

RESOLUTION NO. 2023-__

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, ACCEPTING AND RATIFYING MIAMI-DADE COUNTY RESOLUTION NO. R-896-22 RELATING TO THE GABLES BY THE SEA-PINECREST SECURITY GUARD SPECIAL TAXING DISTRICT; APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY RELATING TO THE TRANSFER OF THE GABLES BY THE SEA-PINECREST SECURITY GUARD SPECIAL TAXING DISTRICT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 18-3.1 of the Miami-Dade County ("County") Code of Ordinances allows the County and a municipality to jointly designate the municipality as the governing body of the special taxing district if the district is located wholly within the boundaries of the municipality; and

WHEREAS, the County historically operated the Gables by the Sea Security Guard Special Taxing District (the "County Special Taxing District"), which was partially located within the Village of Pinecrest ("Village") and the City of Coral Gables ("Coral Gables"); and

WHEREAS, on March 6, 2018, the Village Council adopted Resolution No. 2018-11, urging the County to abolish the County Special Taxing District, create a separate special taxing district in each municipality, and transfer each special taxing district to the Village and Coral Gables, respectively; and

WHEREAS, on October 6, 2022, the County Board of County Commissioners ("BCC") adopted Ordinance No. 22-122 abolishing the County Special Taxing District and creating the Gables by the Sea-Pinecrest Security Guard Special Taxing District (the "District") and the Gables by the Sea-Coral Gables Security Guard Special Taxing District, among other things; and

WHEREAS, on October 6, 2022, the County BCC also adopted Resolution No. R-896-22 (the "County Resolution") designating the Village Council as the governing body of the District and approving the interlocal agreement attached hereto as Exhibit "A" (the "Interlocal Agreement") with the Village relating to the transfer of the District to the Village; and

WHEREAS, on December 13, 2022, the residents within the District approved the replacement of the County Special Taxing District with the creation of the District; and

WHEREAS, the Village Council desires to accept and ratify the County Resolution, approve the Interlocal Agreement with the County, and authorize the Village Manager to execute the Interlocal Agreement in substantially the form attached hereto as Exhibit "A"; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the citizens of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Acceptance and Ratification of County Resolution. The Village Council hereby accepts and ratifies the County Resolution.

Section 3. Approval. The Village Council hereby approves the Interlocal Agreement attached hereto as Exhibit "A."

Section 4. Authorization. The Village Manager is hereby authorized to execute the Interlocal Agreement with the County in substantially the form attached hereto as Exhibit "A." The Village Manager is further authorized to execute any required or related agreements, amendments,

or documents which are required to implement the purposes of this Resolution and the Interlocal Agreement, subject to the approval of the Village Attorney as to form, content, and legal sufficiency.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED and ADOPTED this 10th day of January, 2023.

Joseph M. Corradino, Mayor

Attest:

Priscilla Torres, CMC
Village Clerk

Approved as to Form and Legal Sufficiency:

Mitchell A. Bierman
Village Attorney

"EXHIBIT A"

**TRANSFER OF THE GABLES BY THE SEA-PINECREST SECURITY GUARD
SPECIAL TAXING DISTRICT FROM MIAMI-DADE COUNTY TO THE VILLAGE OF
PINECREST**

THIS AGREEMENT FOR TRANSFER OF THE GABLES BY THE SEA-PINECREST SECURITY GUARD SPECIAL TAXING DISTRICT TO BE CREATED BY MIAMI-DADE COUNTY (**AGREEMENT**), made and entered into this ____ day of _____, 2022, by and between the **VILLAGE OF PINECREST, FLORIDA**, a municipal corporation of the STATE OF FLORIDA (hereinafter referred to as the "**Village**") and **MIAMI-DADE COUNTY**, a political subdivision of the STATE OF FLORIDA (hereinafter referred as the "**County**").

WITNESSETH

WHEREAS, pursuant to a request by more than a majority of the resident property owners within the Gables by the Sea Special Taxing District ("**Former District**"), the County abolished the Former District and replaced it with two separate special taxing districts within the boundaries of each municipality to be known as Gables by the Sea-Pinecrest Security Guard Special Taxing District, and Gables by the Sea-Pinecrest Security Guard Special Taxing District; and

WHEREAS, the Village has requested the creation and immediate transfer of control of the Gables by the Sea-Pinecrest Security Guard Special Taxing District ("**Special Taxing District**") from the County to the Village such that the Village Council will become the governing body responsible for the Special Taxing District; and

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

WHEREAS, the County is immediately transferring the Special Taxing District to the Village upon creation, and therefore the County will not establish or provide any services or assets to the Special Taxing District; and

WHEREAS, the Village 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 Village of Pinecrest and Miami-Dade County agree as follows:

1. The foregoing recitals are incorporated herein.
2. This Agreement shall become effective if passed pursuant to a joint resolution of the Village and County transferring the Special Taxing District, and a favorable election of the residents for the transfer ("**Effective Date**").
3. 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 will no longer be the governing body of the Special Taxing District and the Village Council 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.

4. Prior to the Transfer Date, the County’s involvement with the Special Taxing District shall be exclusively administrative to effectuate the creation and immediate transfer of the Special Taxing District to the Village.
5. On Transfer Date, the County will cease all involvement, and the Village will be exclusively responsible for the Special Taxing District.
6. Beginning on the Effective Date, the Village shall be responsible for all pre-existing and future liabilities, whether known or unknown, of the Special Taxing District and the Former District.
7. The Village shall be responsible for establishing assessment rates and collecting assessments for the Special Taxing District. If the Village intends on using the uniform method for the levy, collection, and enforcement of non-ad valorem assessments, the Village 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.
8. The Village shall be responsible for arranging for the Special Taxing District’s utility accounts, and procuring contracts with vendors to provide all necessary services to the Special Taxing District, including, but not limited to, the construction of any guardhouses or other improvements.
9. The Village 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.
10. The Village shall be responsible for the continuous operation, maintenance, repair, and replacement, when necessary, of the Special Taxing District’s improvements.
11. The Village shall be responsible for payment of all of the Special Taxing District’s expenses. It is provided, however, that such payment of the Special Taxing District’s expenses incurred by the Village are properly chargeable to the Special Taxing District.
12. Within sixty (60) days of the Transfer Date, the County shall provide to the Village a final financial reconciliation of all known liabilities for the Special Taxing District, as well as the Former District on a pro rata basis. Any omission from the final reconciliation shall not constitute a waiver by either the County or the Village for payment to or from the Special Taxing District’s account or the Former District’s account, as applicable.
13. The County shall issue an invoice to the Village for any pro rata deficit in the Former District’s account, as well as any deficit in that Special Taxing District’s account,

including, but not limited to, the costs to abolish the Former District and to establish and transfer the Special Taxing District. The Village shall pay the invoice within sixty (60) days of receipt. It is provided, however, that such expenses incurred by the Village are properly chargeable to the Special Taxing District.

14. Pursuant to section 2-8.9 of the Code of Miami-Dade County, the Village is encouraged to pay the Living Wage.
15. To the extent allowed by, and subject to the limitations of, section 768.28 of the Florida Statutes, the Village 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 Former District, or the exercise of any rights, obligations or actions under this Agreement, including, but not limited to, the Village's operation of the Special Taxing District or the Village's failure to provide services or maintain, repair, replace, or operate the improvements.
16. The undersigned further agree that these conditions shall be deemed a continuing obligation between the Village and the County and shall remain in full force and effect and be binding on the Village, and any permitted successors or assigns.
17. In the event that the Village requests any third party to assume any of the responsibilities hereunder, the Village acknowledges that such assumption shall not relieve the Village 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.
18. 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.
19. The language agreed to herein expresses the mutual intent and agreement of the County and the Village, and shall not, as a matter of judicial construction, be construed more severely against one of the parties from the other.
20. 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 Village and County designate the following as the respective places for notice purposes:

Village: Village of Pinecrest
12645 Pinecrest Parkway
Pinecrest, Florida 331

County: Miami-Dade County
Stephen P. Clark Center
111 Northwest First Street
Miami, Florida 33128

IN WITNESS WHEREOF, the Village of Pinecrest has caused this instrument to be executed by its respective officials thereunto duly authorized, this the day and year above written.

ATTEST: **VILLAGE OF PINECREST, a municipal corporation**

By: _____
Village Clerk

By: _____
Village Manager

APPROVED AS TO LEGAL FORM
AND CORRECTNESS:

Village Attorney

MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS, FLORIDA

ATTEST:

By: _____ Date _____
Mayor or Mayor's
Designee

HARVEY RUVIN, CLERK

By: _____ Date _____
Deputy Clerk

THIS PAGE INTENTIONALLY BLANK



RESOLUTION NO. 2018-11

**A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA
URGING FOR THE IMMEDIATE TRANSFER OF CONTROL
FROM MIAMI-DADE COUNTY TO THE CITY OF CORAL
GABLES UPON THE CREATION OF THE GABLES BY THE
SEA-CORAL GABLES SECURITY GUARD SPECIAL
TAXING DISTRICT, SUBJECT TO THE CREATION OF
GABLES BY THE SEA-VILLAGE SECURITY GUARD SPECIAL
TAXING DISTRICT TO BE TRANSFERRED TO THE VILLAGE,
THE DISSOLUTION OF THE GABLES BY THE SEA SECURITY
GUARD SPECIAL TAXING DISTRICT, AND THE TRANSFER
OF ASSETS OF THE GABLES BY THE SEA SECURITY GUARD
DISTRICT TO THE NEWLY CREATED SPECIAL TAXING
DISTRICTS, PURSUANT TO SECTION 18-3.1 OF THE
MIAMI-DADE COUNTY CODE.**

WHEREAS, recently, Miami-Dade County ("County") adopted Section 18-3.1, Miami-Dade County Code ("County Code"), which allows the County and a municipality to jointly designate the municipality as the governing body of special taxing district if the taxing district is located wholly within the boundaries of the municipality; and

WHEREAS, the existing Gables by the Sea Security Guard Special Taxing District's current boundaries encompass parts of the City of Coral Gables ("City") and the Village of Pinecrest ("Village"); and

WHEREAS, the Village and City desire to have local control of the special taxing district;
and

WHEREAS, the existing Gables by the Sea Security Guard Special Taxing District cannot be designated to a municipality because it is not located wholly within one municipality; and

WHEREAS, the dissolution of the existing Gables by the Sea Security Guard Special Taxing District and the creation of two separate special taxing districts, to be located within the City and other located within the Village, will make the districts eligible for each municipality to be the governing body pursuant to County Code; and

WHEREAS, the dissolution of the existing Gables by the Sea Security Guard Taxing District will be conditioned upon the approval and creation of two separate special taxing districts as well as their transfer to the City and Village, respectively; and

WHEREAS, the two newly created special taxing districts would be named Gables by the Sea-Coral Gables Security Guard Special Taxing District intended for the City to be governing body and the other named Gables by the Sea-Pinecrest Security Guard Special Taxing District intended for the Village to be the governing body and an interlocal agreement will be executed between the City, the Village, and the County establishing that the City will be the governing body that will operate the two new special tax districts as one; and

WHEREAS, the Village hereby expresses its support of the establishment and transfer of the Gables by the Sea-Pinecrest Security Guard Special Taxing District, subject to the establishment and transfer of the Gables by the Sea-Pinecrest Security Guard District, and subject further to the transfer of the assets and liabilities of the existing Gables by the Sea Security Guard Special Taxing District, and

WHEREAS, the Village requests immediate transfer of control and operation of the Gables by the Sea-Pinecrest Security Guard Special Taxing District upon creation by the County subject to the conditions stated herein, and subject to the approval of the residents of the Village; and

WHEREAS, the Village hereby agrees that any costs to establish the Gables by the Sea-Pinecrest Security Guard Special Taxing District shall be paid to the County by the Village from the first year's special assessments collected from the residents of the Gables by the Sea-Pinecrest Security Guard Special Taxing District;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST AS FOLLOWS:

Section 1. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. The Village Council hereby expresses its desire for Miami-Dade County to create and immediately transfer control of the Gables by the Sea-Pinecrest Security Guard Special Taxing District to the Village in accordance with Section 18-3.1 of the Miami-Dade County Code; dissolve the Gables by the Sea Security Guard Special Taxing District, which dissolution shall be subject to the creation and transfer of the Gables by the Sea-Coral Gables Security Guard District and the Gables by the Sea-Pinecrest Security Guard Special Taxing District and the transfer of assets and liabilities of the Gables by the Sea Security Guard District to the two newly created special taxing districts; and an interlocal agreement providing that the City be the local governing body of the newly created special taxing districts, which will be operated as one special tax district.

Section 3. The Village Clerk is hereby directed to send a certified copy of this Resolution to the Miami-Dade County Board of County Commissioners.

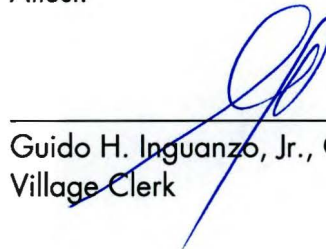
Section 4. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 6th day of March, 2018.




Joseph M. Corradino, Mayor

Attest:



Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved as to Form and Legal Sufficiency:



Mitchell Bierman
Village Attorney

Consent Agenda

