

ORDINANCE NO. 24 - _____

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; CREATING CHAPTER 38, TITLED “SPECIAL TAXING DISTRICTS”; CREATING SECTION 38-1, TITLED “SPECIAL TAXING DISTRICTS”; CREATING SECTION 38-2, TITLED “AMENDMENTS”; CREATING SECTION 38-3, TITLED “IMPLEMENTATION AND ADMINISTRATION”; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (MORERA)

WHEREAS, in 2019, by public referendum, the Town of Miami Lakes (the “Town”) accepted the administration of Loch Lomond, Royal Oaks East, Royal Oaks Section One, Miami Lakes Section One, Guard Gate Special Taxing Districts, and Lake Patricia and Lake Hilda Lake Maintenance Special Taxing Districts (STDs); and

WHEREAS, the operating ordinance that created the various STDs was adopted by Miami Dade County prior to the Town’s incorporation; and

WHEREAS, the Town Council as the operating body of the STDs is entrusted with the administration of the STDs in accordance with the STDs operating ordinances; and

WHEREAS, from time to time, it may be necessary to amend the STDs’ operating ordinances in order to address levels of service, augment or reduce the scope of the STDs’ operations; and

WHEREAS, any change to the STD’s operating ordinances may have a material effect on residents residing within the STDs; and

WHEREAS, changes to the STDs may be brought on by HOA’s or residents residing within the STDs; and

WHEREAS, the Town desires to adopt an Ordinance that will provide and memorialize a procedure by which the STDs operating ordinances may be amended; and

WHEREAS, on September 10, 2024, the Town Council met and passed the proposed Ordinance in First Reading; and

WHEREAS, on _____, _____ the Town Council met and passed the proposed Ordinance in Second Reading.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals is true and correct and is incorporated herein by this reference.

Section 2. Creation Chapter 38, of the Town Code of Ordinances. The Town Council hereby creates Chapter 38, to the Town of Miami Lakes Code of Ordinances titled “Special Taxing Districts”, and creates Section 38–1, titled “Special Taxing Districts,” Section 38–2, titled “Amendments,” and Section 38–3, titled “Implementation and Administration” as further described in Exhibit “A.”

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Additions to the Ordinance in First Reading shall be reflected by underlined, and deletions shall be reflected as ~~strike throughs~~. Additions to the Ordinance between first reading and second reading shall be reflected by a double underline, and deletions between first reading and second reading shall be reflected by a ~~double strike through~~.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

FIRST READING

The foregoing ordinance was offered by _____ who moved its adoption on first reading. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

- Mayor Manny Cid _____
- Vice Mayor Tony Fernandez _____
- Councilmember Luis E. Collazo _____
- Councilmember Joshua Dieguez _____
- Councilmember Ray Garcia _____
- Councilmember Bryan Morera _____
- Councilmember Marilyn Ruano _____

Passed on first reading this ____ day of October 2024

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SECOND READING

The foregoing ordinance was offered by _____ who moved its adoption on second reading. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Tony Fernandez	_____
Councilmember Luis E. Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Ray Garcia	_____
Councilmember Bryan Morera	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of _____, _____.

Manny Cid
MAYOR

Attest:

Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Lorenzo Cobiella
Gastesi, Lopez and Mestre, PLLC
DEP. TOWN ATTORNEY

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EXHIBIT A

CHAPTER 38, SPECIAL TAXING DISTRICTS

Sec. 38-1 SPECIAL TAXING DISTRICTS (Reserved)

Sec. 38-2 - AMENDMENTS

A. AMENDMENT BY HOA OR HOMEOWNER

The Following shall be the exclusive procedures for the amendment of the ordinances establishing and governing the Town's Special Taxing Districts ("Operating Ordinance")

1. A letter of intent (LOI) is submitted to the Town from the applicable Homeowner Association (HOA), if the Special Taxing District has a mandatory HOA, otherwise ten percent (10%) percent of the homeowners (herein after referred to as the "Homeowners") within the existing Special Taxing District. The LOI is to include an exhibit containing a list of every Folio and Address within the boundaries.
2. Once in receipt of an LOI, the Town will draft a petition to be circulated among the properties within the Special Taxing District.
 - a. The petition will contain:
 - i. The name and contact information of the party or parties which submitted the LOI to the Town to initiate this process.
 - ii. All proposed changes to the special taxing district including the estimated economic impact of the change.
 - iii. An explanation of this amendment process and a copy of this Ordinance.
 - b. Once drafted the petition will then be presented to the Town Council for approval by resolution.
 - c. A courtesy notice will be sent to all properties located within the Special Taxing District prior to the Council meeting approving the petition.
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 (50% +1) of the property owners for the amendment request to proceed.

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- a. The petition must be completed and returned to the Town within four (4) months from the date of the resolution approving the petition. If the petition is not returned to the Town within four (4) months, then it will be deemed unsuccessful.
 - b. All submitted petition forms must be original, completed in ink, and dated.
 - 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 Town 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 Town Council, which if approved will require an election.
 - i. The item will be presented to the Town Council for two (2) readings with mailed notice being sent to all property owners within the District at least twenty one (21) days before the second reading.
 - ii. If the item is approved by the Town Council 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 Town's Clerk as to be determined by the Town Council.
 - 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 Town Council.
 - i. The item will be presented to the Town Council for two (2) readings with mailed notice being sent to all property owners within the District at least twenty one (21) days before the second reading.
 1. The notice shall contain the proposed changes to the district and a cost estimate of said change.

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- ii. If the item is approved by the Town Council on second reading, then the item will be enacted, and no election will be required.

(Notwithstanding the foregoing, if a petition attains more than 66.66% support, the Town Council, at its discretion, may still choose to have an election on the requested amendment to the special taxing district.)

5. Any costs, including without limitation, printing, mailing and postage, associated with any petition and/or election will be the financial responsibility of the Existing Special Taxing District regardless of whether the amendment passes or fails.

B. AMENDMENTS BY TOWN COUNCIL

1. The Town Council shall not initiate any amendments to the operating ordinance of any existing Special Taxing District, except pursuant to the procedures outlined in 38-2 (a).

Sec. 38-3 – IMPLEMENTATION AND ADMINISTRATION

- a. Except as otherwise provided for herein, the Town shall not add any service not expressly provided for in the Special Taxing District's Operating Ordinance, and strictly construe such Ordinance.
- b. Notwithstanding the foregoing, the Town may provide services that are not expressly provided for in the Special Taxing District Operating Ordinance, but only so long as such services are directly related to the administration of the services which are expressly provided for in the Operating Ordinance, hereinafter referred to as "Incidental Services."
 - i. In determining whether a service or expenditure is an Incidental Service, the Town shall consider whether the expenditure or service provides for the same continual level of service maintained by the Special Taxing District or whether the expenditure or service augments what is being provided. Incidental Services should only be those necessary to maintain the current level of service.
 - ii. When providing Incidental Services the Town shall employ best practices to secure the most cost-effective options, provided they comply with the Town Code and Florida Law.

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- c. The Town Council shall host at least one budget workshop tailored to discuss the proposed budgets of the Special Taxing Districts between the dates of March 1 and June 30 of each calendar year.

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