

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RATIFYING AND ACCEPTING THE RESOLUTION PASSED BY MIAMI-DADE COUNTY APPROVING THE EXECUTION OF AN INTERLOCAL AGREEMENT FOR THE TRANSFER OF CONTROL FROM MIAMI-DADE COUNTY TO THE CITY OF MIAMI BEACH OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE CITY, AND AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION.

WHEREAS, the Mayor and Commission of the City of Miami Beach and the Miami-Dade County ("County") Board of County Commissioners ("Board") approved the creation of the Biscayne Beach Security Guard Special Taxing District ("Special Taxing District") through City Resolution No. 88-19368 and County Ordinance 89-126, in order to to provide 24-hour security guard service to Biscayne Beach; and

WHEREAS, the Special Taxing District is located entirely within the City of Miami Beach ("City"), and Section 18-3.1 of the Code of Miami-Dade County provides that for a special taxing district located entirely within municipal boundaries, the County may designate the governing body of the municipality as the governing body of the special taxing district, subject to a majority vote of the qualified electors residing in the district; and

WHEREAS, the City Commission, by Resolution No. 2018-30576 (Exhibit "A"), requested the transfer of control of the Special Taxing District from Miami-Dade County to the City of Miami Beach, and subsequently approved the execution of an interlocal agreement to transfer control of the Special Taxing District from the County to the City by Resolution No. 2019-30749 (Exhibit "B"); and

WHEREAS, the next step in the process to transfer control of the Special Taxing District from the County to the City is the County's approval of the interlocal agreement regarding the transfer of control of the Special Taxing District; and

WHEREAS, on June 4, 2019, the County passed and adopted Resolution No. R-588-19, which approved the interlocal agreement and the transfer of control of the Special Taxing District (Exhibit "C"), subject to the City passing this Resolution; and

WHEREAS, in addition, on June 4, 2019, the County passed and adopted Resolution No. R-589-19, which called a special election for the Special Taxing District and provided that the special election shall be held within the boundaries of the Special Taxing District, set forth the ballot question to be presented for approval or disapproval by a mailed ballot and the noticing requirements and registration deadline, and provided that the special election shall be held on December 17, 2019 and that all marked ballots must be received by 7:00 pm on that day (Exhibit "D"); and

WHEREAS, on December 17, 2019, the voters of the Biscayne Beach Security Guard Special Taxing District approved the transfer of control of the Special Taxing District from the County to the City; and

WHEREAS, the City Commission finds it to be in the best interest of the City to approve this Resolution and to ratify and accept County Resolution No. R-588-19 approving the transfer of control of the Special Taxing District and the interlocal agreement designating the City as the governing body of the Special Taxing District pursuant to Section 18-3.1 of the Code of Miami-Dade County.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AS FOLLOWS:

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.

SECTION 2. That the Mayor and City Commission of the City of Miami Beach hereby approve this Resolution and ratify and accept County Resolution No. R-588-19 approving the transfer of control of the Special Taxing District and the interlocal agreement designating the City as the governing body of the Special Taxing District pursuant to Section 18-3.1 of the Code of Miami-Dade County.

SECTION 3. That the Mayor and City Commission hereby authorize the City Manager to do all things necessary to effectuate the intent of this Resolution, and direct the City Clerk to transmit a copy of this Resolution to the Miami-Dade County Clerk of the Board of County Commissioners.

SECTION 4. That this Resolution shall be effective upon passage and adoption.

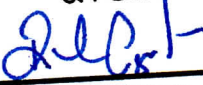
PASSED AND ADOPTED this 15th day of January, 2020.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

1-6-20
Date

NK

EXHIBIT A

RESOLUTION NO. 2018-30576

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, IN ACCORDANCE WITH SECTION 18-3.1 OF THE MIAMI-DADE COUNTY CODE, REQUESTING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO TRANSFER CONTROL OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT FROM THE COUNTY TO THE CITY, AND TO DESIGNATE THE MAYOR AND CITY COMMISSION AS THE GOVERNING BODY OF THE SPECIAL TAXING DISTRICT, SUBJECT TO A MAJORITY VOTE OF THE QUALIFIED ELECTORS RESIDING IN THE SPECIAL TAXING DISTRICT.

WHEREAS, in 1989, the City of Miami Beach's ("City") Mayor and City Commission and the Miami-Dade County ("County") Board of County Commissioners ("Board") approved the creation of the Biscayne Beach Security Guard Special Taxing District ("Special Taxing District") in City Resolution No. 88-19368 and County Ordinance No. 89-126 to provide 24-hour security guard service to Biscayne Beach; and

WHEREAS, on February 2, 2016, the County Board adopted Ordinance No. 16-14, creating a new Section 18-3.1 in the Miami-Dade County Code, providing that, subject to Charter referendum approval at the November 8, 2016 election, a municipality could be authorized to act as the governing body of a special taxing district located entirely within its municipal boundaries, and that control of an existing special taxing district in a municipality could be transferred from the County Board to the governing body of such municipality; and

WHEREAS, on November 8, 2016, the electorate approved a County Charter Amendment validating and giving effect to County Ordinance No. 16-14; and

WHEREAS, the Biscayne Beach Security Guard Special Taxing District is located entirely within the boundaries of the City; and

WHEREAS, Section 18-3.1 of the County Code provides, in part, that by joint resolutions of the County Board and the governing body of a municipality, the governing body of a municipality may be designated as the governing body of an existing special taxing district located entirely within the boundaries of such municipality, subject to a majority vote of the qualified electors residing in the special taxing district at an election called by and conducted as provided by the County Board; and

WHEREAS, the transfer of control of the Biscayne Beach Security Guard Special Taxing District from the County Board to the City has been requested and is supported by the Biscayne Beach Homeowner's Association; and

WHEREAS, the Mayor and City Commission hereby request the transfer of control of the Biscayne Beach Security Guard Special Taxing District from the County Board to the Mayor and City Commission of the City of Miami Beach, and the designation of the Mayor and City Commission as the governing body of the Special Taxing District, subject to a majority vote of the qualified electors residing in the Special Taxing District.

EXHIBIT A

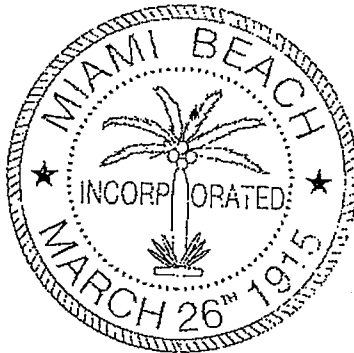
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, the Mayor and City Commission, in accordance with Section 18-3.1 of the Miami-Dade County Code, hereby request the Miami-Dade County Board of County Commissioners to transfer control of the Biscayne Beach Security Guard Special Taxing District from the County to the City, and to designate the Mayor and City Commission as the governing body of the Special Taxing District, subject to a majority vote of the qualified electors residing in the Special Taxing District; and, further authorize the City Manager to do all things necessary to carry out the intent of this Resolution and direct the City Clerk to transmit a copy of this Resolution to Mayor Carlos A. Gimenez and members of the Miami-Dade County Board of County Commissioners.

PASSED AND ADOPTED this 17th day of October, 2018.

ATTEST:


Dan Gelber, Mayor

 10/30/18
Rafael E. Granado, City Clerk



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

10-9-18
Date

EXHIBIT A

Resolutions - R7 U

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: October 17, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, IN ACCORDANCE WITH SECTION 18-3.1 OF THE MIAMI-DADE COUNTY CODE, REQUESTING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO TRANSFER CONTROL OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT FROM THE COUNTY TO THE CITY, AND TO DESIGNATE THE MAYOR AND CITY COMMISSION AS THE GOVERNING BODY OF THE SPECIAL TAXING DISTRICT, SUBJECT TO A MAJORITY VOTE OF THE QUALIFIED ELECTORS RESIDING IN THE SPECIAL TAXING DISTRICT.

Legislative Tracking

Finance

ATTACHMENTS:

Description

- ▢ Memorandum- Biscayne Beach
- ▢ HOA request- Transfer of Biscayne Beach to Miami Beach
- ▢ Biscayne Beach Resolution

EXHIBIT A

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: October 17, 2018

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, IN ACCORDANCE WITH SECTION 18-3.1 OF THE MIAMI-DADE COUNTY CODE, REQUESTING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO TRANSFER CONTROL OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT FROM THE COUNTY TO THE CITY, AND TO DESIGNATE THE MAYOR AND CITY COMMISSION AS THE GOVERNING BODY OF THE SPECIAL TAXING DISTRICT, SUBJECT TO A MAJORITY VOTE OF THE QUALIFIED ELECTORS RESIDING IN THE SPECIAL TAXING DISTRICT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

Effective October 1, 2018, the administration of the Biscayne Point Security Guard Special Taxing District was transitioned from Miami-Dade County to the City of Miami Beach. There are four remaining Security Guard Special Taxing Districts that are currently administered by Miami-Dade County including Allison Island, Biscayne Beach, Star Island, and Palm & Hibiscus Island. Following the successful transition of the Biscayne Point District, the City Commission directed the Administration to contact the remaining four districts to determine if they would be interested in beginning the process to transition from the County to the City in a holistic manner.

ANALYSIS

Pursuant to the request of Commissioner Aleman, the above-referenced Resolution requesting the transfer of control of the Biscayne Beach Security Guard Special Taxing District ("Special Taxing District") from the Miami-Dade County Board of County Commissioners to the Mayor and City Commission of the City of Miami Beach is submitted for consideration by the Mayor and City Commission. The transfer of control of the Special Taxing District is supported by the Biscayne Beach Homeowners Association and would be subject to County approval and a majority vote of qualified electors residing in the Special Taxing District.

In 1989, the City of Miami Beach's ("City") Mayor and City Commission and the Miami-Dade County ("County") Board of County Commissioners ("Board") approved the creation of the Biscayne Beach Security Guard Special Taxing District ("Special Taxing District") in City Resolution No. 88-19368 and County Ordinance No. 89-126 to provide 24-hour security guard service to Biscayne Beach.

Pursuant to a County Charter Amendment approved by the electorate on November 8, 2016, County Ordinance No. 16-14 was given effect which created a new Section 18-3.1 in the Miami-

EXHIBIT A

Transfer of Biscayne Beach Security Guard Special Taxing District

October 17, 2018

Page 2

Dade County Code. This new County Code Section provides, in part, that by joint resolutions of the County Board and the governing body of a municipality, the governing body of a municipality may be designated as the governing body of an existing special taxing district located entirely within the boundaries of such municipality, subject to a majority vote of the qualified electors residing in the special taxing district at an election called by and conducted as provided by the County Board. In addition, the County has advised that interlocal agreements with the County Board and with the County Tax Collector and Property Appraiser would be needed to effectuate a transfer of control.

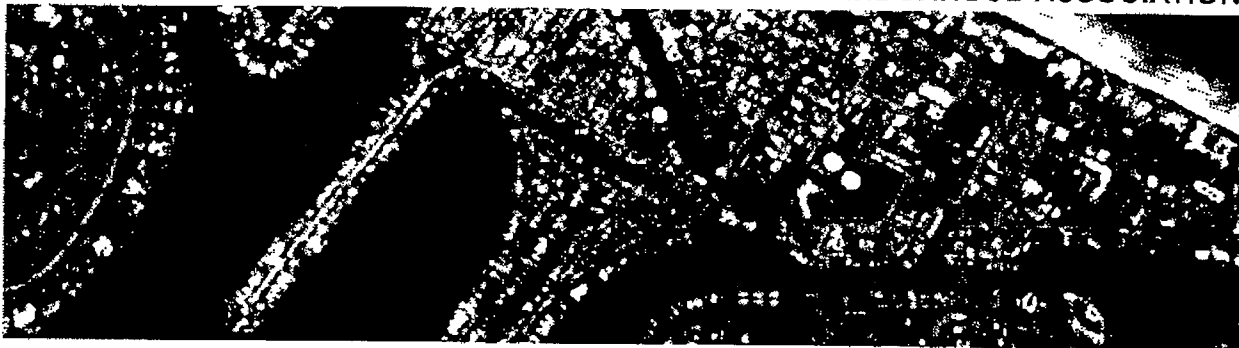
FINANCIAL INFORMATION

The County collects an administrative fee to offset costs related to administering service contracts and providing fiscal support for the District. It is anticipated that the administrative fee would cover the City's costs to provide administrative support. Administrative support would be similar to that currently provided by the City to the Biscayne Point Security Guard Special Taxing District.

JLM/JW

EXHIBIT A

STILLWATER DRIVE NEIGHBORHOOD ASSOCIATION



ATTN: John Woodruff
Chief Financial Officer
City of Miami Beach

Oct. 3, 2018

CC: Christina Salinas Cotter
Special Taxing Districts Division
Miami-Dade County

Hello John,

Thank you for your commitment to our neighborhood. As you know, in Sept of 2017 we made a request to Miami Beach Commissioners that our Special Taxing District (STD) be transferred from Miami Dade County to the City of Miami Beach. Over the last five years our neighborhood has been requesting better accountability, more financial transparency and better services for our residents. We have absorbed a number of assessments due to poor accounting practices at the County and have been waiting for four years to have security cameras installed at our Guard House. It is for these reasons that our neighborhood officially requested this transfer of responsibility to Miami Beach. We are confident that the City will be able to provide the level of service and accountability that we deserve. Our tax dollars should serve our community and provide the security we invest in annually.

We understand the City is now ready to move forward with the process of transferring the Special Taxing District. Please use this letter as a confirmation of our intent and desire to move the Biscayne Beach/ Stillwater Drive (G199) STD from Miami Dade County to the City of Miami Beach.

I look forward to meeting with you and your team to review our service portfolio in the near future.

Thank you once again for your commitment to our community.

Respectfully,

Carolina Jones
President, SDNA
Stillwater Drive Neighborhood Association
305-772-3330

EXHIBIT B

RESOLUTION NO. 2019-30749

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE, SUBSTANTIALLY IN THE FORM ATTACHED AND AS ACCEPTABLE TO THE CITY MANAGER AND CITY ATTORNEY, AN AGREEMENT FOR TRANSFER OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT CURRENTLY MAINTAINED BY MIAMI-DADE COUNTY, WHICH PROVIDES FOR THE TRANSFER OF CONTROL OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT FROM THE COUNTY TO THE CITY AND THE DESIGNATION OF THE MAYOR AND CITY COMMISSION AS THE GOVERNING BODY OF THE SPECIAL TAXING DISTRICT, SUBJECT TO A MAJORITY VOTE OF THE QUALIFIED ELECTORS RESIDING IN THE SPECIAL TAXING DISTRICT.

WHEREAS, in 1989, the City of Miami Beach's ("City") Mayor and City Commission and the Miami-Dade County ("County") Board of County Commissioners ("Board") approved the creation of the Biscayne Beach Security Guard Special Taxing District ("Special Taxing District") in City Resolution No. 88-19368 and County Ordinance No. 89-126 to provide 24-hour security guard service to Biscayne Beach; and

WHEREAS, on February 2, 2016, the County Board adopted Ordinance No. 16-14, creating a new Section 18-3.1 in the Miami-Dade County Code, providing that, subject to Charter referendum approval at the November 8, 2016 election, a municipality could be authorized to act as the governing body of a special taxing district located entirely within its municipal boundaries, and that control of an existing special taxing district in a municipality could be transferred from the County Board to the governing body of such municipality; and

WHEREAS, on November 8, 2016, the electorate approved a County Charter Amendment to Section 1.01(A)(11) of the Miami-Dade County Home Rule Charter validating and giving effect to County Ordinance No. 16-14 that created Section 18-3.1 of the County Code; and

WHEREAS, the Biscayne Beach Security Guard Special Taxing District is located entirely within the boundaries of the City; and

WHEREAS, Section 18-3.1 of the County Code provides, in part, that by joint resolutions of the County Board and the governing body of a municipality, the governing body of a municipality may be designated as the governing body of an existing special taxing district located entirely within the boundaries of such municipality; and

EXHIBIT B

WHEREAS, Section 18-3.1 of the County Code further provides that:

Any resolution designating the governing body of a municipality as the governing body of an existing special taxing district shall not become effective prior to approval of the transfer of control of the special taxing district by a majority vote of the qualified electors residing in the special taxing district voting at an election to be called by the Board and noticed and conducted by mailed ballot or otherwise, as the Board shall by resolution determine and shall set forth a date for the transfer of control of the special taxing district and shall provide that the governing body of such municipality shall be responsible for all pre-existing and future liabilities of such taxing district, whether known or unknown, for the protection of any creditors of such special taxing district as of the date of the transfer of control of such special taxing district, and for encouraging any vendors of such special taxing district to pay the Living Wage required by Section 2-8.9 of the Code of Miami-Dade County, Florida to such vendors' employees working on contracts providing any of the Covered Services set forth in Section 2-8.9(F)(1) of the Code of Miami-County [sic], Florida; and

WHEREAS, the transfer of control of the Biscayne Beach Security Guard Special Taxing District from the County Board to the Mayor and City Commission of the City of Miami Beach has been requested and is supported by the Biscayne Beach Homeowners Association; and

WHEREAS, at the October 17, 2018 City Commission meeting, the Mayor and City Commission adopted Resolution No. 2018-30576, requesting the County to transfer control of the Biscayne Beach Security Guard Special Taxing District from the County Board to the Mayor and City Commission of the City of Miami Beach, and to designate the Mayor and City Commission as the governing body of the Special Taxing District, subject to a majority vote of the qualified electors residing in the Special Taxing District; and

WHEREAS, execution of an Agreement for Transfer of the Biscayne Beach Security Guard Special Taxing District from Miami-Dade County to the City of Miami Beach ("Agreement") is required to proceed with the process of the transfer of control of the Special Taxing District from the County to the City; therefore, the City Manager should be authorized to execute an Agreement, substantially in the form attached hereto and as acceptable to the City Manager and the City Attorney.

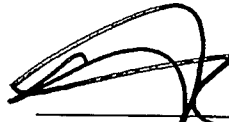
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the City Manager to execute, substantially in the form

EXHIBIT B

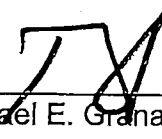
attached and as acceptable to the City Manager and City Attorney, an Agreement for Transfer of the Biscayne Beach Security Guard Special Taxing District Currently Maintained by Miami-Dade County, which Agreement provides for the transfer of control of the Biscayne Beach Special Taxing District from the County to the City and the designation of the Mayor and City Commission as the governing body of the Special Taxing District, subject to a majority vote of the qualified electors residing in the Special Taxing District.

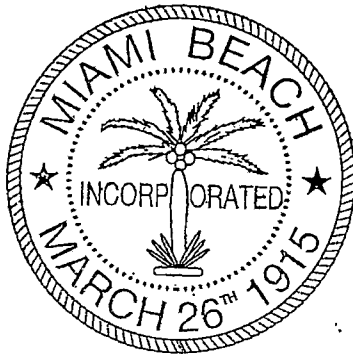
PASSED AND ADOPTED this 13th day of March, 2019.

ATTEST:



Dan Gelber, Mayor

 3/25/19
Rafael E. Granado, City Clerk



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

3/12/19
Date

EXHIBIT B

TRANSFER OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT FROM MIAMI-DADE COUNTY TO THE CITY OF MIAMI BEACH

THIS AGREEMENT FOR TRANSFER OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT CURRENTLY MAINTAINED BY MIAMI-DADE COUNTY (AGREEMENT), made and entered into this ____ day of _____, 2019, by and between the **CITY OF MIAMI BEACH, FLORIDA**, a municipal corporation of the STATE OF FLORIDA (hereinafter referred to as the "City") and **MIAMI-DADE COUNTY**, a political subdivision of the STATE OF FLORIDA (hereinafter referred as the "County").

WITNESSETH

WHEREAS, the City has requested transfer of the ownership of the assets and control of the Biscayne Beach Security Guard Special Taxing District ("**Special Taxing District**") from the County to the City such that the City Commission will become the governing body responsible for the Special Taxing District; and

WHEREAS, the City and the County are mutually desirous of transferring the Special Taxing District to the City; and

WHEREAS, the City shall take full responsibility for the operation and maintenance of the Special Taxing District as determined herein, including exclusive responsibility for all pre-existing and future liabilities, whether known or unknown,

NOW, THEREFORE, in consideration of the covenants herein provided, the City of Miami Beach and Miami-Dade County agree as follows:

1. The foregoing recitals are incorporated herein.
2. This Agreement shall become effective upon the last effective date of a joint resolution transferring the Special Taxing District, and a favorable election of the residents for the transfer ("**Effective Date**"). Either party may terminate this Agreement prior to the joint resolution being passed by both the Board of County Commissioners and the City Commission.
3. Prior to passing the joint resolution, the City shall have the right to conduct due diligence, including an inspection of the Special Taxing District's improvements.
4. Twelve (12) days after the Effective Date, unless a contest of the election is filed pursuant to section 102.168 of the Florida Statutes, the Board of County Commissioners ("**Board**") will no longer be the governing body of the Special Taxing District and the City Commission shall be the governing board of the Special Taxing District ("**Transfer Date**"). If a contest is filed, the transfer will occur upon a successful resolution of such contest upholding the election, which is no longer challengeable by any appeal.

EXHIBIT B

5. On October 1, 2020, the County will cease all involvement, including all operations and maintenance for the Special Taxing District, and the City will be exclusively responsible for the Special Taxing District ("**Completion Date**").
6. The County will continue to provide service to the Special Taxing District between the Transfer Date and the Completion Date ("**Transition Period**"), but any action requiring Board approval will be presented to the City Commission.
7. Prior to the Transfer Date, the Special Taxing Districts Division of the County shall provide to the City a preliminary financial reconciliation of all known liabilities for the Special Taxing District.
8. Beginning on the Transfer Date, the City shall be responsible for all pre-existing and future liabilities of the Special Taxing District, whether known or unknown, and regardless of whether they appear on the financial reconciliation provided by the County.
9. During the Transition Period, the Special Taxing Districts Division of the County will be available to meet with the City to provide assistance with operations questions.
10. The City shall be responsible for establishing assessment rates and collecting assessments for the Special Taxing District beginning October 1, 2020. If the City intends on using the uniform method for the levy, collection, and enforcement of non-ad valorem assessments, the City shall comply with the requirements of section 197.3632 of the Florida Statutes and shall make such arrangements with the Miami-Dade County Office of the Property Appraiser and Miami-Dade County Tax Collector.
11. The City shall arrange for transfer of the Special Taxing District's utility accounts into the City's name, to take effect no later than September 1, 2020. Such utilities include, but are not limited to, Florida Power and Light and Miami-Dade County Water and Sewer.
12. Prior to the Completion Date, the City shall assume the existing contractual obligations for the Special Taxing District if the County cannot terminate said contracts, or shall procure contracts with vendors to provide all necessary services to the Special Taxing District, including, but not limited to, contracts for the following services: security guards, extermination, janitorial, gate repair, and building repair. The City's contractors shall commence service on October 1, 2020.
13. Prior to the Completion Date, the City shall be responsible for establishing its own protocols and policies for accessing the Special Taxing District, including, but not limited to, the issuance and use of access devices, if any. The County shall transfer to the City the Special Taxing District's entire inventory of unissued access devices. Notwithstanding this provision, the City agrees at all times to maintain public access to the public roads within the Special Taxing District, in accordance with state law, and the Code of Miami-Dade County, Florida.
14. Beginning on the Completion Date, the City Commission shall be responsible for the continuous operation, maintenance, repair, and replacement, when necessary, of the

EXHIBIT B

Special Taxing District's improvements and systems, including, but not limited to, the guardhouse, guardhouse air conditioning, plumbing and electrical, security cameras, and guard gate.

15. Beginning on the Completion Date, the City shall be responsible for payment of all of the Special Taxing District's expenses.
16. The County shall transfer to the City, effective on the Completion Date, any active, transferrable warranties on the Special Taxing District's improvements or equipment.
17. Within thirty (30) days of the Completion Date, the County shall provide to the City a final financial reconciliation of all known liabilities for the Special Taxing District. Any omission from the final reconciliation shall not constitute a waiver by either the County or the City for payment to or from the Special Taxing District's account.
18. Within sixty (60) days of the Completion Date, the County shall remit to the City any remaining surplus funds in the Special Taxing District's account, or shall issue an invoice to the City for any deficit in the Special Taxing District's account.
19. Following expiration of all existing contractual obligations, pursuant to section 2-8.9 of the Code of Miami-Dade County, the City is encouraged to pay the Living Wage.
20. To the extent allowed by, and subject to the limitations of, section 768.28 of the Florida Statutes, the City does hereby agree to indemnify and hold the County, its officials, employees and instrumentalities, harmless from any and all liability for any damage, injury, or claim that may arise by virtue of the Special Taxing District, or the exercise of any rights, obligations or actions under this Agreement, including but not limited to the City's failure to provide services or maintain, repair, replace, or operate the improvements.
21. The undersigned further agrees that these conditions shall be deemed a continuing obligation between the City and the County and shall remain in full force and effect and be binding on the City, and any permitted successors or assigns.
22. In the event that the City requests any third party to assume any of the responsibilities hereunder, the City acknowledges that such assumption shall not relieve the City from any obligations or responsibilities hereunder. Any failure by any third party shall not subject the County to any liability for any damage, injury, or claim that may arise.
23. Nothing in this Agreement, expressed or implied, is intended to: (a) confer upon any entity or person other than the parties and any permitted successors or assigns, any rights or remedies under or by reason of the Agreement as a third party beneficiary or otherwise except as specifically provided in this Agreement; or (b) authorize anyone not a party to this Agreement to maintain an action pursuant to or based upon this Agreement. Additionally, nothing herein shall be deemed to constitute a waiver of any rights under section 768.28 of the Florida Statutes, or as a waiver of the County's sovereign rights.

EXHIBIT B

24. The language agreed to herein expresses the mutual intent and agreement of the County and the City, and shall not, as a matter of judicial construction, be construed more severely against one of the parties from the other.
25. Any notices to be given hereunder shall be in writing and shall be deemed to have been given if sent by hand delivery, recognized overnight courier (e.g., Federal Express), or by written certified U.S. mail, with return receipt requested, addressed to the party for whom it is intended, at the place specified. The method of delivery shall be consistent among all of the persons listed herein. For the present, the City and County designate the following as the respective places for notice purposes:

For the County: Miami-Dade County Mayor
111 NE 1st Street, Suite 2910
Miami, FL 33128

With a Copy to: Miami-Dade Parks, Recreation, and Open Spaces Department
Attn: Director
275 NW 2nd Street, 5th Floor
Miami, FL 33128

Miami-Dade County Attorney's Office
111 NE 1st Street, Suite 2810
Miami, FL 33128

For the City: City Manager, City of Miami Beach
1700 Convention Center Drive, 4th Floor
Miami Beach, FL 33139

With a Copy to: City Attorney, City of Miami Beach
1700 Convention Center Drive, 4th Floor
Miami Beach, FL 33139

IN WITNESS WHEREOF, the City and County have caused this instrument to be executed by their respective officials thereunto duly authorized, this the day and year above written.

ATTEST:

CITY OF MIAMI BEACH, a municipal corporation

By: _____
Rafael E. Granado, City Clerk

By: _____
Jimmy Morales, City Manager

Date

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

R. E. Granado 3-12-19
City Attorney Date

EXHIBIT B

MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS, FLORIDA

ATTEST:

By: _____
Mayor or Mayor's Date
Designee

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk Date

EXHIBIT B

Resolutions - C7 AD

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: March 13, 2019

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE, SUBSTANTIALLY IN THE FORM ATTACHED AND AS ACCEPTABLE TO THE CITY MANAGER AND CITY ATTORNEY, THE AGREEMENT FOR TRANSFER OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT CURRENTLY MAINTAINED BY MIAMI-DADE COUNTY, WHICH PROVIDES FOR THE TRANSFER OF CONTROL OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT FROM THE COUNTY TO THE CITY AND THE DESIGNATION OF THE MAYOR AND CITY COMMISSION AS THE GOVERNING BODY OF THE SPECIAL TAXING DISTRICT, SUBJECT TO A MAJORITY VOTE OF THE QUALIFIED ELECTORS RESIDING IN THE SPECIAL TAXING DISTRICT.

Legislative Tracking

Finance

ATTACHMENTS:

Description

- Memo- Biscayne Beach

EXHIBIT B

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: March 13, 2019

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE, SUBSTANTIALLY IN THE FORM ATTACHED AND AS ACCEPTABLE TO THE CITY MANAGER AND CITY ATTORNEY, THE AGREEMENT FOR TRANSFER OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT CURRENTLY MAINTAINED BY MIAMI-DADE COUNTY, WHICH PROVIDES FOR THE TRANSFER OF CONTROL OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT FROM THE COUNTY TO THE CITY AND THE DESIGNATION OF THE MAYOR AND CITY COMMISSION AS THE GOVERNING BODY OF THE SPECIAL TAXING DISTRICT, SUBJECT TO A MAJORITY VOTE OF THE QUALIFIED ELECTORS RESIDING IN THE SPECIAL TAXING DISTRICT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

Effective October 1, 2018, the administration of the Biscayne Point Security Guard Special Taxing District was transitioned from Miami-Dade County to the City of Miami Beach. There are four remaining Security Guard Special Taxing Districts that are currently administered by Miami-Dade County including Allison Island, Biscayne Beach, Star Island, and Palm & Hibiscus Island. Following the successful transition of the Biscayne Point District, the City Commission directed the Administration to contact the remaining four districts to determine if they would be interested in beginning the process to transition from the County to the City in a holistic manner.

ANALYSIS

Pursuant to the request of Commissioner Aleman, the above-referenced Resolution requesting the transfer of control of the Biscayne Beach Security Guard Special Taxing District ("Special Taxing District") from the Miami-Dade County Board of County Commissioners to the Mayor and City Commission of the City of Miami Beach is submitted for consideration by the Mayor and City Commission. The transfer of control of the Special Taxing District is supported by the Biscayne Beach Homeowners Association and would be subject to County approval and a majority vote of qualified electors residing in the Special Taxing District.

In 1989, the City of Miami Beach's ("City") Mayor and City Commission and the Miami-Dade County ("County") Board of County Commissioners ("Board") approved the creation of the Biscayne Beach Security Guard Special Taxing District ("Special Taxing District") in City Resolution No. 88-19368 and County Ordinance No. 89-126 to provide 24-hour security guard service to Biscayne Beach.

EXHIBIT B

Transfer of Biscayne Beach Security Guard Special Taxing District

March 13, 2019

Page 2

Pursuant to a County Charter Amendment approved by the electorate on November 8, 2016, County Ordinance No. 16-14 was given effect which created a new Section 18-3.1 in the Miami-Dade County Code. This new County Code Section provides, in part, that by joint resolutions of the County Board and the governing body of a municipality, the governing body of a municipality may be designated as the governing body of an existing special taxing district located entirely within the boundaries of such municipality, subject to a majority vote of the qualified electors residing in the special taxing district at an election called by and conducted as provided by the County Board. In addition, the County has advised that interlocal agreements with the County Board and with the County Tax Collector and Property Appraiser would be needed to effectuate a transfer of control.

Based on preliminary information from Miami-Dade County, the required election is tentatively scheduled for December 17, 2019 and the administration of the Biscayne Beach Security Guard Special Taxing District would transition from Miami-Dade County to the City of Miami Beach effective October 1, 2020.

FINANCIAL INFORMATION

The County collects an administrative fee to offset costs related to administering service contracts and providing fiscal support for the District. It is anticipated that the administrative fee would cover the City's costs to provide administrative support. Administrative support would be similar to that currently provided by the City to the Biscayne Point Security Guard Special Taxing District.

JLM/JW

EXHIBIT C

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

MEMORANDUM

Agenda Item No. 8(H)(2)

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

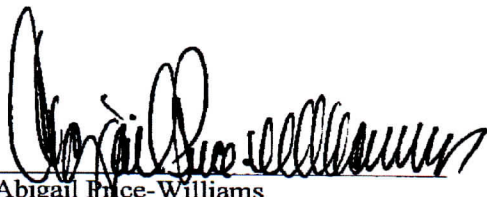
DATE: June 4, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution relating to the Biscayne Beach Security Guard Special Taxing District located entirely within the boundaries of the City of Miami Beach, and bounded on the north, west and south by Biscayne Bay, and on the east by Hawthorne Avenue and North Stillwater Drive; transferring the Special Taxing District to the City of Miami Beach in accordance with section 18-3.1 of the Code; approving and authorizing the County Mayor to execute an Interlocal Agreement for the transfer; authorizing the County Mayor to take all actions necessary to effectuate same

Resolution No. R-588-19

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.


Abigail Price-Williams
County Attorney

APW/imp

EXHIBIT C

Memorandum



Date: June 4, 2019

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Resolution Approving the Transfer of the Biscayne Beach Security Guard Special Taxing District to the City of Miami Beach

Recommendation

On December 5, 1989, the Board of County Commissioners (Board) passed Ordinance No. 89-126, and created the Biscayne Beach Security Guard Special Taxing District (Special Taxing District), located entirely within the boundaries of the City of Miami Beach (City). This Ordinance was amended on March 7, 2017 by Ordinance No. 17-13. Section 1.01 of the Home Rule Charter and Section 18-3.1 of the Code of Miami-Dade County (Code), vests this Board with the power to designate the governing body of a municipality as the governing body of an existing special taxing district if the municipality assumes any and all liabilities of the special taxing district. The transfer of this Special Taxing District is requested pursuant to Resolution No. 2018-30576 of the City Commission of the City of Miami Beach passed on October 17, 2018, and attached hereto. As such, it is recommended that the Board approve the attached resolution and Interlocal Agreement authorizing the transfer of the Special Taxing District to the City in accordance with section 18-3.1 of the Code.

Scope

This Special Taxing District lies within Commission District 4, which is represented by County Commissioner Sally A. Heyman.

Fiscal Impact/Funding Source

Transfer of this Special Taxing District will result in no economic impact on the Miami-Dade County (County) budget.

Social Equity Statement

The proposed resolution transfers a special taxing district, pursuant to section 18-3.1 of the Code. If approved, the City will be the new governing body for the Special Taxing District, and the property owners within the Special Taxing District will continue to pay special assessments appropriately apportioned according to the special benefit they receive from the Special Taxing District's services regardless of their demographics, and that the total estimated amount of the special assessment to be levied would not be in excess of such special benefit.

Track Record/Monitor

The Special Taxing District transfer will be managed by the Parks, Recreation and Open Spaces Department (PROS) and overseen by the Chief of the Special Assessment Districts Division, Lorena Guerra-Macias.

EXHIBIT C

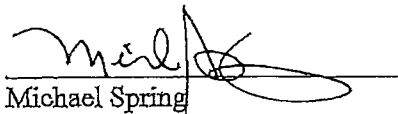
Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
Page No. 2

Background

Contingent upon approval of the transfer of this Special Taxing District by this Board and the City by joint resolution, and subsequent ratification by the qualified registered voters within the Special Taxing District, the City will become the governing body as provided in the Interlocal Agreement between the County and the City, and will become responsible for all past and future liabilities of the Special Taxing District. The final transfer is expected to be complete on October 1, 2020. Every qualified registered voter residing within the Special Taxing District's boundaries will be afforded the opportunity to vote at an election conducted by mail, estimated to be held on December 17, 2019. The transfer will be accomplished pursuant to the attached Interlocal Agreement between the County and the City, and will be assisted by PROS.

Boundaries: On the North, Biscayne Bay;
 On the East, Hawthorne Avenue and North Stillwater Dr.;
 On the South, Biscayne Bay;
 On the West, Biscayne Bay.

In accordance with the requirements of section 18-3.1 of the Code, I recommend that this Special Taxing District be transferred to the City, if approved by the referendum required subsequent to the public hearing.



Michael Spring
Senior Advisor

EXHIBIT C

TRANSFER OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT FROM MIAMI-DADE COUNTY TO THE CITY OF MIAMI BEACH

THIS AGREEMENT FOR TRANSFER OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT CURRENTLY MAINTAINED BY MIAMI-DADE COUNTY (AGREEMENT), made and entered into this ____ day of _____, 2019, by and between the CITY OF MIAMI BEACH, FLORIDA, a municipal corporation of the STATE OF FLORIDA (hereinafter referred to as the "City") and MIAMI-DADE COUNTY, a political subdivision of the STATE OF FLORIDA (hereinafter referred as the "County").

WITNESSETH

WHEREAS, the City has requested transfer of the ownership of the assets and control of the Biscayne Beach Security Guard Special Taxing District ("Special Taxing District") from the County to the City such that the City Commission will become the governing body responsible for the Special Taxing District; and

WHEREAS, the City and the County are mutually desirous of transferring the Special Taxing District to the City; and

WHEREAS, the City shall take full responsibility for the operation and maintenance of the Special Taxing District as determined herein, including exclusive responsibility for all pre-existing and future liabilities, whether known or unknown,

NOW, THEREFORE, in consideration of the covenants herein provided, the City of Miami Beach and Miami-Dade County agree as follows:

1. The foregoing recitals are incorporated herein.
2. This Agreement shall become effective upon the last effective date of a joint resolution transferring the Special Taxing District, and a favorable election of the residents for the transfer ("Effective Date"). Either party may terminate this Agreement prior to the joint resolution being passed by both the Board of County Commissioners and the City Commission.
3. Prior to passing the joint resolution, the City shall have the right to conduct due diligence, including an inspection of the Special Taxing District's improvements.
4. Twelve (12) days after the Effective Date, unless a contest of the election is filed pursuant to section 102.168 of the Florida Statutes, the Board of County Commissioners ("Board") will no longer be the governing body of the Special Taxing District and the City Commission shall be the governing board of the Special Taxing District ("Transfer Date"). If a contest is filed, the transfer will occur upon a successful resolution of such contest upholding the election, which is no longer challengeable by any appeal.

EXHIBIT C

5. On October 1, 2020, the County will cease all involvement, including all operations and maintenance for the Special Taxing District, and the City will be exclusively responsible for the Special Taxing District ("Completion Date").
6. The County will continue to provide service to the Special Taxing District between the Transfer Date and the Completion Date ("Transition Period"), but any action requiring Board approval will be presented to the City Commission.
7. Prior to the Transfer Date, the Special Taxing Districts Division of the County shall provide to the City a preliminary financial reconciliation of all known liabilities for the Special Taxing District.
8. Beginning on the Transfer Date, the City shall be responsible for all pre-existing and future liabilities of the Special Taxing District, whether known or unknown, and regardless of whether they appear on the financial reconciliation provided by the County.
9. During the Transition Period, the Special Taxing Districts Division of the County will be available to meet with the City to provide assistance with operations questions.
10. The City shall be responsible for establishing assessment rates and collecting assessments for the Special Taxing District beginning October 1, 2020. If the City intends on using the uniform method for the levy, collection, and enforcement of non-ad valorem assessments, the City shall comply with the requirements of section 197.3632 of the Florida Statutes and shall make such arrangements with the Miami-Dade County Office of the Property Appraiser and Miami-Dade County Tax Collector.
11. The City shall arrange for transfer of the Special Taxing District's utility accounts into the City's name, to take effect no later than September 1, 2020. Such utilities include, but are not limited to, Florida Power and Light and Miami-Dade County Water and Sewer.
12. Prior to the Completion Date, the City shall assume the existing contractual obligations for the Special Taxing District if the County cannot terminate said contracts, or shall procure contracts with vendors to provide all necessary services to the Special Taxing District, including, but not limited to, contracts for the following services: security guards, extermination, janitorial, gate repair, and building repair. The City's contractors shall commence service on October 1, 2020.
13. Prior to the Completion Date, the City shall be responsible for establishing its own protocols and policies for accessing the Special Taxing District, including, but not limited to, the issuance and use of access devices, if any. The County shall transfer to the City the Special Taxing District's entire inventory of unissued access devices. Notwithstanding this provision, the City agrees at all times to maintain public access to the public roads within the Special Taxing District, in accordance with state law, and the Code of Miami-Dade County, Florida.
14. Beginning on the Completion Date, the City Commission shall be responsible for the continuous operation, maintenance, repair, and replacement, when necessary, of the

EXHIBIT C

Special Taxing District's improvements and systems, including, but not limited to, the guardhouse, guardhouse air conditioning, plumbing and electrical, security cameras, and guard gate.

15. Beginning on the Completion Date, the City shall be responsible for payment of all of the Special Taxing District's expenses.
16. The County shall transfer to the City, effective on the Completion Date, any active, transferrable warranties on the Special Taxing District's improvements or equipment.
17. Within thirty (30) days of the Completion Date, the County shall provide to the City a final financial reconciliation of all known liabilities for the Special Taxing District. Any omission from the final reconciliation shall not constitute a waiver by either the County or the City for payment to or from the Special Taxing District's account.
18. Within sixty (60) days of the Completion Date, the County shall remit to the City any remaining surplus funds in the Special Taxing District's account, or shall issue an invoice to the City for any deficit in the Special Taxing District's account.
19. Following expiration of all existing contractual obligations, pursuant to section 2-8.9 of the Code of Miami-Dade County, the City is encouraged to pay the Living Wage.
20. To the extent allowed by, and subject to the limitations of, section 768.28 of the Florida Statutes, the City does hereby agree to indemnify and hold the County, its officials, employees and instrumentalities, harmless from any and all liability for any damage, injury, or claim that may arise by virtue of the Special Taxing District, or the exercise of any rights, obligations or actions under this Agreement, including but not limited to the City's failure to provide services or maintain, repair, replace, or operate the improvements.
21. The undersigned further agrees that these conditions shall be deemed a continuing obligation between the City and the County and shall remain in full force and effect and be binding on the City, and any permitted successors or assigns.
22. In the event that the City requests any third party to assume any of the responsibilities hereunder, the City acknowledges that such assumption shall not relieve the City from any obligations or responsibilities hereunder. Any failure by any third party shall not subject the County to any liability for any damage, injury, or claim that may arise.
23. Nothing in this Agreement, expressed or implied, is intended to: (a) confer upon any entity or person other than the parties and any permitted successors or assigns, any rights or remedies under or by reason of the Agreement as a third party beneficiary or otherwise except as specifically provided in this Agreement; or (b) authorize anyone not a party to this Agreement to maintain an action pursuant to or based upon this Agreement. Additionally, nothing herein shall be deemed to constitute a waiver of any rights under section 768.28 of the Florida Statutes, or as a waiver of the County's sovereign rights.

EXHIBIT C

24. The language agreed to herein expresses the mutual intent and agreement of the County and the City, and shall not, as a matter of judicial construction, be construed more severely against one of the parties from the other.

25. Any notices to be given hereunder shall be in writing and shall be deemed to have been given if sent by hand delivery, recognized overnight courier (e.g., Federal Express), or by written certified U.S. mail, with return receipt requested, addressed to the party for whom it is intended, at the place specified. The method of delivery shall be consistent among all of the persons listed herein. For the present, the City and County designate the following as the respective places for notice purposes:

For the County: Miami-Dade County Mayor
111 NE 1st Street, Suite 2910
Miami, FL 33128

With a Copy to: Miami-Dade Parks, Recreation, and Open Spaces Department
Attn: Director
275 NW 2nd Street, 5th Floor
Miami, FL 33128

Miami-Dade County Attorney's Office
111 NE 1st Street, Suite 2810
Miami, FL 33128

For the City: City Manager, City of Miami Beach
1700 Convention Center Drive, 4th Floor
Miami Beach, FL 33139

With a Copy to: City Attorney, City of Miami Beach
1700 Convention Center Drive, 4th Floor
Miami Beach, FL 33139

IN WITNESS WHEREOF, the City and County have caused this instrument to be executed by their respective officials thereunto duly authorized, this the day and year above written.

ATTEST:

CITY OF MIAMI BEACH, a municipal corporation

By: _____
Rafael E. Granado, City Clerk

By: _____
Jimmy Morales, City Manager

Date

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

4
7

City Attorney
3-12-11

Date

EXHIBIT C

MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS, FLORIDA

ATTEST:

By: _____ Date _____
Mayor or Mayor's
Designee

HARVEY RUVIN, CLERK

By: _____ Date _____
Deputy Clerk

EXHIBIT C

RESOLUTION NO. 2018-30576

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, IN ACCORDANCE WITH SECTION 18-3.1 OF THE MIAMI-DADE COUNTY CODE, REQUESTING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO TRANSFER CONTROL OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT FROM THE COUNTY TO THE CITY, AND TO DESIGNATE THE MAYOR AND CITY COMMISSION AS THE GOVERNING BODY OF THE SPECIAL TAXING DISTRICT, SUBJECT TO A MAJORITY VOTE OF THE QUALIFIED ELECTORS RESIDING IN THE SPECIAL TAXING DISTRICT.

WHEREAS, in 1989, the City of Miami Beach's ("City") Mayor and City Commission and the Miami-Dade County ("County") Board of County Commissioners ("Board") approved the creation of the Biscayne Beach Security Guard Special Taxing District ("Special Taxing District") in City Resolution No. 88-19368 and County Ordinance No. 89-126 to provide 24-hour security guard service to Biscayne Beach; and

WHEREAS, on February 2, 2016, the County Board adopted Ordinance No. 16-14, creating a new Section 18-3.1 in the Miami-Dade County Code, providing that, subject to Charter referendum approval at the November 8, 2016 election, a municipality could be authorized to act as the governing body of a special taxing district located entirely within its municipal boundaries, and that control of an existing special taxing district in a municipality could be transferred from the County Board to the governing body of such municipality; and

WHEREAS, on November 8, 2016, the electorate approved a County Charter Amendment validating and giving effect to County Ordinance No. 16-14; and

WHEREAS, the Biscayne Beach Security Guard Special Taxing District is located entirely within the boundaries of the City; and

WHEREAS, Section 18-3.1 of the County Code provides, in part, that by joint resolutions of the County Board and the governing body of a municipality, the governing body of a municipality may be designated as the governing body of an existing special taxing district located entirely within the boundaries of such municipality, subject to a majority vote of the qualified electors residing in the special taxing district at an election called by and conducted as provided by the County Board; and

WHEREAS, the transfer of control of the Biscayne Beach Security Guard Special Taxing District from the County Board to the City has been requested and is supported by the Biscayne Beach Homeowner's Association; and

WHEREAS, the Mayor and City Commission hereby request the transfer of control of the Biscayne Beach Security Guard Special Taxing District from the County Board to the Mayor and City Commission of the City of Miami Beach, and the designation of the Mayor and City Commission as the governing body of the Special Taxing District, subject to a majority vote of the qualified electors residing in the Special Taxing District.

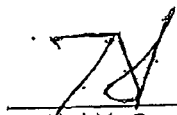
EXHIBIT C

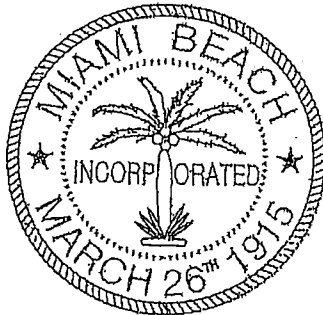
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, the Mayor and City Commission, in accordance with Section 18-3.1 of the Miami-Dade County Code, hereby request the Miami-Dade County Board of County Commissioners to transfer control of the Biscayne Beach Security Guard Special Taxing District from the County to the City, and to designate the Mayor and City Commission as the governing body of the Special Taxing District, subject to a majority vote of the qualified electors residing in the Special Taxing District; and, further authorize the City Manager to do all things necessary to carry out the intent of this Resolution and direct the City Clerk to transmit a copy of this Resolution to Mayor Carlos A. Gimenez and members of the Miami-Dade County Board of County Commissioners.

PASSED AND ADOPTED this 17th day of October, 2018.

ATTEST:


Dan Gelber, Mayor


10/30/18
Rafael E. Granado, City Clerk



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney ☒ 10-9-18
Date

EXHIBIT C

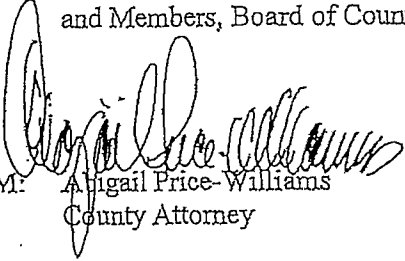


MEMORANDUM

(Revised)

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

DATE: June 4, 2019

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(H)(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

EXHIBIT C

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(H)(2)
6-4-19

RESOLUTION NO. R-588-19

RESOLUTION RELATING TO THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE CITY OF MIAMI BEACH, AND BOUNDED ON THE NORTH, WEST AND SOUTH BY BISCAYNE BAY, AND ON THE EAST BY HAWTHORNE AVENUE AND NORTH STILLWATER DRIVE; TRANSFERRING THE SPECIAL TAXING DISTRICT TO THE CITY OF MIAMI BEACH IN ACCORDANCE WITH SECTION 18-3.1 OF THE CODE OF MIAMI-DADE COUNTY; APPROVING AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT FOR THE TRANSFER; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

WHEREAS, the Board of County Commissioners ("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:

Section 1. This Board incorporates the matters set forth in the foregoing recitals as part of this Resolution.

Section 2. Pursuant to section 18-3.1 of the Code, this Board designates the governing body of the City of Miami Beach as the governing body of the Biscayne Beach Security Guard Special Taxing District.

Section 3. The City of Miami Beach shall be responsible for all pre-existing and future liabilities, for the protection of any creditors, whether known or unknown.

EXHIBIT C

Agenda Item No. 8(H)(2)

Page No. 2

Section 4. This Board hereby approves the Interlocal Agreement in substantially the form attached to the County Mayor's memorandum, both of which are incorporated by reference, between Miami-Dade County and the City of Miami Beach, and authorizes the County Mayor or County Mayor's designee to execute said agreement.

Section 5. The City of Miami Beach will take full control of the Biscayne Beach Security Guard Special Taxing District as provided in the Interlocal Agreement.

Section 6. The provisions of this Resolution shall take effect when approved by a majority vote of the qualified electors residing in the Special Taxing District at an election to be called by this Board and noticed and conducted as this Board shall determine by Resolution.

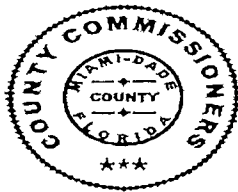
The foregoing resolution was offered by Commissioner José "Pepe" Diaz , who moved its adoption. The motion was seconded by Commissioner Rebeca Sosa and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye		
Rebeca Sosa, Vice Chairwoman	aye		
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	absent
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	absent
Xavier L. Suarez	aye		

EXHIBIT C

Agenda Item No. 8(H)(2)
Page No. 3

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of June, 2019. 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

Linda L. Cave
By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "DL", enclosed within a circular stamp.

Daija Page Lifshitz

EXHIBIT D

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

MEMORANDUM

Agenda Item No. 8(H)(3)

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

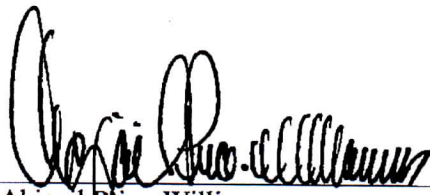
DATE: June 4, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution calling special election in the Biscayne Beach Security Guard Special Taxing District located entirely within the boundaries of the City of Miami Beach, bounded on the north, west and south by Biscayne Bay, and on the east by Hawthorne Avenue and North Stillwater Drive, for the purpose of submitting to qualified electors residing in the Special Taxing District, for their approval or disapproval, a resolution designating the City of Miami Beach as the governing body of the Special Taxing District pursuant to section 18-3.1 of the Code

Resolution No. R-589-19

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.


Abigail Price-Williams
County Attorney

APW/lmp

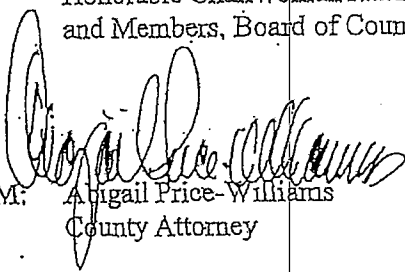
EXHIBIT D



MEMORANDUM (Revised)

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

DATE: June 4, 2019

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(H)(3)

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

EXHIBIT D

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(H)(3)
6-4-19

RESOLUTION NO. R-589-19

RESOLUTION CALLING SPECIAL ELECTION IN THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE CITY OF MIAMI BEACH, BOUNDED ON THE NORTH, WEST AND SOUTH BY BISCAYNE BAY, AND ON THE EAST BY HAWTHORNE AVENUE AND NORTH STILLWATER DRIVE, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS RESIDING IN THE SPECIAL TAXING DISTRICT, FOR THEIR APPROVAL OR DISAPPROVAL, A RESOLUTION DESIGNATING THE CITY OF MIAMI BEACH AS THE GOVERNING BODY OF THE SPECIAL TAXING DISTRICT PURSUANT TO SECTION 18-3.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA

WHEREAS, on June 4, 2019, this Board passed Resolution R-588-19 approving the transfer of the Biscayne Beach Security Guard Special Taxing District to the City of Miami Beach; and

WHEREAS, section 1.01 of the Home Rule Charter provides that the governing body of a municipality may be the governing body of a special taxing district located entirely within the municipality if the municipality assumes any and all liabilities of the special taxing district; and

WHEREAS, section 18-3.1 of the Code of Miami-Dade County, Florida, as amended, presently provides that a resolution approving the transfer of such a special taxing district shall take effect when approved by a majority vote of the qualified electors residing in the district voting at an election to be called by the Board and noticed and conducted in such manner as the Board shall by resolution determine,

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

EXHIBIT D

Agenda Item No. 8(H)(3)

Page No. 2

Section 1. In accordance with the provisions of section 18-3.1 of the Code of Miami Dade County, Florida, a special election is hereby called and shall be held within the boundaries of the Biscayne Beach Security Guard Special Taxing District, for the purpose of submitting to the qualified electors residing in the said district, for their approval or disapproval, Resolution No. entitled:

RESOLUTION RELATING TO THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE CITY OF MIAMI BEACH, AND BOUNDED ON THE NORTH, WEST AND SOUTH BY BISCAYNE BAY, AND ON THE EAST BY HAWTHORNE AVENUE AND NORTH STILLWATER DRIVE; TRANSFERRING THE SPECIAL TAXING DISTRICT TO THE CITY OF MIAMI BEACH IN ACCORDANCE WITH SECTION 18-3.1 OF THE CODE OF MIAMI-DADE COUNTY; APPROVING AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT FOR THE TRANSFER; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

Section 2. Notice of such special election shall be published in accordance with section 100.342, Florida Statutes.

Section 3. The results of such special election shall be determined by a majority of the qualified electors residing in the Biscayne Beach Security Guard Special Taxing District voting at such special election. All qualified electors residing in the Biscayne Beach Security Guard Special Taxing District shall be entitled to vote at said special election.

Section 4. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until November 18, 2019 at which date the registration books shall close in accordance with the provisions of the general election laws.

EXHIBIT D

Agenda Item No. 8(H)(3)

Page No. 3

Section 5. Mailed ballots, as prescribed by the Code of Miami-Dade County, shall be used in this special election. The Supervisor of Elections shall cause such ballots to be sent by mail to all qualified electors residing in said district, at least ten (10) calendar days prior to the date of said special election.

Section 6. The special election shall be held on December 17, 2019. All marked ballots must be received by 7:00 p.m. on the day of said election.

Section 7. The question which shall appear on the ballot shall be in substantially the following form:

TRANSFER OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT

Shall the City of Miami Beach become the governing body of the Biscayne Beach Security Guard Special Taxing District so that the City, instead of Miami-Dade County, exercises ownership and control of the District as set forth in County Resolution R-588-19 and City Resolution No. 2018-30576?

YES ☐

NO ☐

Section 8. This special election shall be held and conducted in accordance with the County Code and other applicable provisions of the general laws relating to special elections. The County Mayor or County Mayor's designee, the Finance Director, the Supervisor of Elections, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this Resolution.

Section 9. This special election shall be canvassed by the County Canvassing Board as provided under the election laws of this State, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

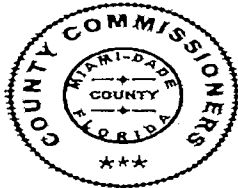
EXHIBIT D

Agenda Item No. 8(H)(3)
Page No. 4

The foregoing resolution was offered by Commissioner José "Pepe" Diaz ,
who moved its adoption. The motion was seconded by Commissioner Rebeca Sosa and
upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye	
Rebeca Sosa, Vice Chairwoman	aye	
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava aye
Jose "Pepe" Diaz	aye	Sally A. Heyman absent
Eileen Higgins	aye	Barbara J. Jordan aye
Joe A. Martinez	aye	Jean Monestime aye
Dennis C. Moss	aye	Sen. Javier D. Souto absent
Xavier L. Suarez	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of June, 2019. 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

Linda L. Cave

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "DPL" or similar, enclosed within a circular stamp.

Daija Page Lifshitz