

RESOLUTION NO. _____

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 POINT SECURITY GUARD SPECIAL TAXING DISTRICT CURRENTLY MAINTAINED BY MIAMI-DADE COUNTY, WHICH PROVIDES FOR THE TRANSFER OF CONTROL OF THE BISCAYNE POINT 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 1990, 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 Point Security Guard Special Taxing District ("Special Taxing District") in City Resolution No. 90-19919 and County Ordinance No. 90-52 to provide 24-hour security guard service to Biscayne Point; and

WHEREAS, the City's Mayor and City Commission and the County Board approved an amendment to the Biscayne Point Security Guard Special Taxing District in City Resolution No. 2006-26201 and County Ordinance No. 07-62 to provide for increased services, including the installation of cameras and a recording device in the guardhouse; 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 Point 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

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 Point Security Guard Special Taxing District from the County Board to the Mayor and City Commission of the City of Miami Beach is supported by the Biscayne Point Homeowners Association; and

WHEREAS, at the June 26, 2017 City Commission meeting, the Mayor and City Commission adopted Resolution No. 2017-29909, sponsored by Commissioner Michael Grieco, requesting the County to transfer control of the Biscayne Point 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 the attached Agreement for Transfer of the Biscayne Point 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 the 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 attached and as acceptable to the City Manager and City Attorney, the Agreement for Transfer of the Biscayne Point Security Guard Special Taxing District Currently Maintained by Miami-Dade County, which Agreement provides for the transfer of control of the Biscayne Point 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 ____ day of September, 2017.

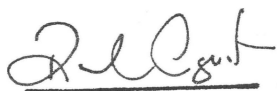
ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 9/5/17
City Attorney Date