

Memorandum

Agenda Item No. 4(P)

To: Honorable Chairperson and Members
Board of County Commissioners

Date: (Public Hearing 9-11-01)
July 24, 2001

From: Steve Shiver
County Manager

Subject: Kendale Lakes Landscape
Maintenance Special Tax
District

01-134

RECOMMENDATION

It is recommended that the Board approve an ordinance pertaining to the Kendale Lakes Landscape Maintenance Special Taxing District, which provides the County the authority to maintain lakes with legally secured access, original subdivision walls abutting public rights-of-way and which clarifies the maintenance areas. The ordinance also clarifies the method of noticing residents of the annual budget meeting.

BACKGROUND

The Kendale Lakes Special Taxing District was established in 1973 primarily as a landscape maintenance district. A second district was established in 1978, and in 1982, both districts were consolidated. The ordinance was then amended and clarified in 1987 to provide for annual meetings in which property owners could recommend to county staff the scope of services to be provided by the district. Since then, these annual meetings have resulted in the approval of district funds to provide, in addition to landscape maintenance and lake maintenance, maintenance of subdivision walls, and other improvements.

Subsequent to these actions, the County Attorney has advised that the enabling ordinance must be amended to expressly authorize services currently provided beyond the generally accepted interpretation of "landscape maintenance". There has also been concern expressed that the specific properties to be maintained are not sufficiently clear in the existing ordinance.

Accordingly, staff has developed the attached ordinance amendments over the course of the last year, pursuant to discussions at two public hearings and several meetings with district property owners and the current and former District County Commissioner. This ordinance clarifies the authority of staff to clean the lakes within the district and, within the proper legal parameters, to purchase capital equipment to provide these services. The ordinance delineates which swales, medians, roads and walls are to be maintained within the district boundaries. A map illustrating these responsibilities is attached:

Some of the area residents also are interested in purchasing additional aesthetic amenities, such as fountains and gazebos; however, the County Attorney has advised purchasing these types of improvements with district funds cannot be authorized by an Ordinance Amendment without an election within the district. A comparison of similar Special Tax Districts was conducted to insure consistency in scope and levels of service. Consistent with other Special Tax District

Honorable Chairperson and Members
Board of County Commissioners
Page 2

ordinances, the attached does not provide for an elected spokesperson as had become the practice in Kendale Lakes. The amendments presented in this document reflect our best effort to bring forth amendments to the ordinance to comply with the desires expressed by the residents at the annual meetings.



MEMORANDUM

TO:

Hon. Chairperson and Members
Board of County Commissioners

DATE: September 11, 2001

SUBJECT: Agenda Item No. 4(P)

FROM: Robert A. Ginsburg
County Attorney

01-134

Please note any items checked.

- "4-Day Rule" (Applicable if raised)
- 6 weeks required between first reading and public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of private business sector impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires a detailed County Manager's report for public hearing
- "Sunset" provision required
- Legislative findings necessary

maintenance, lake maintenance and maintenance of decorative walls abutting the maintained public right of way,

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

Section 1. The aforementioned recitals are incorporated herein as a portion of this Ordinance.

Section 2. The services to be provided within the boundaries of the Kendale Landscape Maintenance Special Taxing District, as set forth on the map attached hereto as "Exhibit 1," may include but are not limited to the following:

- (a) Turf maintenance of swale and medians located in section or half section and collector roadways (hereinafter referred to as "roadways") within the district. Such roadways are shown on Exhibit 1.
- (b) Maintenance of any and all areas of annual plantings within said roadways, including replacement plant materials. Such roadways are shown on Exhibit 1.
- (c) Maintenance of any and all shrubs and trees, including root pruning, within said roadways. Such roadways are shown on Exhibit 1.
- (d) Painting of the original subdivision masonry walls directly abutting said maintained roadways.
- (e) Maintenance of aquatic weeds in the lakes within the boundaries of the district provided that access to such lakes can be legally secured, and maintenance of bank and litter control on publicly accessible areas only.
- (f) Improvements related to landscape, lake, maintenance services within the public right-of-way or district maintained parcels to include maintenance equipment, irrigation systems, neighborhood signage and replacement or refurbishment of maintenance facilities.

The frequency of services to be provided as listed in items (a) through (e) hereof, and any other landscaping function to be provided or performed within the district, shall be discussed and reviewed annually.

Section 3. It is hereby declared that the additional improvements and services to be provided in accordance with the provisions of this Ordinance including lake maintenance and maintenance of subdivision masonry walls will provide a special benefit to all properties within the "Kendale Landscape Maintenance Special Taxing District" and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

Section 4. Not less than thirty days prior to the annual "property owners meeting," the County shall advertise in both a newspaper of general circulation throughout the county and in a local neighborhood circulated newspaper, and post in not less than five places within the boundaries of the Kendale Landscape Maintenance Special Taxing District a notice setting the date, place, and time of the annual public meeting of property owners and residents within the Kendale Landscape Maintenance Special Taxing District. The notice shall briefly describe the purpose of the meeting.

Section 5. The annual "property owners meeting" shall be held to, at a minimum, explain the budget and assessment for the ensuing year and shall be facilitated by county staff with presentations by county personnel, interested citizens and residents. Following such presentations, those present shall approve or disapprove appropriate recommendations and reach consensus on a budget recommendation for the County Commission.

Section 6. In all respects not inconsistent with the provisions of this Ordinance, the provisions of Resolution No. 923-73 and Ordinance Nos. 87-35, 82-21 and 78-93 shall remain in full force and effect.

Section 7. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida, and recorded in the appropriate book of records.

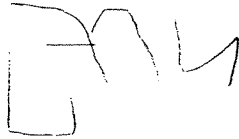
Section 8. The provisions of this Ordinance shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 9. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: SEP 13 2001

Approved by County Attorney as
to form and legal sufficiency. RA 6

Prepared by:

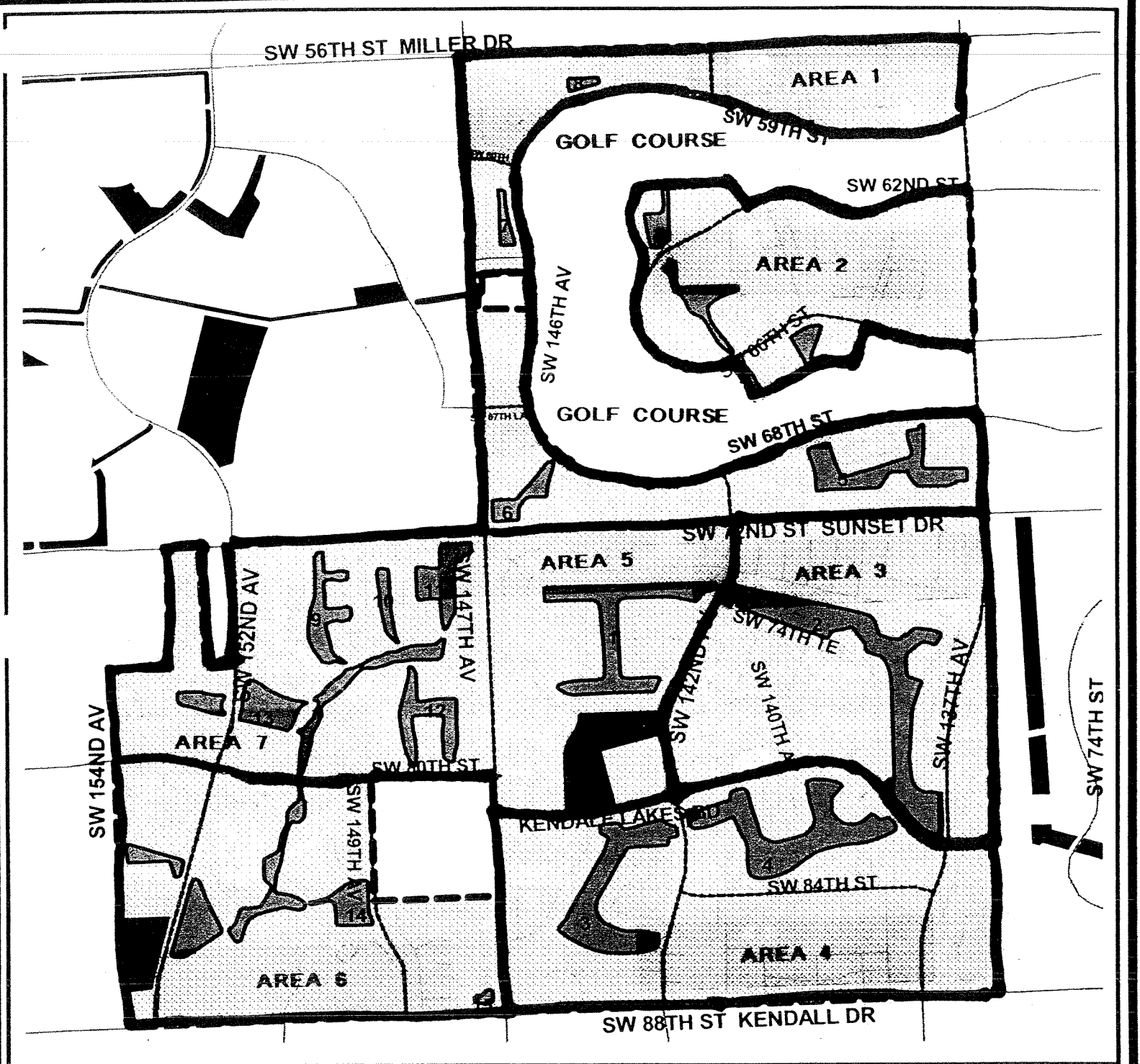


James K. Kracht



MIAMI-DADE COUNTY
 PARK AND RECREATION DEPARTMENT
 KENDALE LAKES SPECIAL TAX DISTRICT,
 BOUNDARY MAP

01-134



- County Parks
- Maintenance Areas
- Highways
- Major Roads
- Minor Roads
- Lakes
- District Boundary
- Not within District Boundary

1:18223

N

0 1000 2000 Feet

MAP PREPARED BY:
 MIAMI-DADE COUNTY
 PARK AND RECREATION DEPARTMENT
 PLANNING AND RESEARCH DIVISION
 G:/DOCUMENT/KE_SPTAX/GIS/
 KENDALELAKESPECIALTAXDISTRICT.APR
 JANUARY 2001 305-755-7860

9