



**To:** Honorable Chairperson Barbara Carey-Shuler, Ed.D  
and Members Board of County Commissioners

**Date:** May 25, 2004

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of George M. Burgess.

**Subject:** Falls Area  
Incorporation

### **RECOMMENDATION**

A vote of the area electors should be called with respect to the incorporation petition for the Falls area, as modified with respect to boundaries, subject to the following conditions:

1. The petition to incorporate the Falls area is expanded to provide for the inclusion of the Edgewater Park Community, as recommended by the Boundaries Commission and the Planning Advisory Board.
2. The Falls area municipal charter must incorporate the terms and conditions outlined in the conceptual agreement between the Falls Area Financial Responsibility Advisory Committee (FRAC) and Miami-Dade County (Attachment 1), including but not limited to the following: The agreement requires the proposed municipality to remain a part of the Miami-Dade Fire Rescue District, Miami-Dade Library System, the County's solid waste collection service area, and the payment for specialized police services in perpetuity. It also requires the prospective city to contract and pay for local patrol police services for an initial three-year period, agreement on an annual mitigation contribution to the Municipal Services Trust Fund, agreement on the continuing obligations to County Bonds, provides for the County's retention of regulatory control over Facilities of Countywide Significance and the conveyance of local parks from the County to the prospective city.
3. It is recommended that the incorporation election take place on the date of the November 2004 General Election, to allow for greater awareness and involvement.

The terms negotiated with the FRAC are consistent with those negotiated with previous incorporations.

I am supportive of the local issues that give rise to the efforts surrounding any given incorporation. Many are typically related to matters of local governance, control of neighborhood-type services, land use decisions, planning or preserving the character of an area. There are alternatives to incorporation for addressing each of these. The Falls initiative has moved through the requirements of the incorporation process as stated in the County Code. These requirements revolve around service impacts and financial impacts. They do not address the will of a community as we learned with the failed East Kendall incorporation effort. As a result of the stated Code requirements, I am moving forward this recommendation despite concerns with some of the reasons surrounding the impetus for the Falls incorporation movement and with the overall status of recent incorporations.

The Falls was primarily an off-shoot of the failed East Kendall incorporation movement. A relatively small group of individuals successfully began the effort to avoid being part of any other incorporation initiative. In my estimation there is no single dominant factor that supports the merits of the incorporation as stated above.

The overall incorporation picture also plays into my thoughts on moving this forward. We are currently experiencing challenges with the most recently incorporated cities that include service delivery and financial challenges, and threats of litigation regarding agreed to conditions included in municipal charters. I am also concerned about the number of Municipal Advisory Committee efforts underway and the lack of public involvement in each. We should be given the ability to allow recent incorporations run their course, and appropriately gauge the impact on the remaining unincorporated areas and the County overall before proceeding with too many concurrent incorporations.

In consideration of this recommendation, the Board of County Commissioners, as per Section 20-23(c) of the Miami-Dade County Code, shall at the conclusion of today's public hearing take one of the following actions:

1. Call for the elections of the area electors on the incorporation petition as presented by the applicants,
2. Call for the election of the area electors on the incorporation petition as modified with respect to boundaries or other aspects,
3. Deny the proposed incorporation petition, or
4. Defer such petition for further consideration by the applicants, Board of County Commissioners, the County Manager or the Planning Advisory Board.

## **BACKGROUND**

### **PETITION TO INCORPORATE**

On September 18, 2003 the Falls Area Steering Committee filed a petition for incorporation with the Clerk of the Board of County Commissioners. The petition included a general description and map of the area boundaries, a statement of the reason for seeking incorporation, consent from ten percent of

the electors in the area proposed for incorporation and resolutions of support for the incorporation from the neighboring Villages of Palmetto Bay and Pinecrest in accordance with Section 20-20 of the Miami Dade County Code.

#### THE FALLS AREA STEERING COMMITTEE

The effort to incorporate the Falls area was initiated in part as an organized effort to opt out of the East Kendall Municipal Advisory Committee (MAC) study area. Residents of the Falls area conducted a petition drive and presented the results to Commissioner Katy Sorenson with a request for exclusion from the East Kendall MAC. The request was granted and area residents began their own efforts to study the prospect of incorporating the Falls area beginning with a series of 'town meetings' held in May and June of 2003. Committees were created to study the pros and cons of incorporation and a petition drive to achieve incorporation ensued. On November 13, 2003 a town meeting was held at Signature Gardens where the Falls Steering Committee members presented the results of their efforts to date with more than 600 members of the public in attendance.

#### BOUNDARIES COMMISSION

On January 7, 2004 the Boundaries Commission held a public hearing on the petition to incorporate the Falls area (Attachment 2). Upon the conclusion of the public hearing the Boundaries Commission recommended, with seven members present, to move the item forward with a modification of the boundaries to include the community of Edgewater Park and requested the Home Owner Association provide a resolution indicating their desire for inclusion within the incorporation area. The resolution passed six to one, with the dissenting member stating the no vote was not in opposition to the incorporation proposal but instead in reaction to the absence of the inclusion of a mitigation recommendation as a part of the staff analysis.

#### PLANNING ADVISORY BOARD

On February 2, 2004, the Planning Advisory Board (PAB) held a public hearing on the petition to incorporate the Falls area (Attachment 3). Upon the conclusion of the public hearing the PAB recommended, that the Board of County Commissioners put the issue of the incorporation of the Village of the Falls to a vote to be decided by the residents of the proposed incorporation area. The resolution passed seven to one.

#### Board of County Commissioners

On March 18, 2004 the Board of County Commissioners held a public hearing on the Falls incorporation petition. At this hearing the Manager recommended the scheduling of a second public hearing to ensure all parties have the opportunity to participate in the public hearing process after the negotiation of a conceptual agreement was complete, while still complying with the requirements established by the County Code and permitting a potential election to be scheduled for the November 2004 General Election.

Falls Area Financial Responsibility Advisory Committee

The Falls Area Financial Responsibility Advisory Committee (FRAC) was created by Resolution of the Board of County Commissioners on January 20, 2004. The Resolution became effective February 03, 2004. The Committee's charge was to negotiate a Conceptual Agreement with the County Manager, outlining the terms under which this area can incorporate including mitigation to be paid to the County. The FRAC and the County Manager's designee finalized their negotiations at a public meeting on April 21, 2004, resulting in the attached conceptual agreement.

**INCORPORATION REQUIREMENTS**

As was the case with the incorporations of Miami Lakes, Palmetto Bay, Miami Gardens and Doral the proposed incorporation of the Falls area is required to remain in the Miami-Dade Fire-Rescue District, the Miami-Dade Public Library System, the County's solid waste collection system and continue to receive and pay for specialized law enforcement services from the Miami-Dade Police Department in perpetuity and to contract with the County for local patrol police services for a minimum of three years.

**LEGAL PROCESS AND TIMETABLE**

The petition process and therefore the timetable for the proposed incorporation of the Falls area is somewhat different than incorporations since Miami Lakes which have utilized the Municipal Advisory Committee (MAC) process. While the incorporation proposal is required to appear before the Boundaries Commission, the Planning Advisory Board, Budget and Finance Subcommittee, and the Board of County Commissioners the date the proposal can appear before the Board of County Commissioners is established by County Code.

For the purpose of ensuring the incorporation proposal appears on a ballot in the November 2004 General Election, the petition was waived through the Budget and Finance Committee on March 11, 2004 to appear before the Board of County Commissioners on March 18, 2004 for the required public hearing. Specifically, Section 20-23 requires that the Board of County Commissioners shall only hold a public hearing on the petitions for incorporation during the periods between September 1 and September 30 and during the period between March 1 and March 31 of each year.

**INCORPORATION REPORT**

The County Code, Section 20-23(b) and Section 20-30(b) contain a set of guidelines that the Boundaries Commission, the Planning Advisory Board, and the County Commission are to consider in developing their recommendations and actions on incorporation proposal. These guidelines were developed with the intent of assuring both that the proposed new city is fiscally viable and that the potential negative impact of the creation of the new city on the remaining unincorporated municipal service area (UMSA) is minimized.

This report provides the information required by the Miami-Dade County Code and analyzes the proposed incorporation of the Falls area as submitted by the petition to incorporate filed September 18, 2003.

Attached is the staff analysis of the petition to incorporate the Falls area as it was presented to the Boundaries Commission and the Planning Advisory Board. Based on the Planning Advisory Board and Boundaries Commission recommendations and the desire expressed by members of the Edgewater Park Community for inclusion in the proposed incorporation area, staff has conducted further analysis to determine the impact of the incorporation petition with the inclusion of the Edgewater Park community.

Evaluation of the Falls area incorporation proposal with the inclusion of the Edgewater Park Community modifies the fiscal analysis of the fiscal impact the proposal would have to the remaining Unincorporated Municipal Service Area (UMSA) in the event of incorporation, in addition to the demographic, Census Designated Places and school district information. The modified analysis based on the inclusion of Edgewater Park community is outline below.

**Profile of the Area**

The estimated 2000 population of the area is 21,846 persons. Table 1 reports selected demographic characteristics of the area which changed with the revised boundaries. The population of the Falls area is predominantly white, non-Hispanic with very few blacks, non-Hispanic residents.

**Table 1**  
**Social Characteristics**  
**The Falls Area and Miami-Dade County**

	The Falls	Miami-Dade
<u>Population Characteristics, 2000</u>	21,846	2,253,362
Percent White, Not Hispanic	52.3%	20.7
Percent Black, Not Hispanic	7.0%	19.0
Percent Other, Not Hispanic	5.3%	1.6
Percent Hispanic Origin	35.4%	57.3

Source: U.S. Census Bureau, Census 2000 Summary File 1 and Summary File 3.  
Miami-Dade County, Department of Planning and Zoning, 2003.

Table 2, provides additional demographic information with modifications to the boundaries only resulting in changes to Census Tract 84.14 which includes the Edgewater Park community.

5

**Table 2**  
**Village of the Falls**  
**Population By Race and Hispanic Origin**  
**Miami-Dade County, 2000**

<b>Tract</b>	<b>Total Persons</b>	<b>White Not Hispanic</b>	<b>Black Not Hispanic</b>	<b>Other Not Hispanic</b>	<b>Hispanic Origin Any Race</b>
83.04 (p)	0	0	0	0	0
83.05	5,368	2,747	569	302	1,750
84.05 (p)	886	433	26	26	401
84.09	5,184	2,654	351	294	1,885
84.14 (p)	5,051	2,290	462	315	1,984
84.15	5,357	3,301	123	213	1,720
<b>Total:</b>	<b>21,846</b>	<b>11,425</b>	<b>1,531</b>	<b>1,150</b>	<b>7,740</b>
<b>Percent:</b>	<b>100%</b>	<b>52%</b>	<b>7%</b>	<b>5%</b>	<b>35%</b>

Source: U.S. Census Bureau, Census 2000 Summary File 1, Miami-Dade County, Department of Planning and Zoning, 2002.

Note: (p) denotes partial Census Tract represented.

**Development Profile of the Area**

Table 3 reports the 2000 land use profile of the area. Almost two-thirds of the proposed incorporation area is residential, with residential single-family being the predominant use. The proposed incorporation area contains an industrial park and a large shopping mall (The Falls) within its boundaries. The inclusion of the Edgewater Park community resulted in slight increase in the percentage of residential land uses.

**Table 3**  
**2000 Land Uses**

<b>Land Use</b>	<b>Villages of the Falls (Acres)</b>	<b>Villages of the Falls (Percentage)</b>	<b>Miami-Dade County (Acres)</b>	<b>Miami-Dade County (Percentage)</b>
Residential	2,636.9	62.3	99,385.4	6.4
Commercial	88.9	2.1	13,776.1	0.9
Industrial	62.1	NA	17,200.2	1.1
Institutional	72.9	1.7	12,950.6	0.8
Parks/Recreation	96.0	2.3	787,907.6	50.9
Communication/Utilities	945.7	22.3	86,065.5	5.6
Agricultural	21.2	NA	80,355.3	5.2
Undeveloped	120.5	2.8	135,421.9	8.7
Inland/Costal Waters	191.2	4.5	315,654.7	20.4
<b>Total:</b>	<b>4,235.4</b>	<b>100.0</b>	<b>1,548,717.3</b>	<b>100.0</b>

Source: Miami-Dade Department of Planning and Zoning, Research Section,

Jan., 2004

The inclusion of the Edgewater Park community brings about changes to the Census Designated Places included within the proposed incorporation area. With the boundary modification most of the proposed incorporation area is located inside the Kendall Census Designated Place (CDP) with the remaining portion of the area located inside the Richmond Heights CDP. Approval of the proposed incorporation would result in division of both the Kendall and the Richmond Heights CDPs. If the incorporation proposal is approved as amended, the northern portion of the Kendall CDP and the southern portion of the Richmond Heights CDP would remain in unincorporated Miami-Dade County.

The addition of this area also adds Richmond Heights Middle School to the list of school district boundaries within the proposed incorporation area.

### **Fiscal Impact**

The analysis was conducted using the appropriate allocation methodologies to estimate the revenues and expenses for the proposed incorporation area of the Falls. It is estimated that the incorporation of this area will result in the loss of approximately \$9.1 million in UMSA revenues and the reduction of approximately \$5.563 million in UMSA expenses, for a net loss of approximately \$3.537 million.

To mitigate the adverse impact of the proposed incorporation to the remaining unincorporated area, the recommended mitigation contribution of 1.0 mills at, in the current year equivalent to \$1.5 million and approximately 45% of the net surplus to the Municipal Services Trust Fund. Therefore, the estimated impact of the proposed incorporation to the UMSA budget would be approximately \$1.2 million.

The initial annual contribution amount shall be 1.0 mills of the value of 95% of the taxable real property within the boundaries of the proposed municipality on the date the incorporation is approved. Each annual payment following the initial annual contribution will be in an amount which equals 1.0 mills of the value of 95% of the taxable real property in the area designated as the Falls Commercial Business Industrial (CBI), as the value is shown on each year's preliminary assessment roll. The mitigation amount for the "residential area" will be set on the date of the incorporation and subsequent annual payments will be adjusted, based on the local Consumer Price Index on an annual basis.

The recommended mitigation rate was determined by taking into consideration the most favored nations language included in the Charters of Miami Lakes, Palmetto Bay and Doral while providing the ability for a new city to operate a municipal government and provide some service improvements to its residents. Should a mitigation rate for the proposed incorporation area of the Falls be adopted that is lower than that proposed it could trigger the most favored nations status for the aforementioned municipalities resulting in further financial losses to the remaining unincorporated areas of the County.

The figures listed below in the *Falls Estimated Revenues and Expenses Impact to UMSA* analysis reflect changes for the 2003 – 2004 fiscal year and reflect the use of ratios and assumptions based on the adopted budget for each support function to the total direct services budget, which included Police, Public Works and Parks. The assumptions do not include gas tax funded projects, canal maintenance revenues or expenses, proprietary activities such as building, zoning, and solid waste, and fire and library districts. The revenues and expenditures are based on allocations and not on actuals.

<b>Based on FY 03-04 Budget</b>	<b>Assumptions</b>	<b>Falls Total w. CBI and Edgewater Park</b>
<b>2002 Taxable Property Rolls</b>		\$1,619,937,575
<b>2000 Census Population</b>		21,846
<b>2002-03 UMSA Millage</b>		2.447
<b>Police Calls for Service for 2003</b>		15,748
<b>Cost per Police Call</b>		\$248
<b>Cost per Lane Mile</b>		\$1,380
<b>Number of Lane Miles</b>		182.52
<b>Per Capita Taxable Value</b>		\$74,153
<b>Gross Revenue Loss to UMSA</b>		
<b>Property Tax Revenue</b>	<i>Allocation based on tax roll &amp; millage</i>	\$3,766,000
<b>Franchise Fees</b>	<i>Allocation based on tax roll/population</i>	\$874,000
<b>Sales Tax</b>	<i>Allocation based on \$59 per person</i>	\$1,086,000
<b>Utility Taxes</b>	<i>Allocation based on tax roll/population</i>	\$1,727,000
<b>Communications Tax</b>	<i>Allocated based on tax roll/population</i>	\$1,390,000
<b>Alcoholic Beverage License</b>	<i>Allocation based on \$0.21 per person</i>	\$5,000
<b>Occupational License</b>	<i>Allocation based on \$3.17 per person</i>	\$71,000
<b>Fines and Forfeitures</b>	<i>Allocation based on \$6.57 per person</i>	\$115,000
<b>Interest</b>	<i>Allocation based on .53% of all revenues</i>	\$48,000
<b>Miscellaneous Revenues</b>	<i>Allocation based on \$0.80 per person</i>	\$18,000
<b>Gross Revenue to UMSA</b>		\$9,100,000
<b>Cost of Providing UMSA Services</b>		
<b>Police Department</b>	<i>Based on police calls</i>	
	<i>Local Patrol</i>	\$2,855,471
	<i>Specialized &amp; Other</i>	\$1,050,782
<b>Parks and Recreation Dept</b>	<i>Based on cost of parks</i>	\$412,599
<b>Public Works</b>		
	<i>Lane Road Miles Lane miles times cost per lane mile</i>	\$251,878
<b>Planning, Team Metro and others</b>	<i>Direct cost times 9.3%</i>	\$425,078
<b>QNIP (Debt and pay-as you-go)</b>	<i>Utility Taxes as a % of debt service 13%</i>	\$224,510
<b>Policy Formulation/Internal Support</b>	<i>Direct cost times 7.5%</i>	\$342,805
<b>Cost of Providing UMSA Services</b>		\$5,563,122
<b>Net Budget Loss to UMSA</b>		\$3,536,878
<b>Assumptions:</b>		
1. Does not include gas tax funded projects		
2. Does not include canal maintenance revenues or expenses		
3. Does not include proprietary activities: Building, Zoning, Solid Waste		
4. Does not include Fire and Library Districts		
5. Revenues are based on allocations not actuals		

SUMMARY OF PETITION

The petitioners have stated that they wish to form a new municipality for the following reasons:

- to provide long term locally determined decisions to improve the quality of life for the residents and businesses in the local area;
- to make local governmental accountable for how tax revenue is spent in the local area;
- to provide more focused public policy initiatives to protect and promote and promote the community character of the local area;
- to develop a strategic plan for the communities development;
- to improve land use planning, zoning control and economic development of the local area;
- to improve local area services and local area infrastructure; and
- to instill community pride and increase participation in local government.

ANALYSIS OF THE FALLS PROPOSED INCORPORATION AREA AS SUBMITTED BY THE PETITION TO INCORPORATE

Provided below is the analysis of the original boundaries of the Falls proposed incorporation area as submitted by the petition to incorporate, this excludes the Edgewater Park Community. The inclusion of the Edgewater Park Community is recommended and for this reason the analysis on pages four through eight, identified the fiscal and demographic changes brought about by the inclusion of this community.

PROFILE OF THE AREA

The estimated 2000 population of the area is 20,764 persons. Table 1 reports selected demographic and economic characteristics of the area. Overall, compared to the County as a whole, the median household income and the per-capita income of the Village of the Falls area are considerably higher. The population in the Village of the Falls area is predominantly white, non-Hispanic with very few blacks, non-Hispanic residents.

**Table 1**  
**Social and Economic Characteristics**  
**The Falls Area and Miami-Dade County**

	The Falls	Miami-Dade
<u>Population Characteristics, 2000</u>	20,764	2,253,362
Percent White, Not Hispanic	54.1%	20.7
Percent Black, Not Hispanic	6.6%	19.0
Percent Other, Not Hispanic	5.2%	1.6
Percent Hispanic Origin	34.0%	57.3
<u>Income</u>		
Weighted Mean of Median Household Income	\$63,109	\$35,966
Per-capita Income	\$33,954	\$18,497
<u>Housing</u>		
Percent Owner Occupied	82.1%	57.8
Percent Single Unit detached	75.6%	42.7

Source: U.S. Census Bureau, Census 2000  
 Summary File 1 and Summary File 3.  
 Miami-Dade County, Department of  
 Planning and Zoning, 2003.

Table 2, provides additional demographic information.

**Table 2**  
**Village of the Falls**  
**Population By Race and Hispanic Origin**  
**Miami-Dade County, 2000**

Tract	Total Persons	White		Other Not Hispanic	Hispanic Origin Any Race
		Not Hispanic	Not Hispanic		
83.04 (p)	0	0	0	0	0
83.05	5,368	2,747	569	302	1,750
84.05 (p)	886	433	26	26	401
84.09	5,184	2,654	351	294	1,885
84.14 (p)	3,969	2,107	305	243	1,314
84.15	5,357	3,301	123	213	1,720

<b>Total:</b>	<b>20,764</b>	<b>11,242</b>	<b>1,374</b>	<b>1,078</b>	<b>7,070</b>
<b>Percent:</b>	<b>100%</b>	<b>54%</b>	<b>7%</b>	<b>5%</b>	<b>34%</b>

Source: U.S. Census Bureau, Census 2000 Summary File 1,  
 Miami-Dade County Department of Planning and Zoning, 2003.

Note: (p) denotes partial Census Tract represented.

Development Profile of the Area

Table 3 reports the 2000 land use profile of the area. Almost two-thirds of the proposed incorporation area is residential, with residential single-family being the predominant use. The proposed incorporation area contains an industrial park and a large shopping mall (The Falls) within its boundaries.

Table 3  
 2000 Land Uses

<b>Land Use</b>	<b>Village of the Falls %</b>	<b>Miami-Dade County %</b>
Residential	63.05	6.42
Commercial	2.16	0.89
Industrial	1.51	1.11
Institutional	1.70	0.84
Parks/Recreation	2.23	50.87
Communication/Utilities	22.03	5.56
Agricultural	0.51	5.19
Undeveloped	2.48	8.74
Inland/Coastal Waters	4.33	20.38
Total	100	100

Source: Miami-Dade Department of Planning and Zoning, 2003.

**GUIDELINES ANALYSIS**

The following analysis addresses the factors required for consideration by the Boundaries Commission, Planning Advisory Board and Board of County Commission pursuant to Chapter 20 of the County Code.

1. **The suitability of the proposed boundaries to provide for a municipal community that is both cohesive and inclusive. Specifically, the area should:**
  - a) **Not divide a Census Designated Place, to the extent feasible.**

Census designated places (CDPs) are areas that are identified locally and recognized by the Census Bureau for the purpose of reporting data. They include all existing cities and certain unincorporated areas that are defined, in cooperation with local agencies, as recognizable and relatively cohesive communities.

The proposed incorporation area is entirely located inside the Kendall Census Designated Place (CDP). Approval of the proposed incorporation would result in a divided Kendall CDP. The northern portion of the Kendall CDP would remain in unincorporated Miami-Dade County.

**b) Include adjacent areas of ethnic minority and lower income residents in which a majority of those residents have so petitioned.**

No adjacent unincorporated areas have a majority of ethnic minority or lower income residents that have petitioned to be in the incorporation area. However, the neighboring community of Edgewater has requested inclusion in the proposed incorporation area of the Falls. This area is located just southwest of the C-100 canal within Commission District 8.

**c) Have contiguity and not create any unincorporated enclave area(s). An unincorporated enclave area is defined as an area that would be 1) surrounded on more than (80) percent of its boundary by one (1) or more municipalities and of a size that could not be serviced efficiently or effectively.**

The proposed incorporation area is not an enclave nor approval of the proposed boundaries would result in the creation of an enclave.

**d) Have natural or built barriers as boundaries, to the extent feasible.**

The proposed incorporation area is bounded on the north by Killian Parkway/SW 112 Street, on the east by South Dixie Highway/U.S. 1, on the south by the C-100 Canal, and on the west by S.R. 874 and SW 117 Avenue. The above referenced boundaries are logical and consist of existing or platted features.

**2. Is there evidence of support of area residents and property owners sufficient to warrant the costs of balloting of electors?**

The petition submitted by the Falls Steering Area Committee included the signatures of more than 10% of the registered voters within the proposed incorporation area in support of the incorporation effort. Since the submission of the petition to the Clerk of the Board of County Commission the Steering Committee members and volunteers continued to gather signatures. In an effort to involve other residents of the community three initial town meetings were held during May and June of 2003 at which a total of approximately 300 residents were in attendance. On November 13, 2003 a town meeting was held with over 600 residents in attendance.

**3. What are the existing and projected property tax costs for municipal-level services to the average homeowner in the area as currently unincorporated and as incorporated as a comparable Miami-Dade County city with a similar per-capita property tax base?**

The proposed incorporation area of the Falls has a per capita taxable value of approximately \$72,000. While the governing body of the proposed city will be responsible for determining the actual service levels, budget and the millage rate; comparing the per capita taxable value to other municipalities within Miami-Dade County provides an indication of what the future millage rate could be.

Cities in Miami-Dade County with similar per capita property taxable values to the proposed incorporation area are:

<u>CITY</u>	<u>PER CAPITA TAXABLE VALUE</u>
Virginia Gardens	\$62,000
Palmetto Bay	\$77,000
Bay Harbor	\$84,000

The municipal millage rate for each of these cities is as follows:

<u>CITY</u>	<u>MILLAGE RATE</u>
Virginia Gardens	4.843 mills
Palmetto Bay	2.447 mills
Bay Harbor	5.0 mills

The per capita taxable value for the proposed incorporation area at \$72,000 is higher than that for the Unincorporated Municipal Service Area (UMSA), at approximately \$50,000. The millage rate for UMSA is 2.447 the same as Palmetto Bay but lower than the millage rates for the cities of Virginia Gardens and Bay Harbor.

**4. Are there any suitable alternatives to incorporation, including annexation to an existing municipality?**

This area could be annexed by the Village of Pinecrest or the Village of Palmetto Bay however these cities have not expressed an interest in annexing the Falls area and both municipalities have proffered resolutions in support of the incorporation proposal.

**5. Is the area totally contained in the Urban Development Boundary depicted on the future land use map of the Dade County Comprehensive Development Master Plan?**

The proposed incorporation area is entirely inside the Urban Development Boundary of the County's Comprehensive Development Master Plan (CDMP). The County's Land Use Policy 2B states that "priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the Urban Development Boundary (UDB) of the Land Use Plan (LUP) Map."

**6. Consistency with the Land Use Plan of the County's Comprehensive Development Master Plan.**

The future land use designations within the proposed incorporation area are "Industrial and Office," "Business and Office," "Office/Residential," "Estate Density Residential," "Low Density Residential," "Low-Medium Density Residential," "Medium Density Residential," "Institutional," "Environmentally Protected Parks," and "Parks and Recreation." A brief description of these CDMP land uses follows:

The "Industrial and Office" land use designation allows industries, manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses.

The "Business and Office" land use designation accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusement and commercial recreation establishments. Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office designated areas provided that the scale and the intensity, including height and floor area ratio of residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning.

The "Office/Residential" land use designation allows both professional and clerical offices, hotels, motels, and residential uses. Office development may range from small-scale professional office to large-scale office parks.

The "Estate Density Residential" land use designation allows residential uses at a density range of 1 to 2.5 dwelling units per gross acre. The "Low Density Residential" land use designation allows residential uses at a density range of 2.5 to 6.0 dwelling units per gross acre. The "Low-Medium Density Residential" land use designation allows residential uses at a density of up to 13 dwelling units per gross acre. The "Medium Density Residential" land use designation allows residential uses at a density of up to 25 dwelling units per gross acre.

The "Institutional" land use designation allows institutional uses and utilities of metropolitan significance. Such uses as major hospitals, medical complexes, colleges, universities, regional water supply, wastewater and solid waste utility facilities are allowed under this classification.

The "Environmentally Protected Parks" land use designation includes both private and public environmentally sensitive lands located in parks. These lands demand valuable environmental management practices.

The "Parks and Recreation" land use designation includes both private and public lands in park or recreation use.

- 7. If incorporation is considered, is the area within the proposed**

**incorporation boundaries compatible with existing planned land uses and zoning of the areas surrounding the proposed municipality?**

The current land uses in the proposed incorporation area are residential single- and multi-family, commercial, office, industrial, communications, institutional and parks; with single-family residential being the predominant existing land use. The existing underlying zoning would permit compatible development. Planned land uses and zoning within the proposed incorporation area are compatible with the planned land uses and zoning of the area that surrounds it.

**8. What is the impact of the proposal on the revenue base of the unincorporated area and on the ability of the County to effectively and efficiently provide services to adjacent remaining unincorporated areas?**

The analysis was conducted using the appropriate allocation methodologies to estimate the revenues and expenses for a given area. It is estimated that the incorporation of the Falls area will result in the loss of approximately \$8.6 million in UMSA revenues and the reduction of approximately \$5 million in UMSA expenses, for a net loss of approximately \$3.6 million.

To mitigate the adverse impact the of the proposed incorporation to the remaining unincorporated area County staff will recommend a mitigation rate that will take into account the most favored nations language included in the Charters of Miami Lakes, Palmetto Bay and Doral while providing the ability for a new city to operate a municipal government and provide some service improvements to its residents.

The figures listed below will be updated to reflect changes for the new 2003 – 2004 fiscal year and are currently calculated using ratios based on the fiscal year 2002 – 2003 budget for each support function to the total direct services budget, which included Police, Public Works and Parks. The assumptions do not include; gas tax funded projects, canal maintenance revenues or expenses, proprietary activities such as building, zoning, and solid waste; and fire and library districts. The revenues and expenditures are based on allocations not on actuals.

<i>Based on FY 02-03 Budget</i>	<i>Assumptions</i>	<i>Falls Total w/ CBI</i>
2002 Taxable Property Rolls		\$1,486,487,485
2000 Census Population		20,764
2001-02 UMSA Millage		2.447
Police Calls for Service for 2002		16,715
Cost per Police Call		\$200
Cost per Lane Mile		\$1,380
Number of Lane Miles		181
<b>Per Capita Taxable Value</b>		<b>\$71,590</b>
<b>Gross Revenue Loss to UMSA</b>		
Property Tax Revenue	<i>Based on Tax Roll &amp; Millage</i>	\$3,456,000
Franchise Fees	<i>Allocated based on tax roll/population</i>	\$687,000
Sales Tax	<i>Based on \$58 per person</i>	\$1,204,000
Utility Taxes	<i>Allocated based on tax roll/population</i>	\$1,746,000
Communications Tax	<i>Allocated based on tax roll/population</i>	\$1,265,000
Alcoholic Beverage License	<i>Based on \$0.21 per person</i>	\$4,000
Occupational License	<i>Based on \$3.17 per person</i>	\$66,000
Fines and Forfeitures	<i>Based on \$6.57 per person</i>	\$136,000
Interest	<i>Based on .53% of all revenues</i>	\$45,000
Miscellaneous Revenues	<i>Based on \$0.80 per person</i>	\$17,000
<b>Gross Revenue to UMSA</b>		<b>\$8,626,000</b>
<b>Cost of Providing UMSA Services</b>		
Police Department	<i>Based on police calls</i>	
	<i>Local Patrol</i>	\$2,443,733
	<i>Specialized &amp; Other</i>	\$899,267
Parks and Recreation Department	<i>Based on cost of parks</i>	\$412,599
Public Works		
Lane Road Miles	<i>Lane miles times cost per lane mile</i>	\$249,559
Planning, Team Metro and others	<i>Direct cost times 9.3%</i>	\$372,480
	<i>Planning 0.3%</i>	
	<i>Team Metro 2.5%</i>	
	<i>Other 6.5%</i>	
QNIP (Debt and pay-as you-go)	<i>Direct cost times 11.7%</i>	\$468,604
Policy Formulation/Internal Support	<i>Direct cost times 5.3%</i>	\$212,273
<b>Cost of Providing UMSA Services</b>		<b>\$5,058,515</b>
<b>Net Budget Loss to UMSA</b>		
		<b>\$3,567,485</b>

**CURRENT SERVICE LEVEL INFORMATION**

**Background:**

The Falls proposed incorporation area encompasses an approximately 6.4 square miles. The population estimate, based on 2000 census figures, is 20,764.

**Police Services**

**Calls for Service:** The Kendall District is comprised of 157 grids. The proposed incorporation area is made up of 25 Kendall District Grids. The proposed municipality's area represents approximately 16 percent of the area patrolled by the Kendall District. The below figures represent calls for service for the Kendall District, versus the proposed incorporation area of the Falls.

<b><u>Falls Proposed Incorporation Area</u></b>			<b><u>Kendall District</u></b>		
<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
18,208	18,948	17,673	161,809	128,995	155,349

Based on the aforementioned figures for calendar years 2000, 2001, and 2002, the Falls area represents 11, 15, and 11 percent, respectively, of the service demands for the Kendall District.

**Base Staffing:** The proposed area of incorporation represents approximately 12 percent of the total calls for service for the district. Based on this percentage alone, minimum staffing requirements for the area would be **24 officers**. This staffing level does not account for supervisory or investigative concerns. The following represents minimum staffing levels needed to service to the area, providing for viable response times, supervisory, officer safety, and relief concerns:

**Base Staffing Level**

Captain	0
Lieutenants	1*
Sergeants	5**
Officers	24
Detectives	3
<b><u>Total Sworn</u></b>	<b><u>33</u></b>
PSA	2
PRS	2
Secretary	1
OSS	1
<b><u>Total Non-Sworn</u></b>	<b><u>7</u></b>
<b><u>TOTAL STAFF</u></b>	<b><u>40</u></b>

\*Varied Shift

\*\*Administrative, Investigative, or Relief Supervisors

**SHIFT CONFIGURATION**

**City Commander**  
 Lieutenant (1)  
 Secretary (1)

<u>Days GIU/Admin</u>	<u>Platoon I Midnights</u>	<u>Platoon II Days</u>	<u>Platoon III Afternoon</u>	<u>Relief</u>
Sergeant (1) Sergeant (1)	Sergeant (1)	Sergeant (1)		Sergeant (1)
<b>GIU Detectives (3)</b>	Officer (8)	Officer (8) PSA (1)	Officer (8) PSA (1)	
<u><b>CAU</b></u>		PRS (1)	PRS (1)	
PCAS (1)				
OSS II (1)				

This shift configuration calls for officers on each shift to have different days off to allow for relief coverage. There would not actually be eight officers on any given day providing road patrol coverage.

The aforementioned minimum staffing configurations do not reflect equipment or specialized service concerns. They represent base staffing for the area based on size (square miles), population density, and calls for service.

Final staffing levels will be determined by contract after negotiations with elected officials. However, personnel levels shall not be set below the base staffing levels.

**Fire-Rescue Services**

Incorporation will have no impact on the remainder of the Fire Rescue District since the proposed municipality in the Falls area will remain in the Fire District.

**Community and Economic Development**

Within the Falls proposed incorporation area there are no eligible Low or mod income block groups. There is no impact on these areas for any benefits derived from inclusion in federal or state enterprise zones, or targeted area assistance provided by federal, state and local government agencies, as a result of incorporation

**Consumer Services Department**

The proposed incorporation area will continue to be served by the same cable television and telecommunication operators as before. The proposed incorporation will not have an impact on our ability to license and enforce our cable TV regulations.

Currently, the proposed area of incorporation is receiving cable services from Adelphia Cable Communications and BellSouth Entertainment. There will be no changes in cable services for the proposed incorporation area.

Telecommunications Service Providers are required to register with the County only if they have facilities located within the unincorporated areas. The purpose of the registration process is to determine users of the County's Rights-of-Way. Therefore, companies that have facilities within the proposed Village of the Falls incorporation area will no longer be required to register with the County. Municipalities are responsible for managing its public thoroughfares.

Municipal programming is accomplished through separate agreements between municipalities and the cable operators providing services within their respective municipality. The cable operator's obligation to broadcast municipal meetings is outlined in these agreements. Technically, cable operators have the ability to add municipal programming to the proposed annexed areas if required.

**Department of Environmental Resource Management (DERM)**

Services provided by DERM on the subject areas include, but are not limited to:

Review and approval or disapproval of development orders.

This includes the following:

- Building Permits
- Zoning Actions
- Platting Actions (Land Subdivision)
- Building Occupancies (Residential and Nonresidential)
- Municipal Occupational Licenses

The department reviews applications for consistency with the requirements of Chapter 24. The review includes but is not limited to the following:

- Protection of public potable water supply wellfields
- Potable water supply
- Liquid waste disposal
- Stormwater management and disposal
- Tree resources preservation and protection
- Wetland preservation and protection
- Coastal resources preservation and protection
- Air quality requirements
- Flood protection

**Operating Permits**

Section 24-35 of the Code Authorizes DERM to require permits for any facility that could be a source of pollution. This includes a wide variety of nonresidential activities or facilities and some ancillary operations to residential land uses.

Pollution Prevention and Educational Programs

The DERM Office of Sustainable Environment and Education is responsible for promoting and coordinating pollution prevention programs, waste minimization programs, urban CO2 reduction, and environmental education in general.

Enforcement Activities

These include regular inspections of permitted facilities as well as of any potential source of pollution, responses to complaints and general enforcement operations.

Inasmuch as DERM's regulatory activities are enforceable under County Code in both incorporated and unincorporated area, the Department currently provides the above services to the subject area. Accordingly, annexation of the parcels in question will not affect our Department's ability to provide adequate levels of service.

The ability of DERM to provide adequate services to the areas being annexed will not be impaired in any manner by this action nor to the areas adjacent to the parcels being annexed.

The following information is being submitted as relates to Code requirements enforced by DERM. Additionally, we are submitting information concerning wellfields in the area as well as Water and Sewer, Tree Preservation, Wetlands and Stormwater information.

Wellfield Protection:

A portion of the proposed annexation area is located within the average and the maximum day pumpage wellfield protection areas of the Alexander Orr, Snapper Creek and Southwest Wellfield Complex. Accordingly, approval of land uses within the wellfield protection area shall be in accordance with the regulations established in Section 24-12.1 of the Code.

These regulations include, but are not limited to restriction on certain land uses; use of septic tanks as a means for the disposal of liquid waste; prohibition of hazardous materials or waste; regulation of excavations and several other. DERM review and approval is required prior to any approval on these areas.

Water Treatment Plant Capacity

The proposed annexation area is served by WASD's Alexander Orr Water Treatment Plant, which presently has no restrictions on capacity.

Wastewater Treatment Plant Capacity

The proposed annexation area is served by WASD's Interconnected wastewater facilities system. Which presently has no restrictions on capacity.

Drainage Permitting:

DERM has delegated authority from the South Florida Water Management District for issuance of surface water management general permits under Chapter 40E-40, Florida Administrative Code (FAC). Jurisdiction to require a general permit is countywide, and is dependent upon the size of the development. DERM has also countywide permitting authority for the construction of overflow outfall to a body of water. Although some smaller projects may be exempted from drainage permits from DERM, it is still required for DERM to perform an environmental and water quality review for all new drainage system. Usually a tracking system is created by the Municipality to require DERM comments before issuing a construction permit.

Canal Issues:

The Miami – Dade County Water Control Plan shows the following Secondary Canal within the proposed Incorporation Area:

The Kendale South Canal, in Section 8-55-40

It is the responsibility of the city to prohibit any construction within the canal reservations, canal easements or canal right-of-ways without the necessary prior approval from DERM.

Furthermore, all secondary canals within the service area of the city will require a canal maintenance agreement between the City and the County. This allows the County's Public Works Department to continue its maintenance activities in those canals, and maintain a standard level of service for the city's residents.

Forest Resources Comments

Section 24-60 of the Code requires the preservation of tree resources. Consequently, the preservation of any existing tree resources will be required in accordance with Code requirements.

**Solid Waste Collection (DSWM)**

Section 1.01A(9) of the Miami-Dade County Home Rule Charter provides the County with the authority to provide and regulate waste collection services in the entire county. Additionally, Ordinance 96-30 provides that the Department of Solid Waste Management shall continue to collect any residential solid waste from any part of the unincorporated municipal area that becomes a municipality. Any residential account currently being serviced by a private provider will continue to receive services from the private provider as long as the private waste service contract remains valid or the property does not change ownership.

The litter program funded by the UMSA budget will not be provided by the department unless an interlocal agreement is reached with the municipality.

### **Building Department**

The Building Department operates from the fees collected by permits, inspections and fines related to the construction and renovation of property. Based on the assumption that the new municipality will not contract with the department for plans review and inspections, and assuming the workload regarding other unincorporated areas does not change, the incorporation of this area will not have an adverse effect on the department's service levels. The Building Department indicates, in fact the level of service provided to the remaining unincorporated area would increase because staff engaged in work in the Falls area would be redirected to work from other unincorporated areas.

### **Team Metro**

The code enforcement responsibilities of Team Metro will be transferred to the new municipality. Team Metro would be interested in discussing subcontracted code enforcement services within its area of expertise to the new municipality.

### **Parks and Recreation**

There are two local parks within the proposed incorporation boundaries, these include:

- Briar Bay Park
- Rockdale Parks

These parks will be transferred to the new municipality contingent upon UMSA residents being able to use the park without being required to pay fees for services above those charged to municipal residents. The net annual budgeted cost of operating these parks for fiscal year 2003-04 is \$29,100.

There are ten countywide parks and areas within the proposed incorporation boundaries, these parks include:

- Area 312
- Area 313
- Area 316
- Area 318
- Area 338
- Area 47
- Briar Bay Golf Course
- Briar Bay Linear Park
- Pine Shore Pineland Preserve
- Pinewoods Park
- 

These parks will continue to be managed, operated and funded by the County.

**9. Potential Revenue Sources and Facilities to be made available to the proposed municipality upon incorporation.**

As outlined in the table above, all of the eligible municipal revenues will be available to the Falls if the area incorporates. The facilities that will be made available are local parks within the boundaries of the proposed new municipality and they include Briar Bay Park and Rockdale Park. These parks will be transferred to the city contingent upon UMSA residents being able to continue to utilize the park and not be required to pay fees for services above those charged to municipal residents.

**10. Financial impacts of the incorporation on the remaining unincorporated areas of Miami-Dade County. Does the proposed incorporation fall between \$20,000 and \$48,000 per capita taxable value?**

The per capita taxable value for the Falls area is approximately \$72,000. Therefore it lies outside the \$20,000 and \$48,000 range. Absent mitigation it is anticipated that the incorporation proposal will have an adverse impact of approximately \$3.5 million annually to the remaining UMSA.

**11. Any other factor that arises by virtue of any special or unique circumstances of a given area.**

The existence of a facility of countywide significance within the boundaries of the proposed incorporation area is a factor that arises as a unique set of circumstances. Facilities of countywide significance are those that are necessary for the coordinated current and future use of lands and development and service delivery throughout the County. The services provided by these resources are needed by the greater community. Therefore jurisdiction over these facilities will be retained by Miami-Dade County. In the proposed incorporation area there is one facility of countywide significance. The facility of countywide significance within the proposed incorporation area is the Coral Reef Miami-Dade County Fire Rescue Station located at 9201 SW 152 St.

**12. If the area has been identified by the Federal Government as a flood zone or by emergency planners as an evacuation zone, has the existing municipality indicated its preparedness to address any extraordinary means that may arise?**

Approximately 33 percent of the proposed incorporation area is located within the federally designated, 100-year floodplain. This area will flood under sustained rains and property owners within it are required to obtain flood insurance. The proposed incorporation area is not located in a County designated hurricane evacuation area. No specific emergency preparedness plans for the proposed municipality have been submitted to the County at the time of this report.

**13. Will creation of a new municipality impact public safety response times?**

The new municipality will be contracting with MDPD for patrol services for a minimum of three years. Since the personnel assigned to the Falls area will be working within the municipal boundaries exclusively, absent a need for mutual aid, response times in the area should be consistent with what they currently are. In general, incorporation of the area is not anticipated to have a significant effect on the County's ability to provide services to the adjacent remaining unincorporated areas. The new municipality will also remain in the Fire District.

**14. To the degree possible, will connections be provided to municipal offices and commercial centers by public transportation?**

The location of government offices will be determined by the elected municipal officials. However, currently the following existing transit routes service the area; Routes 1, 35, 52, 57, 65, 104, Busway Local, Busway MAX, Coral Reef MAX and the Saga Bay MAX would serve this proposed city. Two new (PTP) routes, the 97 Avenue Crosstown and the 120/136 Street Crosstown, would also serve the proposed incorporation area in the future.

**15. Will creation of a new municipality introduce barriers to municipal traffic circulation due to existing security taxing districts, walled communities, and/or private roads?**

It is not anticipated that incorporation of the Falls area will introduce any new barriers to municipal traffic flow.

**16. To the degree possible, would the proposed incorporation/annexation area be contained in one or more school district boundaries governing admission to elementary, middle and high school as the adjoining municipality?**

Yes, the area is contained within the same school district boundaries as the adjoining area. The schools are Gloria Floyd Elementary, Leewood Elementary, William Lehman Elementary, Vineland Elementary, Arvida Middle, Palmetto Middle and Southwood Middle, Miami Palmetto High and Miami Killian High Schools.



---

Alex Muñoz  
Assistant County Manager

**FALLS AREA  
FINANCIAL RESPONSIBILITY ADVISORY COMMITTEE  
REPORT**

The following offers a conceptual incorporation agreement for the proposed municipal government of the Falls that addresses area residents' desire for local government and ensures that the remainder of the unincorporated area is not unduly harmed by this action. While many items remain to be worked out in terms of specific implementation measures, this conceptual agreement outlines a framework under which the Falls area can proceed with its incorporation process.

**Background**

The Falls Area Financial Responsibility Advisory Committee, a group of Falls area residents appointed by the Board of County Commissioners, was created under the sponsorship of Commissioner Sorenson to review the concerns raised by both members of the County Commission and County staff and the manner in which those concerns may be alleviated in the event that the Falls area is incorporated as a municipality. The group met for three months with local officials, private government consultants and County staff from various departments.

The following is a conceptual agreement proposed by the Falls Area Financial Responsibility Advisory Committee.

**CONCEPTUAL AGREEMENT**

Whereas, the boundaries of the proposed municipality of Falls (hereafter referred to as "proposed municipality ") are as follows:

**Easternmost** - Beginning at the centerline of SW 112th Street and the centerline of US 1, (the "Point of Beginning"), thence travel south southwesterly along the centerline of US 1 to the northern edge of the right-of-way of SW 152nd Street,

**Southernmost** - thence travel west, along the northern edge of the right-of-way of SW 152nd Street to the centerline of the C-100 Canal, thence meander northwesterly along the said centerline of the C-100 Canal to the theoretical point due east of the northern edge of the right-of-way of SW 136<sup>th</sup> Street, thence travel west along the northern edge of the right-of-way of SW 136<sup>th</sup> Street, to a point of intersection with the centerline of SW 117<sup>th</sup> Avenue, thence travel due west to the eastern edge of the Florida Turnpike right-of-way,

**Westernmost** - thence meander northerly along the eastern edge of the Florida Turnpike right-of-way to the intersection with the southern edge of the SR 874 right-of-way, thence meander northeasterly along the southern edge of the SR

874 right-of-way to the centerline of Killian Parkway thence travel southeast along the centerline of Killian Parkway to the centerline of SW 112<sup>th</sup> Street,

**Northernmost** - thence travel east along the centerline of SW 112th Street to the Point of Beginning;

Whereas, the Falls Area Financial Responsibility Advisory Committee acknowledges that certain municipal-type services are essential to the health and welfare of its community and the County as a whole,

Whereas, the members of the Committee acknowledge that the proposed municipality will benefit in many ways from the continued unincorporated municipal service area programs, services and activities, and other County administrative and support systems as detailed below,

Whereas, the Falls Area Financial Responsibility Advisory Committee feel the area has certain unmet needs that can be addressed by the incorporation of the area into a new municipality,

Now, therefore, the members of the Committee agree to the following:

### **Section 1. – County Services**

Pursuant to the Code of Miami-Dade County, Chapter 20, Section 20-26, and Chapter 15, Section 15-21.1, the proposed municipality will remain a part of the Miami-Dade Fire Rescue District, the Miami-Dade Library System, and the Miami-Dade Solid Waste Collection system in perpetuity.

The proposed municipality may contract by inter-local agreement with the Department of Solid Waste Management for additional services and, if so desired, the local government may negotiate additional collection schedules and frequency for the proposed municipality. The private trash collection currently in place in the residential and commercial areas of the area will continue. The County's Solid Waste Department will provide services to all new residential customers and continue serving existing customers.

The proposed municipality will also contract by inter-local agreement with the Miami-Dade Police Department for an initial three-year period for a specific level of patrol staffing no less than the level of service currently provided. Payment amounts and other pertinent items relating to the provision of local patrol services shall be set forth in a contract (inter-local Agreement) between the proposed municipality and Miami-Dade County. Such contract shall also provide that "the initial three-year period" shall commence upon the execution of the Local Patrol Contract by all parties. At the end of the three (3) year period, the proposed municipality may elect not to renew the Local Patrol

Contract at which point a transition period of no less than twelve (12) months will begin.

The proposed municipality shall pay from its municipal funds, for specialized law enforcement services to be exclusively provided by the Miami-Dade Police Department in perpetuity. Payment amounts and other pertinent terms relating to the provision of specialized police services shall be set forth in a contract between the proposed municipality and Miami-Dade County. These specialized police services include, but are not limited to, tactical central investigations, such as narcotics, criminal intelligence, economic crimes, homicide, robbery, sexual crimes, domestic violence, crime scene investigations and property and evidence. Specialized law enforcement services do not include police activities of a countywide nature such as warrants, crime lab, public corruption unit, communications, jail, court services, and all Sheriff's services as defined by state law. For as long as Miami-Dade County continues to fund specialized police services from the countywide budget, taxpayers in the proposed municipality shall receive a credit equivalent to any payment made through the countywide millage.

Whereas, the incorporation of the proposed municipality is considered a donor community, defined as one where the revenues generated from the area are more than the cost of providing services to the area, and will have a financial impact on the remainder of the unincorporated municipal service area (UMSA),

Now therefore, the members of the Falls Area Financial Responsibility Advisory Committee agree that the proposed municipality shall contribute from municipal revenues to the County's Municipal Service Trust Fund (MSTF). The initial annual contribution amount shall be 1.0 mill of the value of taxable real property within the boundaries of the proposed municipality on the date the incorporation is approved. Each annual payment following the initial annual contribution will be in an amount which equals 1.0 mill of the value of taxable real property in the area designated as the Falls Commercial Business Industrial (CBI), as the value is shown on each year's preliminary assessment roll. The mitigation amount for the "residential area" will be set on the date of the incorporation and subsequent annual payments will be adjusted, based on the local Consumer Price Index on an annual basis.

The Falls Area Financial Responsibility Advisory Committee members understand and agree that the County shall convey local parks within the boundaries of the proposed municipality in as-is condition. The parks that shall be conveyed by Miami-Dade County in as-is condition to the proposed municipality of the Falls area are Briar Bay and Rockdale. Additional terms and conditions regarding the proposed municipality's responsibilities to operate, develop and maintain the conveyed parks will be set forth in an inter-local agreement between Miami-Dade County and the proposed municipality at the time the park is transferred to the proposed municipality.

The proposed municipality will receive all municipal revenues to which it is entitled, such as, utility taxes. Additionally, the municipality will receive revenues (excluding countywide revenues) that the County by right may otherwise retain, such as franchise fees, provided, however, the municipality will continue to be responsible for its pro rata share of the debt service for the QNIP bond indebtedness and all other bond indebtedness issued in reliance upon municipal revenues from the unincorporated area prior to incorporation, until the bonds are retired or the Municipality pre-pays its portion of the debt service. The municipality will continue to receive all services that are provided to cities under the countywide budget.

The proposed municipality will be granted all rights, powers and privileges afforded to all municipalities and provided under general laws of the State of Florida subject only to the restrictions placed upon it by this agreement which will be indicated under a separate charter article entitled "Special Conditions".

## **Section 2. - Continuing Obligation as to County Bonds**

The County issued Public Service Tax Revenue Bonds, Series 1999 and Series 2002 prior to the municipality's incorporation, which are currently outstanding in the respective principal amounts of \$71,295,000 and \$55,275,000 (collectively the "PST Bonds"). The PST Bonds are payable from Public Service Taxes (defined below) collected in the unincorporated area and in the municipalities incorporated within the County since July 2, 1996. The County receives Public Service Taxes pursuant to Section 166.231, Florida Statutes, and as of October 1, 2001, from a communications service tax assessed pursuant to Chapter 202, Florida Statutes and Section 29 of the County Code (collectively, "Public Service Taxes"). Within 30 days of the adoption of the municipal charter, the new municipality agrees to enact an ordinance, pursuant to Section 166.231, Florida Statutes, authorizing the levy of the public service tax at a rate no less than the rate established by the County for electrical water and gas services prior to the incorporation of the municipality. The proposed municipality further agrees immediately following its incorporation to enact an ordinance, pursuant to Section 202.19, Florida Statutes, authorizing the levy of the communication services tax at a rate no less than the rate established by the County for communications services prior to the incorporation of the Municipality.

The proposed municipality agrees that, until the PST Bonds have been paid or provision made for their payment pursuant to Article X of Ordinance No. 96-108, enacted by the Board on the July 2, 1996 authorizing the issuance of the PST Bonds, the County shall have the right to receive and apply to debt service on the PST Bonds all of the Public Service Taxes collected in the unincorporated area and within the boundaries of the proposed municipality. The proposed municipality's debt service obligation as to the PST Bonds in each fiscal year or portion thereof following incorporation shall be its pro rata share of such debt

service obligation. The proposed municipality's pro rata share of the debt service obligation accruing on the PST Bonds during each fiscal year while the PST Bonds are outstanding will be equal to that percentage of the total debt service accruing on the PST Bonds in such fiscal year calculated by multiplying such total debt service by a fraction the numerator of which will be the total amount of Public Service Taxes collected within the boundaries of the unincorporated area comprising the boundaries of the proposed municipality during the fiscal year prior to the incorporation of the proposed municipality and the denominator of which will be the total amount of Public Service Taxes collected in the entire unincorporated area of the County and the municipalities incorporated within the County since July 2, 1996 during the fiscal year prior to the incorporation of the proposed municipality.

Following the County's reservation of the proposed municipality's pro rata share of PST Bonds debt service to accrue during any fiscal year, the balance of the Public Service Taxes collected within the boundaries of the proposed municipality shall be remitted to the proposed municipality.

The County has issued Stormwater Utility Revenue Bond Series 1999 (the "Stormwater Bonds") of which \$38,805,000 remains outstanding, payable from the stormwater utility fees collected in the unincorporated area and within the exempted cities (defined below). The County assesses and collects the stormwater utility fee pursuant to Sections 24-61 through 24-61.5 of the County Code, and Section 403.0893, Florida Statutes (the "Stormwater Utility Fees").

The proposed municipality agrees that until the Stormwater Bonds have been paid or provision made for their payment pursuant to Article IX or Ordinance No. 98-187, enacted by the Board of County Commissioners on December 15, 1998 authorizing the issuance of the Stormwater Bonds, the County shall have the right to receive and apply to debt service on the Stormwater Bonds all of the Stormwater Utility Fees collected in the unincorporated area, within the boundaries of the proposed municipality and within the five cities exempted from County Ordinance No. 91-66, as amended (the "Exempted Cities"). The Municipality's debt service obligation as to the Stormwater Bonds in each fiscal year or portion thereof following incorporation shall be its pro rata share of such debt service obligation. The proposed municipality's pro rata share of the debt service obligation accruing on the Stormwater Bonds during each fiscal year while the Stormwater Bonds are outstanding will be equal to that percentage of the total debt service accruing on the Stormwater Bonds in such fiscal year calculated by multiplying such total debt service by a fraction of the numerator of which will be the total amount of Stormwater Utility Fees collected within the boundaries of the unincorporated area comprising the boundaries of the unincorporated proposed municipality during the fiscal year prior to the incorporation of the proposed municipality and the denominator of which will be the total amount of Stormwater Utility Fees collected in the entire unincorporated area of the County, within the Exempted Cities and within the municipalities

incorporated in the County since July 2, 1996 during the fiscal year prior to the incorporation of the Municipality.

Following the County's reservation of the proposed municipality's pro rata share of Stormwater Utility Bonds debt service to accrue during any fiscal year, the balance of the Stormwater Utility Fees collected within the boundaries of the proposed municipality shall be remitted to the proposed municipality.

### **Section 3. - Regulatory Control**

The local government comprehensive plan adopted by the municipality pursuant to Chapter 163, Part II, Florida Statutes, shall be consistent with the adopted Miami-Dade County Comprehensive Development Master Plan (the CDMP) as it may be amended from time to time, as applied to the sites listed below:

<b>DEPARTMENT/FACILITY</b>	<b>LOCATION</b>
Miami-Dade County Fire Rescue Department Coral Reef Station	9201 SW 152 <sup>nd</sup> Street

The list of facilities may be revised by the BCC from time to time.

Any use or activity allowed by the CDMP may not be limited or impeded in any way by the local government comprehensive plan adopted by the proposed municipality. Additionally, the proposed municipality shall pass no ordinance or regulation that would limit or impede the operation of the aforementioned County facility. Jurisdiction over the listed site for purposes of zoning and building approvals (including but not limited to site plan approvals, issuance of building permits, building inspections, compliance with the South Florida Building Code or other applicable building code, issuance of certificates of occupancy, zoning applications, special exceptions, variances, building and/or zoning moratoria, and all other types of functions typically performed by Building and/or Planning and Zoning Departments) water and sewer installations, compliance with environmental regulations, and utility regulation shall be and is hereby vested in Miami-Dade County regardless of any municipal code, or ordinance provision to the contrary.

This provision shall not alter or affect the legal rights of any person residing or owning real property within the proposed municipality. The proposed municipality of the Falls area shall not institute, intervene or otherwise participate in, or in opposition to Miami-Dade County in any judicial or formal administrative proceeding regarding land use or development of the listed sites, or Miami-Dade County's planning or regulatory requirements for any of these facilities of countywide significance. This section shall not apply to a particular site listed above if there has been an official determination by the Board of County

Commissioners of Miami-Dade County that a site will no longer be used by Miami-Dade County.

#### **Section 4. - Favored Nation Status**

Assurances will be built into the agreement that the terms and duration of the MSTF will be renegotiated should there be significant changes in the composition of the remaining unincorporated area. For example, if the remaining unincorporated municipal service area is reduced to fewer than 500,000 residents, or the unincorporated area per-capita tax base exceeds the average of the countywide per capita tax base due to growth in the roll, or the incorporations of low tax base areas decrease the need to continue the payment at the determined amount, the amount and duration of the contribution will be revisited. Otherwise the MSTF payment will be maintained.

Both parties also agree that if subsequent to this agreement another donor area's incorporation is approved without the conditions outlined in this agreement and those terms would be beneficial to the proposed municipality, the terms of this Memorandum of Understanding will immediately be replaced with the terms granted to the subsequent new municipality.

The MSTF will have two purposes. First, funds will be allocated to preserve police services in neighboring communities that might otherwise be harmed by the incorporation of a donor area such as the proposed municipality.

Second, in recognition of the fact that the development of a new municipality requires considerable effort and a period of transition during which the proposed municipality can benefit from a strong mentoring relationship with the current service providers and administration, and in recognition of the fact that both the proposed municipality and the County desire to have an ongoing, cooperative relationship, the fund will serve as a municipal assistance retainer. This will enable the proposed municipality to receive benefits and services from the County not available to other municipalities that do not contribute to the MSTF.

These benefits include, but are not be limited to:

- The ability to take part in training opportunities provided to County staff with no cost over and above any fees charged to County departments.
- The opportunity to call on the expertise of the County in financial, budget, technology, planning, engineering, code enforcement and other professional resources that are not routinely made available to other cities at no cost.

- Enabling the proposed municipality to take priority over any other village that has not entered into a an MSTF agreement, in negotiations for other contracting opportunities for services such as preparation of local master plans, utilization of the County's Geographic Information System and other information technology systems, and other services from the County that the proposed municipality may wish to access.

If a subsequent incorporation is approved without the newly incorporated area being required to remain in the Miami-Dade Fire Rescue District, Miami-Dade Library System, Miami-Dade Solid Waste collection service area, or without contracting with the Miami-Dade Police Department for local patrol and specialized police services, the proposed municipality will not be required to receive that particular service from the County.

The provisions of this section, apply only to the service or services modified, and in no way alter the agreement regarding the remaining services.