



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: June 14, 2022

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manager

Item Number:

7

Subject: Resolution No. 2825.22- Authorizing Commencement of a Formal Process to Adopt a Special Assessment for High Speed Internet Services

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2825.22 as presented. The attached Resolution is (a) authorizing commencement of the formal statutory process for adopting a special assessment for high speed internet services in accordance and in the manner required by state law, and (b) authorizing the Town Manager and staff to take steps necessary to levy this special assessment.

Background:

On April 20, 2021 via Resolution 2742.21 Council authorized the Town Attorney to submit a request to the Attorney General for Opinion Regarding Authorization to impose a special assessment to Telecommunication Services.

On June 15, 2021 via Resolution 2750.21 Council approved contract negotiations with Hotwire Communications. After successful negotiation and delivery of that contract, the Town broke ground on the project on October 28, 2021- making us the first municipality in the nation to provide our Town with a fully managed, 100% fiber optic/GPON network backbone, and deliver a Fiber-to-the-Home Over IP (VOIP), Phone, Internet protocol Television (IPTV), CCTV, Network security and monitoring, and more.

On November 16, 2021 via Resolution 2791.21 Council authorized the Town Manager to publish the Notice of Intent to Use the Uniform Method of Levying, Collecting and Enforcing Non-Ad Valorem Assessments for high speed internet services.

It has always been the stated objective of the Administration to be able to pass on the direct cost associated with providing this service to our residents. This

resolution establishes the Town's intent to use the Uniform Method to be able to levy and collect the non-ad valorem assessment with the fiscal year beginning on October 1, 2022. The Town has engaged SCS Engineers to conduct a rate study which will determine the method and appropriate fee that will be levied. It was recommended that the be set at \$80.00 per month at the May 17th, 2022 Special Town Council meeting.

After a careful consideration and deliberation, I am asking the Town Council to set the final assessment at \$70 versus the \$80 that was originally requested. Although the \$70 will not meet all of our financial obligations with the provider, we are confident that the Town's General Fund and other funds will be able to meet to additional funding needs.

YOU WILL SEE BOTH THE \$80 and \$70 REPORT; this is required for the Public to understand what we have proposed. However, **AT THE MEETING YOU WILL BE ASKED TO APPROVE ONLY THE \$70 per month.**

Fiscal Impact:

To be provided as part of the rate study being performed by SCS Engineers.

Use the report that calls for the \$70 per month.

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2825.22

A RESOLUTION OF THE TOWN COUNCIL OF TOWN OF GOLDEN BEACH, FLORIDA, RELATING TO THE PROVISION OF INFRASTRUCTURE AND TECHNOLOGY SERVICES WITHIN THE TOWN; DECLARING THE IMPOSITION OF SPECIAL ASSESSMENTS FOR SAID INFRASTRUCTURE AND TECHNOLOGY SERVICES; PROVIDING FOR AUTHORITY, DEFINITIONS, AND INTERPRETATION; LEVYING AND IMPOSING SPECIAL ASSESSMENTS FOR SAID INFRASTRUCTURE AND TECHNOLOGY SERVICES; CONFIRMING INITIAL ASSESSMENT RESOLUTION; ESTABLISHING THE METHOD BY WHICH THE PROPOSED SPECIAL ASSESSMENTS SHALL BE MADE; PROVIDING FOR EQUALIZATION, FILING, AND LIEN ON PROPERTIES TO BE ASSESSED; PROVIDING FOR EFFECT OF ADOPTION OF FINAL ASSESSMENT RESOLUTION; ESTABLISHING METHOD OF CHALLENGE TO THE SPECIAL ASSESSMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Golden Beach, Florida, (the "Town Council") has on May 17, 2022 adopted Resolution No. 2821.22 (the "Initial Assessment Resolution") establishing the imposition of a two tiered special assessment program in order to defray the cost of providing Technology Infrastructure and Services in whole or in part by the imposition of non-ad valorem special assessments on the properties benefitted by such Technology Infrastructure and Services; and

WHEREAS, the Initial Assessment Resolution contains and references a brief and general description of the Infrastructure Improvements and Technology Services; describes the method of apportioning the Infrastructure Cost to both the developed and developable parcels of property to compute the Infrastructure Assessments or Tier 1

Assessments and the method of apportioning the Technology Services Costs to the developed Residential and Non-Residential dwelling units or parcels, as applicable; establishes the annual Infrastructure Assessment or Tier 1 Assessment and the annual Technology Service Assessment or Tier 2 Assessment and the Maximum Rate for Technology Service Assessments; directs the preparation of the Preliminary Assessment Roll and provides for public notice required by the Uniform Collection Act; and

WHEREAS, the Initial Assessment Resolution authorized, pursuant to Section 197.3632, Florida Statutes (the "Uniform Collection Act"), the collection of such Technology Assessments on the property tax bill (the "Uniform Method"), commencing with the tax bill issued in November 2022; and

WHEREAS, in order to impose the Technology Assessments for the Fiscal Year beginning October 1, 2022, the Uniform Collection Act requires the Town Council to adopt a Final Assessment Resolution which establishes the Maximum Rate of assessment for the Technology Service Assessment and the annual Infrastructure Assessment and approves the Technology Services Assessment Roll, with such amendments as the Town Council deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the Technology Services Assessment Roll has heretofore been made available for inspection by the public, as required by the Uniform Collection Act; and

WHEREAS, notice of a public hearing has been published and mailed as required by the terms of the Uniform Collection Act which provides notice to all interested persons of an opportunity to be heard; an affidavit regarding the form of notice mailed being attached hereto as Exhibit “A” and the proof of publication being attached hereto as Exhibit “B”; and

WHEREAS, a public hearing was held on June 14, 2022 and comments and objections of all interested persons have been heard and considered as required by the terms of the Uniform Collection Act; and

WHEREAS, any and all complaints as to individual Technology Assessments have been considered by the Town Council meeting for the purpose of considering the equalization of individual assessments and to determine whether to adjust the assessments on the basis of justice and right: and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF GOLDEN BEACH COUNCIL:

SECTION 1. RECITALS. The recitals as set forth above, are true and correct and are hereby fully adopted, confirmed and incorporated herein.

SECTION 2. AUTHORITY. This resolution is adopted pursuant to the Initial Assessment Resolution; Article VII, Section 2, Florida Constitution; Sections 166.02 and 166.041, Florida Statutes; the Uniform Collection Act and other applicable provisions of law.

SECTION 3. DEFINITIONS AND INTERPRETATION. This resolution constitutes the Final Assessment Resolution as defined in the Initial Assessment

Resolution. All capitalized terms in this resolution shall have the meanings defined in the Uniform Collection Act and the Initial Assessment Resolution, as amended and supplemented hereby.

SECTION 4. LEVY AND IMPOSITION OF ASSESSMENT. Having considered all testimony provided at the public hearing and based on the findings and professional reports described in the Initial Assessment Resolution, including the Technical Memorandum, which is attached hereto and made a part hereof as Exhibit "C", the Town Council has determined that it is appropriate, advisable, and in the best interests of the Town, its residents and property owners, to levy the annual Infrastructure Assessments, the annual Technology Service Assessments, in the amounts and against the properties described in the Final Assessment Roll attached as Exhibit "D" to this Resolution, and said assessments are hereby levied and imposed.

SECTION 5. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution, as modified, amended and supplemented herein, is hereby confirmed.

SECTION 6. COLLECTION. The Town Manager is hereby directed to take any and all appropriate steps to provide for the collection of such Technology Assessments using the Uniform Method, commencing with the tax bill issued in November 2022. The Town Attorney is hereby authorized to initiate and maintain all proceedings necessary and appropriate to provide for the Uniform Method of collection of any and all Technology Assessments, including the Infrastructure Assessments and the

Technology Service Assessments based upon the annual assessment rate, for each and not to exceed the Maximum Rate, with respect to Technology Service Assessment.

SECTION 7. IMPOSITION OF ASSESSMENTS.

7.1 Tier One Assessment. The Infrastructure Assessments shall be imposed against all Developed Property and Undeveloped Property located in the Town for each Fiscal Year for ten (10) years commencing with Fiscal Year beginning on October 1, 2022, in the amount of annual Infrastructure Assessment rate which shall be computed in accordance with the method set forth in Section 6 of the Initial Assessment Resolution. When imposed, the Infrastructure Assessments for each Fiscal Year shall constitute a lien upon the Assessed Property as provided by the Uniform Collection Act.

7.2 Tier Two Assessment. The Technology Service Assessment shall be imposed against all developed Residential Properties and all developed Non-Residential Properties located in the Town for each Fiscal Year for ten (10) years commencing with Fiscal Year beginning on October 1, 2022, in the amount of annual Technology Service Assessment rate which shall be computed in accordance with the method set forth in Section 6 of the Initial Assessment Resolution and shall not exceed the Maximum Rate. When imposed, the Technology Service Assessments for each Fiscal Year shall constitute a lien upon the Assessed Property as provided by the Uniform Collection Act.

SECTION 8. EQUALIZATION. Having considered all complaints as to individual Infrastructure Assessments and Technology Service Assessments, the Town Council has determined that no adjustment or equalization is necessary to provide for a just and fair result.

SECTION 9. FILING. Upon adoption, this Resolution shall immediately be filed with the Town Clerk, and the Final Assessment Roll shall be filed with the Town Council, Town Clerk and the Miami-Dade Property Appraiser and Tax Collector in the manner provided in the Ordinance and the Uniform Collection Act.

SECTION 10. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rates of assessments, the Final Assessment Roll and the levy and lien of the Infrastructure Assessments and the Technology Service Assessments), unless proper steps shall be initiated in a court of competent jurisdiction within thirty (30) days from the date of adoption of this Final Assessment Resolution.

SECTION 12. SEVERABILITY. The provisions of this resolution are declared to be severable and if any section, sentence, clause or phrase of this resolution 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 resolution but they shall remain in effect, it being the legislative intent that this resolution shall stand notwithstanding the invalidity of any part.

SECTION 13. EFFECTIVE DATE. This Final Assessment Resolution shall take effect immediately upon its passage and adoption.

The Motion to adopt the foregoing Resolution was offered by Councilmember Lusskin, seconded by Vice Mayor Mendal, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Jaime Mendal	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida this 14th day of June, 2022.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY