. Unless otherwise prohibited by law, this ordinance shall supersede all enactments of this Board including, but not limited to, ordinances, resolutions, implementing orders, regulations, rules, and provisions in the Code of Miami-Dade County in conflict herewith; provided, however, nothing in this ordinance shall amend or supersede the requirements of Ordinance 07-45, as amended.

Section 7. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 8. All provisions of this ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon override by this Board.

Section 9. It is the intention of the Board of County Commissioners and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Daija P. Lifshitz

APW
DPL