

# MEMORANDUM

Agenda Item No. 4(O)

**TO:** Hon. Chairperson and Members  
Board of County Commissioners

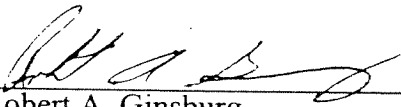
**DATE:** September 11, 2001

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance establishing Kendale  
Lakes Landscape Maintenance  
Special Taxing District Advisory  
Board

01 - 133

The attached ordinance was prepared and placed on the agenda at the request of  
Commissioner Joe A. Martinez.

  
Robert A. Ginsburg  
County Attorney

RAG/bw

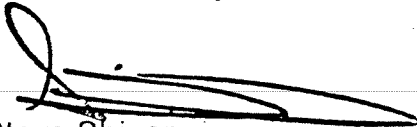


# MEMORANDUM

107.07-17A MIAMI-DADE COUNTY GOVT

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: September 11, 2001

FROM:   
Steve Shiver  
County Manager

SUBJECT: Ordinance Establishing a  
Kendale Lakes Landscape  
Maintenance Special Taxing  
District Advisory Board

01-133

The ordinance establishing a Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board will have no fiscal impact on Miami-Dade County as it is anticipated that existing personnel will be able to staff the Advisory Board.



## MEMORANDUM

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** September 11, 2001

**FROM:** Steve Shiver  
County Manager

**SUBJECT:** Report on the Establishment of a  
Kendale Lakes Landscape  
Maintenance Special Taxing  
District Advisory Board

01-133

Pursuant to Section 2-11.37(b) of the Code of Miami-Dade County, the following report provides information and impact of establishing a Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board, regarding these issues:

1. "Whether the establishment of the board will create sufficient betterment to the community to justify the Board of County Commissioners' delegation of a portion of its authority."

**The purpose of this advisory board is to assist the Board of County Commissioners and the County Administration with respect to matters pertaining to the Kendale Lakes Landscaping Maintenance Taxing District. In that regard the advisory board shall formulate and recommend plans and programs for the Special Taxing District that are only within the scope of authority of the Special Taxing District.**

2. "Whether another board or agency, either public or private, which is already in existence could serve the same purpose."

**No other public or private boards or agencies presently serve as advisory boards for special taxing districts.**

3. "The cost, both direct and indirect, of establishing and maintaining the board."

**The establishment of the advisory board will have no direct or indirect cost impact on the County. Any costs incurred in the establishment or maintenance of the advisory board will be included in the special taxing district budget as administrative overhead.**

4. "Whether the board is necessary to enable the County to obtain State or federal grants or other financing."

**The establishment of this advisory board is not a necessary requirement to enable the County to obtain State or federal grants or other financing.**

5. "Whether the board should have bonding authority."



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5. "Whether the board should have bonding authority."

**The functional scope of the advisory board does not allow the board to have bonding authority.**

6. "Whether the board should have final authority to enter into contracts and spend County funds, or whether its contracts and expenditures must be ratified by the Board of County Commissioners."

**The ordinance establishing the advisory board does not include the authority to enter into any contracts and spend County funds.**

7. "Whether the creation of a new board is the best method of achieving the benefit desired."

**The establishment of the advisory board will allow residents who fund the special taxing district to have a greater voice in the planning and programs of the taxing district. This more direct involvement will promote a better understanding of the community needs and allow for quicker reaction to those needs.**



# MEMORANDUM

TO:

Hon. Chairperson and Members  
Board of County Commissioners

DATE: September 11, 2001

SUBJECT: Agenda Item No. 4(O)

FROM:

Robert A. Ginsburg  
County Attorney

01-133

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

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Miami-Dade Item No. 4(0)  
9-11-01

ORDINANCE NO. 01-133

ORDINANCE ESTABLISHING A KENDALE LAKES LANDSCAPE MAINTENANCE SPECIAL TAXING DISTRICT ADVISORY BOARD, PROVIDING FOR MEMBERSHIP, PURPOSE, ORGANIZATION AND PROCEDURE, APPOINTMENT AND TENURE, POWERS, DUTIES AND FUNCTIONS OF THE BOARD, AND STAFF SUPPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Kendale Lakes Landscape Maintenance Special Taxing District ("Special Taxing District") was created for the maintenance of certain common areas, green areas, and lakes within the Kendale Lakes community; and

WHEREAS, the residents within the Special Taxing District desire to participate in the process by which the Special Taxing District funds are allocated and expended; and

WHEREAS, this Board desires to create a Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board ("Advisory Board") in order to provide assistance to this Board and to the County on issues concerning the Special Taxing District,

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

Section 1. The Code of Miami-Dade County shall be amended by the addition of the following new section:

- A. Creation of the Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board.** There is hereby created and established the Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board.

**B. Composition, Terms.** Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board ("Advisory Board") shall be composed of seven (7) members, each residing in one of the seven regions within the Kendale Lakes Landscape Maintenance Special Taxing District ("Special Taxing District"), as more specifically set forth below. The members shall serve staggered terms of no more than two (2) years, with no member serving for more than eight (8) consecutive years.

**C. Nomination and Selection of Members.**

(1) *Initial Advisory Board.* The Initial Advisory Board shall be established as provided in this paragraph. Within ten (10) days following the effective date of this Ordinance, the County, under the name of the County Commissioner from District 11, shall mail to each property owner and advertise for not less than two (2) consecutive weeks in both a newspaper of general circulation throughout the County and in a local neighborhood circulated newspaper, and post in not less than five (5) places within the limit of the Special Taxing District, a notice stating where and when applications (the "Applications") for the Initial Advisory Board will be available. An Application will also be included with every notice sent by mail. The Applications will be developed by the Park and Recreation Department and will require the applicant to provide her or his name, address, proof of residence within the Special Taxing District, and proof of length of residence within the Special Taxing District.

(a) The Application deadline will be no less than three (3) weeks from the date of the advertisement and mailing.

(b) The Park and Recreation Department will collect and evaluate the Applications as provided herein. At the expiration of the Application deadline, the County Representative, as defined in Section 1(c)(3), shall select the nominees for the Initial Advisory Board using the following



criteria. The applicant within each Special Taxing District region who has resided longest within the region will be the nominee for that region. If there is no applicant for a region, then the County Representative will appoint the nominee from the remaining pool of applicants.

- (c) The County Representative, by and through the Park and Recreation Department, will provide the Board of County Commissioners the slate of nominees for approval.
- (d) In order to establish staggered terms for the Advisory Board, the terms of the Initial Advisory Board members will be as provided in this section. The term of the members from odd-numbered Special Taxing District regions shall serve from the date of their approval by the Board of County Commissioners until the approval of the nominees by the Board of County Commissioners following the next annual meeting provided in Section 1(c)(3) herein, irrespective of whether those members of the Advisory Board have served a full year term. The members of the Initial Advisory Board from even-numbered Special Taxing District regions shall serve from the date of their approval by the Board of County Commissioners until the approval of the nominees by the Board of County Commissioners following the annual meeting two years following the passage of this Ordinance. For example, if this Ordinance is passed in October, 2001 and the Initial Advisory Board is empanelled and approved by November, 2001, the members of the Initial Advisory Board from odd-numbered regions will serve until the nominees from odd-numbered regions selected at the May, 2002 Nomination Meeting are approved by the Board of County Commissioners. The members of the Initial Advisory Board from

even-numbered regions shall serve until the nominees from the even-numbered regions selected at the May, 2003 Nomination Meeting are approved.

- (2) *Advertisement for Nomination Meeting.* On or before May 1 of each year following the establishment of the Initial Advisory Board, the County, under the name of the County Commissioner from District 11, shall mail to each property owner and advertise for not less than two (2) consecutive weeks in both a newspaper of general circulation throughout the County and in a local neighborhood circulated newspaper, and post in not less than five (5) places within the limits of the Special Taxing District, a notice setting the date, place, and time of a public meeting of property owners and residents within the limits of the Special Taxing District for purpose of selecting nominees for the Advisory Board. The notice shall briefly describe purpose of the meeting, the responsibilities of the Advisory Board, and advise the recipients that at the meeting nominations will be received for persons from the specified Special Taxing District regions desiring to serve as members of the Advisory Board for the upcoming two (2) year term.
  
- (3) *Nomination Meeting.* The annual nomination meeting shall be chaired by the Park & Recreation Department Special Taxing District Manager or other designee of the Park & Recreation Department Director ("County Representative"). The County Representative shall briefly discuss the responsibilities of the Advisory Board. The County Representative will open the floor for nominations only for those Special Taxing District regions with vacancies that year and shall record the names of those nominated for each vacant Special Taxing District region, as illustrated and defined in the Special Taxing District map attached as Exhibit "A." Each even-numbered year will have nominations for odd-numbered Special Taxing District regions and vice-versa. At least one person from each vacant Special Taxing District region

shall be nominated for the Advisory Board. If more than one person from region is nominated for a single region, then the person residing in the region for the longest period of time shall become the region's nominee. If no nominee is secured for a given Special Taxing District region, then the Director of the Park & Recreation Department will appoint the nominee. The County Representative will be responsible for verifying the residence of all nominees, and if necessary, the length of residency within the Special Taxing District and specific region.

- (4) *Board Approval of Nominees.* The County Representative, by and through the Park and Recreation Department, will provide the Board of County Commissioners the slate of nominees for approval.
- (5) *Vacancies.* Should any Advisory Board member move out of the region for which they were nominated during the course of her or his term, but continue to reside within the Special Taxing District, then that Advisory Board member will serve out her or his term, but will not be eligible for a new term within that region, unless no resident within the region desires to be the region's nominee at the following Nomination Meeting. Should any Advisory Board member move out of the Special Taxing District during her or his term, then she or he will forfeit her or his position on the Advisory Board. Should an Advisory Board member resign during her or his term for any other reason, the position will remain vacant until the following term.

- D. **Officers; Quorum; Compensation.** The members of the Advisory Board shall elect a chairperson and vice chairperson, who shall serve at the will of the Advisory Board. Four (4) members of the Advisory Board shall constitute a quorum necessary to hold a meeting and take any action. A majority vote of the quorum of the Advisory Board shall be necessary to take any action. Members shall serve without compensation. The chairperson or vice chairperson may call meetings of the Advisory Board. Meetings may also be called by written notice signed by

four (4) members. The Advisory Board at any duly noticed meeting may fix and call a meeting on a future date. All meetings shall be public.

- E. Duties, Powers, and Responsibilities.** The Board shall have the following duties, powers and responsibilities:
- (1) To serve in an advisory capacity to the Board of County Commissioners, and the County administration, in respect to matters pertaining to the Special Taxing District.
  - (2) To formulate and recommend plans and programs for the Special Taxing District.
  - (3) The Advisory Board shall annually report to the Board of County Commissioners as to its recommendations.
  - (4) To perform such other duties as may from time to time be assigned to it by resolution of the Board of County Commissioners.
- F. Support.** The County Manager, County Attorney and Clerk of the Board shall provide appropriate support for the Advisory Board.
- G. Meetings of the Board.** The Advisory Board shall hold regular meetings, no less than six times per year, and such other meetings, as it deems necessary. The Advisory Board shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1 of the Code of Miami-Dade County.

**Section 2. Severability.** 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 3.**     **Incorporation into Miami-Dade County Code.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.**     **Effective Date.** 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 5.**     **Sunset Ordinance.** This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:     SEP 13 2001

Approved by County Attorney as  
to form and legal sufficiency:

          RDL            
          AO          

Prepared by:  
Angelique Ortega  
Sponsored by Commissioner Joe A. Martinez