

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2019-268

A RESOLUTION OF THE CITY COMMISSION AMENDING THE POLICY AND PROCEDURES FOR THE AMENDMENT OF EXISTING SPECIAL TAXING DISTRICTS WITHIN THE CITY OF CORAL GABLES.

WHEREAS, recently, Miami-Dade County (“County”) adopted Section 18-3.1, Miami-Dade County Code, which allows the County and a municipality, by joint resolutions, to designate the governing body of such municipality as the governing body of a special taxing district wholly within the boundaries of such municipality, subject to a majority vote of the qualified electors of the special taxing district; and

WHEREAS, pursuant to the code change, the County has designated the City of Coral Gables (“City”) the governing body of the existing special taxing districts wholly within the boundaries of the City; and

WHEREAS, the City, as the new governing body of the special taxing districts passed Resolution 2018-239 adopting a policy regarding the creation and amendment of special taxing districts, attached hereto as **Exhibit “A”**; and

WHEREAS, the City Commission wishes to amend the policy adopted pursuant to Resolution 2018-239 to require the petition be approved by the City Commission prior to distribution and specifically require both the petition and the notice shall include the proposed changes to the special taxing district and the estimated economic impact of said changes;

NOW, THEREFORE BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon the adoption hereof.

SECTION 2. The City Commission does hereby amend the policy that establishes procedures for the creation of new special taxing districts and amendments of existing special taxing districts as attached herein as **Exhibit “B”**.

SECTION 3. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED ON THIS TENTH DAY OF SEPTEMBER, A.D., 2019.

(Moved: Keon / Seconded: Lago)

(Yeas: Lago, Mena, Fors, Jr., Keon, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: G-2)

APPROVED:



RAUL VALDES-FAULI
MAYOR

ATTEST:



BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS
CITY ATTORNEY

CITY OF CORAL GABLES

POLICY REGARDING THE CREATION AND AMENDMENT OF SPECIAL TAXING DISTRICTS

The City of Coral Gables (hereinafter referred to as the “City”) and Miami-Dade County (hereinafter referred to as the “County”) are currently in the process of transferring control of all Special Taxing Districts within the City boundaries from County to the City. As a result of said transfer, questions and concerns about processes have surfaced. The following policy sets forth the process by which future Special Taxing Districts may be created and the manner in which the existing Special Taxing Districts may be amended.

PROCESS FOR THE CREATION OF A NEW SPECIAL TAXING DISTRICT WITHIN THE CITY OF CORAL GABLES

1. Pursuant to the Dade County Home Rule Amendment to the Florida Constitution, and the Home Rule Charter adopted by Miami-Dade County, the County has the power to create special purpose districts and has established the process for their creation under Chapter 18 – “Improvement and Special-Purpose District,” of the Miami-Dade Code of Ordinances.
2. The process for the creation and establishment of a district are delineated under Section 18-3 of the Miami-Dade Code of Ordinances, which is summarized as follows:
 - a. Letter of intent is received from Homeowner Association (HOA) or homeowners.
 - i. For homeowners 10 percent of the resident owners' signatures are required.
 - b. Petition package is prepared for homeowner to complete.
 - i. Signatures of 50 percent of the homeowners required.
 - c. Legislative package is prepared for BCC approval.
 - i. First Reading
 - ii. Second Reading (Public Hearing)
 - d. Election
 - i. Majority of qualified voters say “yes.”

AMENDMENT PROCESS FOR EXISTING SPECIAL TAXING DISTRICTS WITHIN THE CITY OF CORAL GABLES¹

1. A letter of intent (LOI) is submitted to the City from the applicable Homeowner Association (HOA), if the Special Taxing District has a mandatory HOA, otherwise 20 percent of the homeowners (herein after referred to as the “Homeowners”) within the Existing District. The LOI is to include an exhibit containing a list of every Folio and Address within the boundaries.

Exhibit A

2. Once in receipt of an LOI, the City will provide a petition form to the HOA or the Homeowners.
3. The requesting party, either the HOA or the Homeowners, will circulate the petition among all property owners within the district boundaries and must acquire the support of more than 50 percent of the property owners for the amendment request to proceed.
 - a. The petition must be completed and returned to the City within four (4) months from the date of issue. If the petition is not returned to the City within four (4) months, then it will be deemed unsuccessful.
 - b. All submitted petition forms must be original and completed in ink.
 - c. Only one property owner's signature, per household, will count toward the more than 50 percent requirement.
4. Once the petition is received by the City the level of support will be assessed and the amendment process will continue as follows:
 - a. If the support of at least 50 percent of the property owners plus one additional property owner is not attained on the petition, then the request for amendment to the existing special taxing district will have been deemed unsuccessful and no further progress will be made.
 - i. The HOA or Homeowners are barred from requesting a materially similar amendment request for one (1) year from the date of the unsuccessful petition.
 - b. If the support of more than 50 percent but not more than 66.66 percent of the property owners is attained on the petition, then a legislative package will be prepared for approval before the City Commission, which if approved will require an election.
 - i. The item will be presented to the City Commission for two (2) readings with mailed notice being sent to all property owners within the District 21 days before the second reading.
 - ii. If the item is approved by the City Commission on second reading, then the item will be set for an election.
 - iii. A majority of qualified voters will need to approve the amendment in order to enact the requested changes.
 - iv. The election will be conducted by mailed ballot by either the Miami-Dade Elections Department or by the City's Clerk as to be determined by the City. Any costs associated with the election will be the financial responsibility of the Existing Special Taxing District regardless if the amendment passes or fails.
 - c. If the support of more than 66.66 percent of the property owners is attained on the petition, then a legislative package will be prepared for approval and enactment before the City Commission
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- ii. If the item is approved by the City Commission on second reading, then the item will be enacted and no election will be required.
(Notwithstanding the level of support on the petition, the City Commission may choose to have an election on the requested amendment to the special taxing district.)

ⁱ This amendment process will be for significant changes of service as determined by the City. Cost recovery is not considered an amendment and any increases in the assessments that are due to increases in the costs of services will not go through an amendment process and will be completed by the City administratively.

CITY OF CORAL GABLES

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Exhibit B

2. Once in receipt of an LOI, the City will draft a petition, which contains the proposed changes to the district and a cost estimate to implement the proposed changes, and present it to the City Commission for approval by Resolution. Once approved by the City Commission the petition will be provided to the HOA or the Homeowners.
3. The requesting party, either the HOA or the Homeowners, will circulate the petition among all property owners within the district boundaries and must acquire the support of more than 50 percent of the property owners for the amendment request to proceed.
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