

MEMORANDUM

Agenda Item No. 5(E)

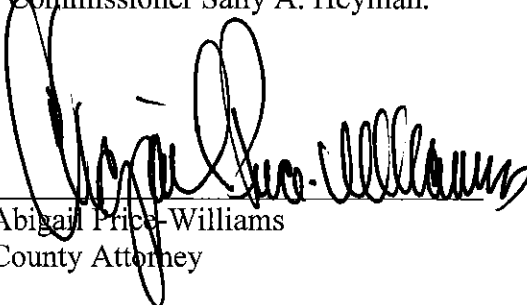
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: June 5, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution calling special election in Miami-Dade County, Florida, to be held in conjunction with the General Election on November 6, 2018, for the purpose of submitting to electors residing within the proposed new municipality in unincorporated Northeast Miami-Dade the question of whether the Board of County Commissioners should be authorized to create the new municipality with the following general outermost boundaries: County line to the north; the city limits of the City of Aventura to the east; the city limits of the City of North Miami Beach to the south; and Interstate 95 to the west; and designating Greynolds Park, Water and Sewer pump stations, and the Ojus Urban Area District as areas of countywide significance

The accompanying resolution was prepared by the Office of Management and Budget and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney


APW/smm

Memorandum



Date: June 5, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
County Mayor 

Subject: Incorporation of Northeast Miami-Dade

Recommendation

It is recommended that the Board of County Commissioners (Board) consider the resolution calling for an incorporation election in Northeast Miami-Dade, as described therein. Aside from the requirements of Chapter 20 of the Miami-Dade County Code (Code), the new municipality should be required to:

1. Pay mitigation to the County for seven years, as required of all municipalities since 2000; and
2. Agree that the County should retain regulatory control of the Ojus Urban Area District (OUAD), over the portion of Greynolds Park that is within the proposed boundaries, and four Water and Sewer pump stations, by including these as Facilities of Countywide Significance.

Scope

The area is generally bounded by the County line to the north, the City of North Miami Beach to the south, the City of Aventura to the east and Interstate 95 to the west, as depicted in the map attached as Exhibit A to the resolution. It is important to note that while the southern boundary follows the North Miami Beach City limits, a portion of North Miami Beach's northern boundary is largely surrounded by the proposed municipality between NE 22 and 19th Avenue from NE 185 Street to NE 196 Street.

There are 19,063 residents within the area, of which 10,748 are electors. The area lies within County Commission District 4, which is represented by Commissioner Sally Heyman.

Fiscal Impact/Funding Source

County staff conducted a financial analysis to determine the impact the incorporation of this area will have on the remainder of the Unincorporated Municipal Service Area (UMSA) budget. Table 6 in the staff-prepared Northeast Miami-Dade Incorporation Report, attached as Exhibit 3, is the Impact to UMSA analysis that estimates revenues and expenses for a particular area. The revenue and expense ratios are based on the FY 2017-18 budget. The assumptions in preparing the Impact to UMSA do not include: State Revenue Sharing revenue; local option gas tax revenue and expenditures; canal maintenance revenues and expenses; proprietary activities such as building, zoning, and solid waste; and fire and library districts. The revenues and expenditures are based on budgetary estimates, not actuals.

As noted in the Impact to UMSA (Table 6), the proposed incorporation area generates approximately \$7 million in UMSA revenue, and the County spends approximately \$5.9 million providing services to the area. The incorporation of the Northeast Dade area will have a negative impact on the remaining unincorporated area of approximately \$1.1 million.

Section 20-26 (d) of the Code requires that the fiscal impact of an incorporation area be revenue neutral, provided, however, that any municipality that does not meet the foregoing requirements, as a condition of incorporation pursuant to the Home Rule Charter, shall agree to make an annual mitigation payment to the County's Municipal Services Trust Fund in the Unincorporated Municipal Service Area Budget in an amount

which shall be determined by the Board. It is recommended that should the area incorporate, the new municipality mitigate 50 percent of the excess revenues, as noted in the Impact to UMSA (currently estimated at \$574,000), for a period of seven years. This would equate to a millage equivalent of .39 mills that would be applied to the tax roll for the area in the first year of incorporation. The subsequent years will be adjusted by the Consumer Price Index for the Miami Urban Area or three percent, whichever is lower. The practice of paying mitigation for seven years is consistent with what the Board has approved for previous incorporations that were revenue positive.

Track Record/Monitor

If the incorporation effort is approved, Jorge M. Fernandez, Jr., in the Office of Management and Budget, will monitor the incorporation effort in the area.

Background

Currently there are 2,664,418 residents in Miami-Dade County. There are 34 municipalities in the County with 1,477,989 residents. The remaining 1,186,429 resident reside in UMSA. The proposed new city in the Northeast Miami-Dade area contains 19,063 residents, of which 10,748 are resident electors.

The Northeast Dade Municipal Advisory Committee (NEMAC), was created by the Board on April 8, 2003, by Resolution No. R-341-03, and extended on May 11, 2004 by Ordinance No. 04-104. The Municipal Advisory Committee members were appointed by Commissioner Sally Heyman. The NEMAC was charged with evaluating the feasibility and desirability of creating a new municipality in northeast Miami-Dade County.

The following is a timeline for the NEMAC:

- August 8, 2005: The Planning Advisory Board (PAB) held a public hearing in the community and recommended the Board approve the NEMAC incorporation effort.
- November 1, 2005: The Board adopted Ordinance No. 05-192, suspending consideration of all annexation and incorporation proposals.
- April 3, 2012: The Board adopted Ordinance No. 12-24, lifting the moratorium on annexations and incorporations.
- February 2013: The NEMAC re-convened for the purpose of updating the information for the NEMAC incorporation effort.
- April 21, 2015: The Board adopted Ordinance No. 15-22, providing the NEMAC additional time to update their study.
- June 21, 2016 and July 21, 2016: The NEMAC held public hearings where input from the community was considered.
- August 25, 2016: The NEMAC adopted a resolution (see Exhibit B to the resolution) to forward the incorporation proposal to the Board, requesting the incorporation effort move forward and allowing area residents to vote on the creation of a new municipality.
- January 24, 2017: The Board forwarded the NEMAC Report to the PAB to conduct a public hearing in the community and provide the Board with a recommendation after reviewing the staff report.
- September 26, 2017: The PAB held a public hearing in the community and adopted a resolution (see Exhibit C to the resolution) recommending that the Board approve the Northeast Dade incorporation on a modified basis that allowed the new municipality to retain control of the OUAD, but not interfere with the implementation of the Strategic Miami Area Rapid Transit (SMART) Plan, and that the Board examine the proposed municipal budget.

The group met to complete assessing the fiscal feasibility and desirability of incorporating the area into its own municipality. The NEMAC prepared and adopted a pro-forma budget as part of its process (see Exhibit 1), which includes the revenue and expenditure estimates for the proposed municipality. Additionally, the County hired an independent consultant to review the NEMAC pro-forma budget, which concluded the area to be financially viable as a municipality (see Exhibit 2).

There are several Code requirements, some of which are summarized in this memorandum, that are applicable to new municipalities. The new municipality is required to remain in the Miami-Dade Fire-Rescue (MDFR) District, the Miami-Dade Public Library System, and the County's Solid Waste collection system, and contract with the County for local patrol police services for a minimum of three years. The County will retain jurisdiction over the modification or deletion of declarations of restrictive covenants accepted by either the Board or a Community Zoning Appeals Board in connection with a Comprehensive Development Master Plan (CDMP) application or zoning application within this area, as required by Sec. 20-26(h) of the Code. The new municipality will also be responsible for their pro-rata share of outstanding debt service associated with the Stormwater Utility Bonds and the Quality Neighborhood Improvement Program Bonds. The two local parks in the area (Highland Oaks and Ojus) will be conveyed to the new municipality with conditions on their use and development consistent with Article 7 of the County's Charter. The NEMAC Report, which contains the NEMAC Conceptual Agreement, addresses these issues and establishes the terms under which the area may proceed with incorporation. This information is outlined in the Conceptual Agreement adopted by NEMAC (see Exhibit B to the resolution).

Section 20-26(b) of the Code requires the new municipality to contract with the Miami-Dade Police Department and pay for specialized police services. Municipalities in existence prior to the incorporation of Miami Lakes paid for specialized police services through their countywide taxes. The municipalities established since Miami Lakes incorporated were required to contract and pay for specialized police services. On November 20, 2008, the Board adopted Resolution No. R-1272-08, allowing these municipalities to remove the requirement to receive and pay for specialized police services from their charters. Specialized police services are funded through countywide taxes paid by all residents, and this should continue to be the case. Thus, the municipality will not be required to pay for specialized police services beyond the countywide taxes paid by its residents.

As previously noted, the County should retain jurisdiction of the OUAD. The OUAD is one of the County's designated Urban Centers that is located along the Northeast Corridor, one of the County's SMART corridors as noted in the map (Exhibit D to the resolution). The OUAD generally lies east of the Oleta River and west of the Biscayne Boulevard Corridor, and it has been the subject of County's planning efforts since the early 2000s. In order to ensure the County's intensification efforts along the Northeast SMART Corridor continue, the County should retain planning, zoning and building jurisdiction of the OUAD.

Greynolds Park is one of seven Heritage Parks in the County's park system. It is an area-wide nature-resource-based park that serves the County at large. A portion of Greynolds Park is located within the incorporation boundaries of the NEMAC. The County should retain jurisdiction of Greynolds Park.

There are four parcels owned by the Water and Sewer Department with pump stations within the incorporation area. Because these assets are of regional importance, the County should retain regulatory control over these facilities by including them as Facilities of Countywide Significance.

Pursuant to Section 20-23 of the Code, County staff has submitted a report, for your review and consideration, addressing the guidelines in the Code that pertain to this proposed incorporation (Exhibit 3).

Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

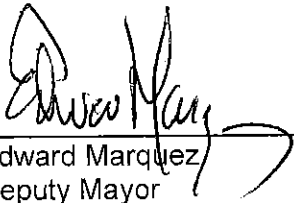
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Should the Board adopt the resolution calling for an election in the area, and the vote is positive, the Board will create a charter commission for the area. Once the charter commission has completed drafting the charter for the area, the Board would consider the proposed charter and, upon approval, set an election for the area to adopt the charter. Should the charter election be positive, a new municipality in Northeast Dade will be created.

Exhibit 1 – NEMAC Pro-forma Budget

Exhibit 2 – Consultant's Report on NEMAC Budget

Exhibit 3 – Staff Report on the Northeast Miami-Dade Incorporation



Edward Marquez
Deputy Mayor

Mayor03718

**Northeast Dade MAC
Adopted Pro-forma Budget**

EXHIBIT 1

2016 - 2017

Real and Tangible Property Assessment			<u><u>\$ 1,199,616,894</u></u>
Millage			<u><u>0.0019283</u></u>
Revenue			
Ad Valorem (Property) Taxes	Based on Tax Roll & Millage @95%		\$ 2,197,560
Total Ad Valorem			<u><u>\$ 2,197,560</u></u>
Other Revenue			
Franchise Fees			\$ 980,200
Sales Taxes			\$ 1,346,599
Utility Taxes			\$ 1,470,300
Communications Service Tax			\$ 829,053
Occupational license tax			\$ 101,793
Building permit fees	A		\$ 533,862
Alcoholic Beverage licenses			\$ 4,236
State Revenue Sharing			\$ 392,080
Local option gas	B		\$ 387,553
Stormwater Utility	C		\$ 506,998
Charges for Services			\$ 179,266
Fines and Forfeitures			\$ 197,377
Bus bench permits			\$ 25,000
Interest earnings			\$ 15,680
Other revenue			<u><u>\$ 30,386</u></u>
Total Other Revenue			<u><u>\$ 7,000,383</u></u>
Total Revenue			<u><u>\$ 9,197,943</u></u>
Expenditures			
Council/ Manager			\$ 350,000
Attorney			\$ 250,000
Clerk			\$ 200,000
Code Enforcement			\$ 160,000
General Services			\$ 300,000
Finance Department			\$ 150,000
Police Department			\$ 4,864,525
Vehicle Costs			\$ 280,000
Building & Planning & others	A		\$ 533,862
Public Works	B		\$ 200,000
Road Repairs and Improvements	B		\$ 187,563
QNIP (Debt and pay as you go)			\$ 224,953
Parks & Recreation			\$ 250,000
Stormwater Bonds	C		\$ 123,360
Stormwater Costs	C		\$ 75,000
Stormwater Projects (new and for repairs)	C		\$ 308,638
General Government (includes rent, Ins and comm related costs)			\$ 200,000
School Crossing Guards			\$ 40,000
Contingency Reserve			<u><u>\$ 500,000</u></u>
Total Expenditures			<u><u>\$ 9,197,901</u></u>
Excess of Revenues over Expenses			<u><u>\$ 42</u></u>

Notes: A B & C Revenues offset Expenses

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REVENUES

Franchise Fees – fees paid to a municipality for the privileges granted under Franchise agreements for the use of the public rights-of-way to construct, maintain, and operate electrical (FPL), gas, and/or cable systems and provide these services in the municipality. Franchise agreements and the associated fees can also be contracted with other businesses such as towing companies operating in the municipality.

Sales Taxes – The Local Government Half-cent Sales Tax Program is the largest of the state-shared revenues. The half-cent sales tax program consists of three distributions of state sales tax revenue collections. The *ordinary* distribution equals 8.714% of the net sales tax proceeds and is deposited into the Local Government Half-cent Sales Tax Clearing Trust Fund. The *emergency* and *supplemental* distributions equal 0.095% of net sales tax proceeds. Each participating county or municipality receives a portion of the local government half-cent sales tax. The allocation factor for each municipality is computed by dividing the population of that municipality by the sum of the total county population plus two-thirds of the incorporated area population.

Utility Taxes – tax on bottled gas, fuel oil, metered gas, electricity, and water purchased in municipalities or UMSA.

Communications Service Tax - Providers of telecommunications services such as telephone, pager, and cellular phone as well as cable television providers are required to collect and remit to the Florida Department of Revenue the Communications Service Tax. Based on the service address, the State distributes a portion of the taxes it receives to each municipality.

Occupational License Tax – also called a “Business Tax Receipt” – these are fees for licenses that must be obtained with respect to each place where a business or profession is located, and a separate local business tax receipt is required for each type of business, business classification, or profession conducted therein. Business Tax Receipts are required to be obtained from Miami-Dade County as well as the municipality or UMSA.

Building Permit Fees - Building permits and the associated fees required for all new construction and for any repairs or reconstruction which alters a structure. The plans and construction must comply with local and South Florida Building codes.

Alcoholic Beverage Licenses – The State of Florida assesses an annual state license tax on manufacturers, distributors, vendors, brokers, sales agents, and importers of alcoholic beverages. Thirty-eight percent of the license taxes collected within an incorporated municipality is distributed to the municipality.

State Revenue Sharing – The Florida Revenue Sharing Act ensures a minimum level of revenue parity across units of local governments including municipalities. The majority of these revenues are made up of sales and use tax, gross receipts tax, and motor and special fuel taxes.

Local Option Gas Tax –

- 1 to 6 cents - A tax of 1 to 6 cents (6 cents currently being levied) on every net gallon of motor and diesel fuel sold within Miami-Dade County. Proceeds may be used to fund transportation expenditures for:

- Public transportation and maintenance
 - Roadway and right-of-way maintenance and related equipment and structures
 - Roadway and right-of-way drainage
 - Street lighting
 - Traffic signs, traffic engineering, signalization, and pavement markings
 - Bridge maintenance and operation
 - Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads and sidewalks.
- 1 to 5 cents - A tax of 1 to 5 cents (3 cents currently being levied) on every net gallon of motor fuel sold within Miami-Dade County. Proceeds shall be used for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan and for transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. Routine maintenance of roads is not considered an authorized expense.

Miami-Dade has interlocal agreements with the municipalities for the distribution of their share of the tax.

Stormwater Utility – A stormwater management system is made up of all natural and manmade elements used to convey storm and surface waters from the first point of impact with the surface of the earth to a suitable receiving body of water or location internal or external to the boundaries of the City. The stormwater management system includes all pipes, channels, streams, ditches, wetlands, canals, bays, detention/retention basins, ponds, and other stormwater conveyance and treatment facilities. A fee is charged to all property owners for construction and maintenance of these conveyances and facilities; and for receiving, handling, and transporting storm and surface waters within a municipality or County.

Charges for Services - may include but are not limited to the following: recreational activity fees; facility rental fees; administrative processing fees; planning and zoning fees; lot clearing fees; notary fees; fees for copies, research and miscellaneous reports.

Fines and Forfeitures – percentage of fines collected for traffic, parking, and misdemeanors in the municipality; code enforcement fines and fees.

Bus bench permits – fees paid by bus bench companies by agreement for the privilege of providing and maintaining bus benches within the municipality in exchange for a license to advertise thereon.

Interest earnings – earnings on funds held in banks and other investment depositories.

Other revenue – may include but are not limited to the following: public and private grants; zoning certificates; other licenses and permits (such as special sign permits); private donations and other contributions; settlements; vending machine proceeds.

EXPENDITURES

Council/Manager – As indicated in the attached Proposed Staff/Salary Budget, it is estimated that there will be three employees, City Manager, Assistant City Manager and a Secretary with the salary and benefits as indicated. In addition, the Budget reflects an estimated \$50,000.00 for City Council meetings and expense reimbursements for the Mayor and City Counsel.

City Attorney – It is expected that counsel fees will be paid to an outside law firm that specializes in governmental law. The estimate is based upon quotes given to the Budget Committee.

City Clerk's Office – As indicated in the attached Proposed Staff/Salary Budget, it is estimated that there will be two employees, the City Clerk and a Secretary with the salary and benefits as indicated.

Finance Department – As indicated in the attached Proposed Staff/Salary Budget, it is estimated that there will be two employees, the Billing Clerk for collection of monies, and a Accounts Payable Clerk Secretary with the salary and benefits as indicated.

Code Enforcement – As indicated in the attached Proposed Staff/Salary Budget, it is estimated that there will be one Code Enforcement officer, with the salary and benefits as indicated Along with an Auto for City Use.

General Services – As indicated in the attached Proposed General Service Budget, it is estimated cost of general services will be as indicated.

Police Services – As indicated in the attached Proposed Police Services proposal given by Miami Dade Police Department, such costs cover the employee's salary, benefits, police cars and pension costs. There are no separate costs for Specialized Services as those services are now included in the residents' Miami-Dade County portion of their real estate bill.

Vehicle Costs – It is expected that the cost for the police cars gas and maintenance cost will be \$10,000.00 per vehicle for 25 vehicles, for a total of \$250,000.00.

School Crossing Guards – This is the estimated amount that is needed to continue with the school crossing guards for the City's schools.

Public Works – The present cost of such services provided by Miami Dade County is approximately \$117,000.00. The Budget Committee increased such expenditures to \$200,000.00 feeling that the City would correct any problems quicker than as presently being done.

Parks and Recreation – The present cost of such services provided by Miami Dade County is approximately \$245,000.00. The Budget Committee increased such expenditures to \$250,000.00 with the knowledge that if the residents wanted more services such monies could come from the Contingency Reserve.

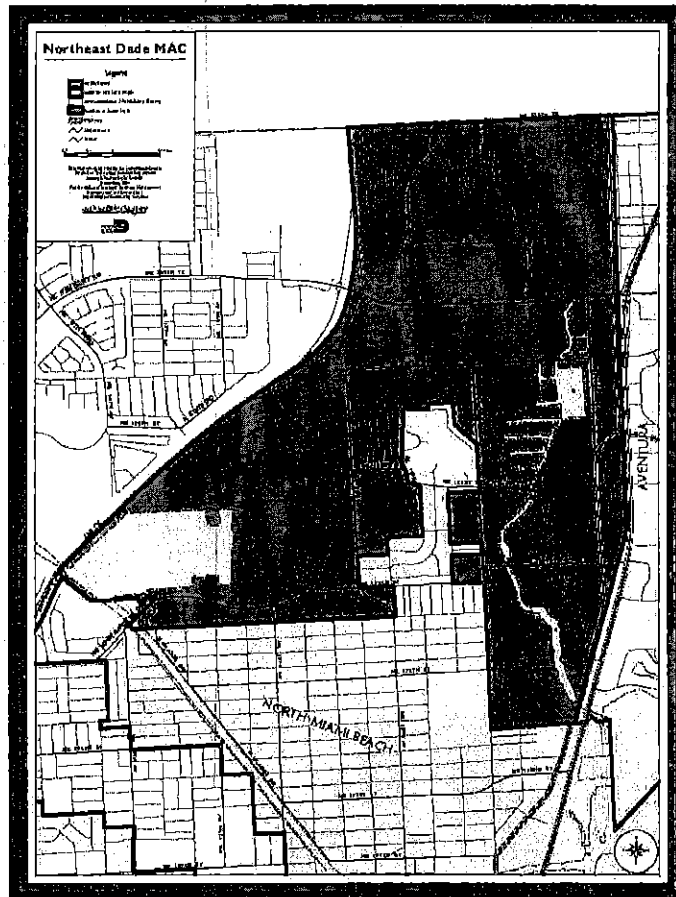
QNIP – This is the amount that is allocated to the proposed City of Miami-Dade County for such bonds, and is fixed at such amount.

Building, Planning and Others – The cost of this department is equal by the revenue generated per state law.

Stormwater Bonds, Costs and Projects – The total amount of these items are equal to the revenue generated.

Contingency Reserve – This is the amount that is set aside for unforeseen costs and additional projects, and while the Budget does not reflect Mitigation Costs payable to Miami-Dade County, such funds are available to be sued to fund Mitigation Costs should such costs be required.

Northeast Dade MAC Budget Review



April 13, 2016

PMG Associates, Inc.

INTRODUCTION

The purpose of this analysis is to review previously completed budgetary projections for the potential municipal incorporation of the Northeast Dade community. The firm of PMG Associates, Inc. (PMGA), under contract to Miami-Dade County, has performed this review.

The previous budget was prepared by the Northeast Dade Municipal Advisory Committee (MAC), which is an organization established by the Miami-Dade Board of County Commissioners (BCC) to examine issues at the community level and make recommendations for consideration by the BCC. This review represents a third-party examination of the revenues and expenditures of the potential municipality and, where determined necessary, advises the MAC of potential budget modifications for further discussion.

The budget was initially submitted in December of 2015. The document was prepared using data provided by County Departments and review of comparable municipalities in Miami-Dade County.

The Office of Management and Budget (OMB) also prepared a document, "*Estimated Impact on UMSA Budget*". Figures from this report were used in both the MAC budget and in PMGA's review. This document can be found in the Appendix.

The MAC budget served as the basis for the third-party review, with verification of the amounts used in the Pro Forma as the essential element of the analysis.

A draft of this report was presented to the NE Dade MAC in March 2016. Based on this draft review, the MAC voted to amend the budget. This, final report, is in response to the MAC budget approved at the April 7 MAC board meeting.

REVENUE

Revenue sources for any municipality are those established by State law and the Miami-Dade County Charter. Municipalities have been granted the ability to raise funds from a variety of sources based on a Benefit/Cost scenario. The State Imposed Fees are a sharing of funds collected by the State of Florida and remitted to counties and municipalities to provide services to the public. These sources are typically allocated based on population.

The list of revenue sources used in this analysis is provided in Table 1 along with the authority for the imposition of charges and fees.

A description of the individual sources and the rationale for the estimate of the amount follows.

**TABLE 1
REVENUE SOURCES**

Authority	Revenue Source
State Constitution	Ad Valorem Taxes
State Imposed Fees	State Revenue Sharing
	½ Cent Sales Tax
Home Rule	Franchise Fees
	Utility Tax
Local Approved Sources	Communications Service Tax
	Business Use Tax
	Building Permit Fees
	Intergovernmental Transfers
	Charges for Services
	Fines and Forfeitures
	Stormwater Fees
	Gas Tax
	Other Revenues

Source: Local Government Financial Information Handbook – 2013

A review of comparable revenue sources follows.

Ad Valorem Taxes

Ad Valorem Taxes are the basic revenue source for local government and are imposed on the Taxable Value of the Real Property and Personal Property as determined by the Property Appraiser in each County. Taxable Value is defined as the Total Assessed Value less any Exemptions (such as Save Our Homes, Elderly, Disabled, etc.). Taxable Value figures for the Northeast Dade area were provided by the Miami-Dade County Property Appraiser and reflect the most recent figures.

Taxes for this category are imposed as a Millage Rate, which is expressed as a whole number. A mill is defined as the amount per \$1,000 that is used to calculate taxes on property. The method for determining the taxes generated from property within the jurisdiction of the municipality is to divide the total Taxable Value by \$1,000 and multiply by the approved Millage Rate.

The proposed Millage Rate used in this analysis is 1.9283, identical to the current Millage Rate for the unincorporated area of Miami-Dade County. This means residents would not see their property taxes change if the MAC area were to incorporate.

The Millage Rate of 1.9283 on the \$1,197,416,246 value of real and tangible property (at 95% collection rate) generates Ad Valorem Taxes of \$2,193,529. This differs slightly from the MAC budget, based on a new Taxable Value provided by the OMB (see Appendix).

Franchise Fees/Utility Taxes

These levies are generally defined as the payment for the right to provide utility service to an area. Miami-Dade County allows any MAC area that incorporates to retain these revenue sources. The local government will be required to impose a rate to be attached to the use of Electric, Natural Gas, Water and other services. The Franchise Fee rate in Florida has a maximum of 6% of the usage charges, while Utility Taxes are capped at 10%.

The MAC made the following estimates for Franchise Fee and Utility Tax Revenues.

Franchise Fees: \$ 980,200
 Utility Taxes: \$1,470,300

Below is a table comparing the proposed MAC to four existing municipalities. These comparisons were selected due to their similar population size. In addition to adjusting revenues to a per capita basis, consideration was given regarding the recency of incorporation and mean household income of the comparisons.

	Northeast Dade	Miami Springs	Hialeah Gardens	Palmetto Bay	Miami Lakes
2014 population	19,604	14,415	23,555	24,513	30,791
Franchise Fees	\$953,200 (proposed)	\$945,000	\$1,172,000	\$1,225,000	\$1,160,066
Utility Taxes	\$1,470,300 (proposed)	\$1,199,000	\$1,430,000	\$2,202,700	\$2,692,034
Franchise Fees per person	\$50.00	\$65.56	\$49.76	\$49.97	\$37.68
Utility Taxes per person	\$75.00	\$83.18	\$60.71	\$89.86	\$87.43

As seen in the table above, the MAC figures are reasonable based on the experiences of other comparable municipalities in Miami-Dade County. The average of the four comparison cities is \$50.74 per capita for Franchise Fees and \$80.30 per capita for Utility Taxes. It should be noted that estimates of Franchise Fees and Utility Taxes are derived from extrapolation from the County Budgets by the Office of Management and Budget (OMB). The estimates for the proposed municipality, as presented in the "Estimated Impact on UMSA Budget", prepared by OMB are:

Franchise Fees: \$ 472,952
 Utility Taxes: \$1,650,621

Though the OMB figure for Utility Taxes is close, the figure for Franchise Fees is less than half than the proposed MAC amount. The OMB figure was derived using allocations based on Tax Roll and population. Despite the difference, PMG finds both the Franchise Fee and Utility Tax figures provided by the MAC to be reasonable.

Business Use Tax

This fee (formerly known as the Occupational License) is imposed on the owners of any business enterprise located within the boundaries of the municipality. The rates are established by the governing body and typically are based on the type of business activity performed. More intensive uses usually receive a higher fee.

	Northeast Dade	Miami Springs	Hialeah Gardens	Palmetto Bay	Miami Lakes
2015 number of businesses	974	909	777	1,101	1,902
Business Use Tax	\$101,793 (proposed)	\$95,000	\$450,000	\$50,000	\$104,423
Tax per business	\$104.51 (proposed)	\$104.51	\$579.15	\$45.41	\$54.90

The Northeast Dade area has a total of 974 businesses (source: Claritas, a nationally recognized source of demographic data). Miami Springs provides a close comparison, with a very similar number of businesses. Miami Springs has 909 businesses and Business Tax revenue of \$95,000, totaling \$104.51 per business. Northeast Dade MAC uses the same tax per business figure in their estimate. PMGA finds this figure to be reasonable.

The OMB budget impact figure given was \$28,854.

Building Permit Fees

Local governments impose a fee for obtaining permits to construct or modify a structure in the jurisdiction. Under State law, these fees cannot be higher than the cost associated with providing the service, including any Administrative Costs.

Hialeah Gardens, with its population of 23,555, has Building Permit revenue of \$300,000.

Under the MAC budget, Northeast Dade has \$533,862 in revenues. Revenue may be higher than in comparable cities because of current development in and to the south of Landmark Plaza. However, one would expect a decrease once construction in that plaza finishes in the next few years. Because revenues for building permit fees will be spent on Building & Planning expenditures, expenditures will need to be scaled down in the next few years as well. PMGA finds the MAC estimate for Building Permit Fees to be reasonable.

Revenue Projection
\$533,862

Associated Expenditures
\$533,862

Other Licenses/Fees/Permits

Special events, use of municipal property and other activities also generate funds for a governmental jurisdiction.

The estimate for this source was taken from the budget review of other municipalities in South Florida that are similar in size to the proposed municipality. This review reveals that the revenue in this category for the other municipalities ranges from \$40,000 to \$250,000. The estimate from the MAC includes line items for Alcoholic Beverage Licenses (\$4,236) and Bus bench permits (\$25,000). PMGA finds a figure of \$29,236 for other licenses/fees/permits to be reasonable.

State Shared Revenues/1/2 Cent Sales Tax

State Shared Revenues are funds allocated each year into a fund for distribution to the local entities. There is no set amount. However, the State of Florida attempts to provide at least the same amount as the previous year.

The 1/2 Cent Sales Tax is not revenue generated at the local level, but rather 1/2 Cent of the 6% Sales Tax collected throughout the State. These funds are placed in a fund and reallocated to the local jurisdictions in a manner similar to the State Shared Revenues. These funds are allocated to municipalities based on population.

Estimates for these figures were provided by the MAC. The figures provided by the MAC were then compared to four comparable municipalities. The results are found in the table below.

MAC estimates

State Shared Revenue (SSR): \$ 392,080
 1/2 Cent Sales Tax (SST): \$1,346,599

	Northeast Dade	Miami Springs	Hialeah Gardens	Palmetto Bay	Miami Lakes
2014 population	19,604	14,415	23,555	24,513	30,791
State Shared Revenue	\$392,080 (proposed)	\$426,621	\$470,449	\$418,162	\$811,930
1/2 Cent sales Tax	\$1,346,599 (proposed)	\$1,003,119	\$1,640,668	\$1,740,000	\$2,145,349
SSR per person	\$20.00	\$29.60	\$19.97	\$17.06	\$26.37
SST per person	\$68.69	\$69.59	\$69.65	\$70.98	\$69.67

As seen in table, State Shared Revenue and State Sales Tax estimates by the Northeast Dade MAC is in line with comparable cities. The average for the four comparable cities is \$23.25 per person for State Shared Revenue, and \$69.97 per person for State Sales Tax. PMGA finds that the estimates from the MAC are reasonable. OMB checked with the state and the state confirmed that these estimates are reasonable.

OMB gives an estimate of 1,440,216 for 1/2 Cent Sales Tax.

Communication Service Tax:

This tax is applied to the use of any communication device registered to a user at an address within the jurisdiction. The local portion of the Communications Services Tax applies to telecommunications, video and related services. This definition includes voice, data, audio, video, or any other information or signals, transmitted by any medium, including:

- Land Line Telephone
- Cellular Telephones
- Satellite Telephones
- Cable Television Service
- Satellite Television Service
- Internet Service
- Tablets
- Any other service that uses airwaves, cable or other interconnected devices

Revenue from this source has had significant expansion annually since more devices are available and in use each year. Many households have multiple devices and will pay a fee on the usage rate of each device.

The governing body of the jurisdiction must establish a rate applied to the usage charges, with the typical rate in Miami-Dade County of 5.72% (the rate applied by Miami-Dade County in the unincorporated area). The highest rate charged in the area is 6.72% (Medley).

The table below shows the MAC estimate for the Communication Service Tax, and comparison for the four comparable municipalities used earlier. The same considerations stated earlier in the report were used.

MAC estimate

Communication Service Tax (CST): \$829,053

	Northeast Dade	Hialeah Gardens	Miami Springs	Palmetto Bay	Miami Lakes
2014 population	19,604	23,555	14,415	24,513	30,791
Communication Service Tax	\$829,053 (proposed)	\$618,000	\$598,314	\$1,340,345	\$1,438,118
CST per person	\$42.29	\$26.24	\$41.51	\$54.68	\$46.71

The average of the four comparison cities is \$42.29 in CST revenue per capita, the same per capita figure used by the MAC budget. PMGA finds the estimate to be reasonable.

The OMB Budget impact report gives a figure of \$685,440 for CST.

Intergovernmental/Charges for Service/Fines and Forfeitures/Other Revenues

These sources comprise transfers from other jurisdictions, traffic fines, code enforcement charges and other miscellaneous items.

The estimates for these sources were taken from the budget review of other municipalities in Miami-Dade County and the amounts listed below are comparable. PMGA found the MAC estimate to be reasonable.

Charges for Service:	\$179,266
Fines and Forfeitures:	\$197,377
Other Revenues:	\$ 30,386

Stormwater Fees

These sources represent the funds from the levy of a Stormwater Fee for all properties in the jurisdiction. The funds are transferred to Miami-Dade County, which is responsible for the maintenance of the drainage facilities. The fee actually represents a "Pass-through" of funds for services provided. It should be noted that it is not required for a new municipality to collect stormwater fees, they can opt to remain on the County system.

It is possible that the fees may be paid directly to the County and by-pass the new municipality. Since the amount is included in both revenue and expenditures, the amount has a net sum of \$0. PMGA found the MAC estimate to be reasonable.

<u>Revenue Projection</u>	<u>Associated Expenditures</u>
\$506,998	\$506,998

Gas Tax

Miami-Dade County generates funds through a local Gas Tax, which is then allocated to the municipalities. The allocation is based on population and amount of lane miles within the jurisdiction.

The funds raised by this source are restricted for the improvement of roads and transportation systems in the jurisdiction. The expenditure section will include an amount identical to the revenue generated.

Sweetwater is a good comparison in this case. With a population of 20,571, Sweetwater has an expected revenue projection of \$343,764. The Northeast Dade MAC gives an estimate of \$387,553. Again, the amount has a net sum of \$0. A shortfall in revenue in this line item would be offset by a corresponding decrease in roadway maintenance. PMGA found the MAC estimate to be reasonable.

<u>Revenue Projection</u>	<u>Associated Expenditures</u>
\$387,553	\$387,553

Parks and Recreation

Northeast Dade is home to 2 parks currently funded by UMSA, Highland Oaks and Ojus. While these parks will have revenue, these will only offset expenditures by the parks, and are dealt with in the Parks and Recreation Expenditures portion of this report. See page 13 of this report for more details.

Total Revenue

The PMGA estimate of revenue from all sources totals \$9,193,912 and is represented in Table 2. The only change from the MAC budget is that PMGA used the OMB estimate of Ad Valorem tax revenue. The resulting total revenue is a decrease of 0.04% from the MAC estimate.

**TABLE 2
SUMMARY OF REVENUES**

Category	MAC Amount	PMGA Amount
Ad Valorem	\$2,197,560	\$2,193,529
Franchise Fees	\$ 980,200	\$ 980,200
Utility Taxes	\$1,470,300	\$1,470,300
Business Use Tax	\$ 101,793	\$ 101,793
Building Permit Fees	\$ 533,862	\$ 533,862
Other Licenses/Fees/Permits	\$ 29,236	\$ 29,236
State Shared Revenue	\$ 392,080	\$ 392,080
1/2 Cent Sales Tax	\$1,346,599	\$1,346,599
Communication Tax	\$ 829,053	\$ 829,053
Charges for Service	\$ 179,266	\$ 179,266
Fines and Forfeiture	\$ 197,377	\$ 197,377
Other Revenues	\$ 30,386	\$ 30,386
Stormwater	\$ 506,998	\$ 506,998
Gas Tax	\$ 387,553	\$ 387,553
Interest	\$ 15,680	\$ 15,680
Total	\$9,197,943	\$9,193,912

OTHER TAXES NOT PAYABLE TO THE NEW MUNICIPALITY

Property Owners in the proposed incorporation area will also pay taxes to authorities other than the new municipality. The establishment of a new municipality will not impact the power of these agencies to impose taxes. Incorporation of Northeast Dade will not impact these taxes. Levies include:

- County-wide Ad Valorem Tax by Miami-Dade County
- Ad Valorem levy by the Miami-Dade School Board
- Fire District Tax
- Library Tax
- Special Districts Tax (Water Management, Florida Inland Navigation, Children's Trust etc.)

Property Owners in the Northeast Dade area will no longer be required to pay the UMSA Unincorporated Area Tax from Miami-Dade County, if the area incorporates. The Property Owners will be required to pay the Ad Valorem rate imposed by the new municipality.

EXPENDITURES

City Council/Manager

The MAC estimates that costs for the City Council and Manager will be \$350,000. Minimal salaries should be provided for the City Council, a City Manager and secretary will have to be employed, fringe costs should be included, and membership in League of Cities should be included. PMGA finds this figure to be reasonable.

MAC estimate - \$350,000

City Clerk

This department has a staff of two and includes operating costs as well as records retention, mailing costs, advertising and other expenses. PMGA finds this figure to be reasonable.

MAC estimate - \$200,000

City Attorney

This expenditure will be on a contract basis with an outside law firm. The cost includes all of the support of the designated City Attorney. PMGA finds this figure to be reasonable.

MAC estimate - \$250,000

General Services/General Government

The combination of these two categories should include all of the following: Rent, Audit Fees, insurance, IT Costs, Repairs and Maintenance, Office Expense and Supplies, telephone, Utilities, Payroll Services, and Other Costs.

The City of Hialeah Gardens (population: 23,555) has Expenditures of \$548,300 budgeted for equivalent line items. PMGA finds the estimate for these two items to be reasonable.

General Services -	\$300,000
General Government -	\$200,000
MAC estimate -	\$500,000

Finance

The estimate for this department includes a staff of two to complete the accounts receivable, accounts payable and coordination of collection and disbursement of funds. PMGA finds this figure to be reasonable.

MAC estimate - \$150,000

Police

This figure is provided by Miami-Dade County and is based on previous experience. This figure is assumed to be a given and was not examined by PMGA. It should be noted that this figure was for minimal staffing of police patrol.

Total Cost Police - \$4,864,525

Parks and Recreation

The MAC budget estimates that \$250,000 will be budgeted for Parks and Recreation. There are two parks in the MAC area that are currently run by the county, Highland Oaks Park and Ojus Park. Revenues from the parks and direct expenditures were taken from the County Budget from 2014. As seen in the table, the parks had a combined loss of \$157,400 in 2014. For the sake of simplicity, revenue will be considered offsetting here, and this report will only deal with the net \$157,400 in expenditure. The budget of \$250,000 leaves \$92,600 left for administrative costs, which PMGA believes is reasonable.

Park	Revenue	Expenditures	Profit/Loss
Highland Oaks	\$221,900	\$364,700	-\$142,800
Ojus	\$ 5,600	\$ 20,200	-\$ 14,600
Total	\$227,500	\$384,900	-\$157,400

Total Cost Parks - \$157,400
 Administration - \$ 92,600
 MAC estimate - \$250,000

Building, Planning and Zoning/ Code Enforcement

Expenses for Building, Planning and Zoning are equal to the budget revenue. To this end, \$519,156 is set aside. An additional \$160,000 is earmarked for code enforcement. PMGA finds these figures to be reasonable.

Total cost Building Planning, and Zoning - \$533,862 (equal to revenue)
 Code Enforcement - \$160,000

Public Works/Road Repairs and Improvements

PMGA recommends the MAC budget expenditures of \$387,553, an amount equal to gas tax revenue.

Stormwater

The expenditure for this category equals the revenue generated by Stormwater Fees. \$506,998 is expected to be generated in revenue, so there is a corresponding expenditure.

QNIP

Representing the share of the new municipality of the debt incurred by Miami-Dade County, the figure provided by the MAC is \$224,953. The OMB impact on UMSA provides a figure of \$232,738. Though the difference is small, PMGA will use the QNIP figure provided by the County.

Total Expenditures

Total expenditures in the third party review equal \$8,705,676, which is a minor increase due to changes in the QNIP and Public Works and Road Repairs figures. The amounts are found in Table 3.

**TABLE 3
ESTIMATED EXPENDITURES**

Category	MAC Amount	PMGA Amount
City Council	\$ part of manager	
Office of City Council/Manager	\$ 350,000	\$ 350,000
Office of City Clerk	\$ 200,000	\$ 200,000
Office of City Attorney	\$ 250,000	\$ 250,000
General Expenses	\$ 300,000	\$ 300,000
Finance Department	\$ 150,000	\$ 150,000
Police Department	\$4,864,525	\$4,864,525
Building, Planning and Zoning Department	\$ 533,862	\$ 533,862
Code Enforcement	\$ 160,000	\$ 160,000
Public Works and Road Repairs	\$ 387,563	\$ 387,553
Parks and Recreation Department	\$ 250,000	\$ 250,000
Stormwater Utility Fund	\$ 506,998	\$ 506,998
Vehicle Costs	\$ 280,000	\$ 280,000
QNIP (Debt and pay-as you-go)	\$ 224,953	\$ 232,738
General Government	\$ 200,000	\$ 200,000
Crossing Guards	\$ 40,000	\$ 40,000
Total Expenditures	\$8,697,901	\$8,705,676
Contingency	\$ 500,000	\$ 0
Budgeted Amount	\$9,197,901	\$8,705,676
Unallocated Reserve (Contingency)	\$ 42	\$ 488,236

NET OPERATIONS

Reserve/Surplus

The MAC budget has \$500,000 in Contingency Fund, in addition to \$42 surplus. For the purposes of this analysis, PMGA has combined these funds and refers to them as "Reserve/Surplus". These were not included in the estimated expenditures.

The result of the third party analysis in this report is an excess of Revenues over Expenditures of \$488,236.

The surplus amount is important due to the fact that the revenue sources may be late in reaching the full amount. One example is that the coding for the Franchise Fees, Utility Taxes and Communications Service Taxes must be changed to the new jurisdiction. At times, the adjustment to the programming of the utility companies is not completely accurate resulting in a loss of revenue to the new jurisdiction. Other revenues may also be slow in collection.

One way for the new municipality to improve the collection of the fees and taxes from the use of utility services is to engage a firm that specializes in reviewing the allocation process of these fees. The firm usually operates on a commission basis and typically improves the revenue stream of the municipality.

Another use of the surplus funds is for capital improvements and expenditures that may be necessary. This action may reduce costs in the future.

The municipality should maintain a contingency fund for special and/or emergency needs. Setting this amount at 5% to 10% of the budget makes wise fiscal sense. It is not necessary to add 5% to 10% each and every year. Instead the municipality should maintain a balance in the fund equal to the specified amount.

Category	MAC Report	Third-Party Report
Revenue	\$9,197,943	\$9,193,912
Expenditures	\$8,697,901	\$8,705,676
Unallocated Surplus	\$ 500,042	\$ 488,236
Percentage	5.75%	5.61%

CONCLUSION

The Northeast Dade area can succeed financially as a new municipality without changing the Ad Valorem Tax Rate that currently exists for the UMSA area of Miami-Dade County. This millage rate, as well as other revenues, will generate sufficient funds to apply for operating expenditures and result in an adequate surplus to be added to Reserves.

The conclusion is also based on the establishment of a budget that provides the current level of service received by Property Owners from Miami-Dade County. The budget does not consider increases in services.

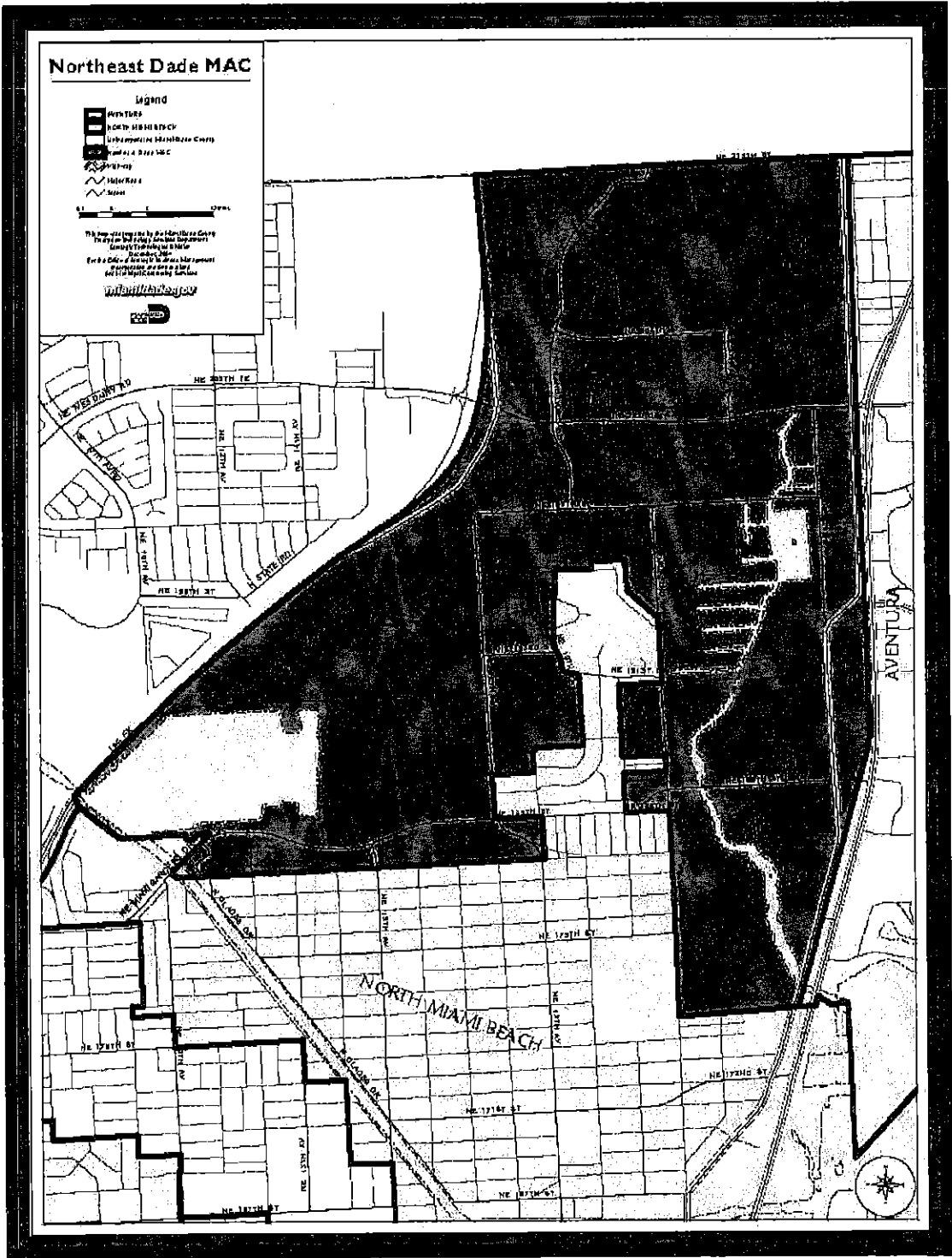
The analysis conducted by PMG Associates, Inc. (PMGA) differs from the budget prepared by the MAC in several instances:

- There was a very slight reduction in the amount of Ad Valorem Taxes generated
- The Contingency of \$500,000 is not available based on the PMGA analysis. There is a projected Unrestricted Reserve amount of \$488,236 that would be available for Contingencies.
- Any municipality should retain an Unrestricted Reserve of between 5% and 10% of Expenditures for Contingencies. Often called a "Rainy Day Fund", this amount does not need to be funded in its entirety in the first few years of a municipality's existence. However there should be a plan to fully fund this reserve over time. The Unrestricted Reserve Fund in the PMGA analysis is 5.61%, which is an appropriate initial amount.

PMG Associates, Inc. finds the budget prepared by the MAC to be reasonable and indicates a solid financial position.

APPENDIX

Reference Materials



Northeast Dade MAC

2016 - 2017

Real and Tangible Property Assessment		<u>\$ 1,199,616,894</u>
Millage		<u>0.0019283</u>
Revenue		
Ad Valorem (Property) Taxes	Based on Tax Roll & Millage @95%	\$ 2,197,560
Total Ad Valorem		<u>\$ 2,197,560</u>
Other Revenue		
Franchise Fees		\$ 980,200
Sales Taxes		\$ 1,346,599
Utility Taxes		\$ 1,470,300
Communications Service Tax		\$ 829,053
Occupational license tax		\$ 101,793
Building permit fees	A	\$ 533,862
Alcoholic Beverage licenses		\$ 4,236
State Revenue Sharing		\$ 392,080
Local option gas	B	\$ 387,553
Stormwater Utility	C	\$ 506,998
Charges for Services		\$ 179,286
Fines and Forfeitures		\$ 197,377
Bus bench permits		\$ 25,000
Interest earnings		\$ 15,680
Other revenue		<u>\$ 30,386</u>
Total Other Revenue		<u>\$ 7,000,383</u>
Total Revenue		<u>\$ 9,197,943</u>
Expenditures		
Council/ Manager		\$ 350,000
Attorney		\$ 250,000
Clerk		\$ 200,000
Code Enforcement		\$ 160,000
General Services		\$ 300,000
Finance Department		\$ 150,000
Police Department		\$ 4,864,525
Vehicle Costs		\$ 280,000
Building & Planning & others	A	\$ 533,862
Public Works	B	\$ 200,000
Road Repairs and Improvements	B	\$ 187,563
QNIP (Debt and pay as you go)		\$ 224,953
Parks & Recreation		\$ 250,000
Stormwater Bonds	C	\$ 123,360
Stormwater Costs	C	\$ 75,000
Stormwater Projects (new and for repairs)	C	\$ 308,638
General Government (includes rent, Ins and comm related costs)		\$ 200,000
School Crossing Guards		\$ 40,000
Contingency Reserve		\$ 500,000
Total Expenditures		<u>\$ 9,197,901</u>
Excess of Revenues over Expenses		<u>\$ 42</u>

Notes: A B & C Revenues offset Expenses

3/28/2010

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Northeast Dade MAC
 Estimated Personnel Costs for FY 2016/2017
 Recommended MINIMUM Staffing

Classification	#	Avg. Cost	Total
Police Major	0	\$188,522	\$0
Police Captain	0	\$200,741	\$0
Police Lieutenant	1	\$169,856	\$169,856
Police Sergeant	4	\$149,305	\$597,220
Detective Unit Sergeant	1	\$149,924	\$149,924
Police Detective	2	\$122,570	\$245,140
Police Officer	20	\$122,320	\$2,446,398
COPS	0	\$0	\$0
SUB-TOTAL SWORN	28		\$3,608,537
Public Service Aide	2	\$71,520	\$143,041
Police Records Specialist	1	\$64,756	\$64,756
Police Crime Analyst Specialist	1	\$88,671	\$88,671
Office Support Specialist	0	\$0	\$0
Data Entry Specialist	0	\$0	\$0
Police Station Specialist	0	\$74,588	\$0
Administrative Secretary	0	\$77,329	\$0
Secretary	1	\$70,716	\$70,716
SUB-TOTAL NON-SWORN	5		\$387,103
Marked Vehicles	24	\$8,490	\$203,760
Unmarked Vehicles	4	\$6,552	\$26,208
PSA Vehicle	2	\$6,394	\$12,788
Motorcycle	0	\$8,332	\$0
SUB-TOTAL VEHICLES			\$242,756
General Overtime	30	\$6,861	\$205,830
SUB-TOTAL OVERTIME			\$205,830
Local Patrol Subtotal w/ Overtime			\$4,424,306
9.95% contract support fee			\$440,218
EST. MIN. PATROL COST			\$4,864,525

* All costs are based on estimated average salaries and include Fringe, longevity costs for FY 2016-2016.

* Personnel costs do not include contractual pay adjustments

2015/16 estimate OT average for sworn based on budget projections and subject to change. Per FAB

JB 1-15-2016

Office of Management And Budget's "Estimated Impact on UMSA Budget"

Based on FY 2015-16 Budget	Annexation Assumptions	
Property Tax Revenue	Allocation based on tax roll & millage	\$2,193,529
Franchise Fees	Allocated based on tax roll/population	\$472,952
Sales Tax	Allocation based on \$73.47 per person	\$1,440,216
Utility Taxes	Allocated based on tax roll/population	\$1,650,621
Communications Tax	Allocated based on tax roll/population	\$658,440.2
Alcoholic Beverage License	Allocation based on \$0.23 per person	\$4,578
Occupational License	Allocation based on \$1.45 per person	\$28,854
Interest	Allocation based on .079% of total revenue	\$5,141
Sheriff and Police Fees	Allocation based on population	\$22,729
Miscellaneous Revenues	Allocation based on \$0.88 per person	\$57,986
Administrative Reimbursement	Allocated based on expenditures	\$154,244
Carryover	Allocated based on tax roll/population	\$508,605
Revenue to UMSA		\$7,197,896
Cost of Providing UMSA Services		
Police Department		\$3,800,468
UMSA Police Budget (without specialized)		
Parks, Recreation and Open Spaces Dept.	Based on cost of parks	\$172,500
Right-of-Way Maintenance		
Centerline Miles	Centerline miles times cost per lane mile	\$126,670
Policy Formulation		
Commission, Mayor, County Attorney	Direct Cost multiplied by 3.52%	\$144,307
Internal Support		
Information Technology, Internal Services, Human Resources Communications, Audit and Management, Management and Budget	Direct Cost multiplied by 0.36%	\$383,726
Planning and Non-Departmental		
Regulatory and Economic Resources, Rec. and Culture, Economic Development, Neighborhood Infrastructure	Direct Cost multiplied by 3.1%	\$127,089
GNIP Debt Service Payment	Utility Taxes as a % of debt service 12.7%	\$ 232,738
Cost of Providing UMSA Services		\$ 4,987,498
Net to UMSA		\$2,210,398
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 Disclaimer: These calculations do not represent a projected or suggested municipal budget. They indicate only the fiscal impact of this area's incorporation on the remaining UMSA.		
2015 Taxable Property Rolls		\$1,197,416,246
2015 Area Population		19,604
2015 UMSA Population		1,139,366
2015-16 UMSA Millage		1.9283
Patrollable Sq. Miles - UMSA		207.90
Total Calls For Service - UMSA CY 2014		626,825
Part 1 Crimes - UMSA 2014		51,497
Part 2 Crimes - UMSA 2014		22,932
Patrollable Sq. Miles - Study Area		3
Total Calls for Service - Study Area		9,792
Part 1 Crimes - Study Area		694
Part 2 Crimes - Study Area		253
Cost per Centerline Mile		\$2,069
Number of Centerline Miles		61.22
Per Capita Taxable Value		\$61,080.20

Northeast Dade Incorporation Report

Incorporation Report

Section 20-23(b) and 20-30(b) of the Code contain a set of guidelines that the PAB and the Board consider in developing their recommendations and actions for an 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 Code along with important socio-economic data pertinent to the area.

Summary of Petition

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

1. Increase and improve the level of public safety;
2. Improve local parks and recreation services;
3. Improve public area maintenance;
4. Improve other basic public services;
5. Improve the process and participation in development regulation; and
6. Provide for enhanced public participation in local government.

Demographic and Socio-economic Profile of the NEMAC Area

As shown in Table 1 below, the population in the area is 19,613. The Table also shows that approximately 46 percent of the population within the proposed incorporation is White, 41 percent Hispanic, 8 percent Black not Hispanic origin, and 4.6 percent Other. The median household income for the proposed incorporation area is \$47,607 and the per capita income is \$30,655. This compares to a median household income of \$48,110 and per capita income of \$21,348 for UMSA.

**Table 1
NEMAC Demographics and Income**

Population Characteristics	NEMAC Estimates	Percent	Miami-Dade County	Percent
Total population	19,613	-	2,639,042	-
Hispanic or Latino (of any race)	8,144	41.5%	1,731,733	65.6%
Not Hispanic or Latino, One Race	11,469	58.5%	907,309	34.4%
White alone	9,005	45.9%	398,700	15.1%
Black or African American alone	1,570	8.0%	444,590	16.8%
Other alone	894	4.6%	64,019	2.4%
Income				
Median Household Income	\$47,607	-	\$43,386	-
Per-capita Income	\$30,655	-	\$23,848	-

Source: U.S. Census Bureau, 2015 American Community Survey (ACS) 5-year Estimates covering the years 2011-2015.

Prepared by Miami-Dade County, Department of Regulatory and Economic Resources, Planning Research and Economic Analysis Section, May 2017.

Table 2 below shows the socio-economic data covering the years 2011 through 2015 detailing the area's employment by industry, labor force breakdown, and educational attainment, among others.

Table 2
NEMAC Socio-economic Data

2011-2015 Socioeconomic Profile for NEMAC			
Population:	19,513 (100%)	School enrollment percentages by age group:	Income:
Female	10,700 (54.6%)	Under 5 years - Nursery Sch. Pre-K	Median Household Income \$47,607
Male	8,813 (45.4%)	5-14 yr olds in K to 8 grade	Per Capita Income \$30,655
In Households	19,435 (99.1%)	15 to 19 yr olds in High School	Median Home Value \$208,810
In Group Quarters	178 (.9%)	18 to 29 yr olds- College/ Grad Sch.	
			Employment by Industry:
Age:		Highest Degree -% of pop. 25 yrs and above with:	Agriculture 0 (0.0%)
Under 5 Years	1,101 (5.6%)	High Sch. Diploma/ GED	Goods Producing 613 (6.4%)
5 to 17	2,504 (13.3%)	Associate's Degree	Wholesale/ Retail Trade 1,735 (18.0%)
17 to 24 Years	1,988 (10.1%)	Bachelor's Degree	Transp, Warehousing, Util. Information 374 (3.9%)
25 to 44 Years	4,699 (24.0%)	Graduate/ Professional Degree	Finance, ins., Real Estate 808 (8.4%)
45 to 64 Years	6,281 (32.0%)		Prof. & Business Services 1,570 (16.3%)
65 of more years	2,940 (15.0%)		Ed. & Health Services 1,879 (19.5%)
			Arts, Ent. & Tourism 1,301 (13.5%)
			Other Services 835 (8.7%)
			Public Administration 325 (3.4%)
Race:		Households:	Travel Time to Work (Minutes)
Hispanic	8,144 (41.5%)	7,011 (100.0%)	for All Workers over 16 years of age:
White - Not Hispanic	9,005 (45.9%)	with Children under 18 years	0 to 15 1,762 (19.5%)
Black - Not Hispanic	1,570 (8.0%)	2,222 (31.7%)	15 to 30 3,729 (41.3%)
		no Children under 18 years	30 to 45 2,084 (23.1%)
Labor Force:		4,789 (68.3%)	45 to 60 749 (8.3%)
Civ. Labor Force (% of Pop.)	10,317 (52.8%)	1-person household	More than 60 703 (7.8%)
Empl. (% of Pop.)	8,630 (49.1%)	2-person household	Median travel time (Minutes): 22.9
Unemployment Rate	6.7%	3-person household	
		4-or-more-person household	
Poverty:		Housing:	Means of Transportation to work (Workers):
Number Living in Poverty	2,835	8,252	Car, truck or van 8,229 (86.4%)
Poverty Rate	14.6%	Housing Vacancy Rate 15.0%	Public Transit 527 (6.6%)
			Other 171 (1.8%)
			Work at Home 495 (5.2%)
			Median Time Leaving Home: 8:47 AM
			Earlier than 7 1,292 (13.7%)
			7 to 8 593 (6.3%)
			8 to 9 4,953 (52.4%)
			9 to 10 1,626 (17.2%)
			After 10 985 (10.4%)

Source: U.S. Census Bureau - 2015 American Community Survey (ACS) 5-year estimates.
Miami-Dade County, Department of Regulatory & Economic Resources, Planning Research and Economic Analysis Section, June 2017.

Table 3 below shows the socio-economic data covering the years 2011 through 2015 detailing UMMA's employment by industry, labor force breakdown, and educational attainment, among others.

Development Profile of the Area

Table 4 below shows contains a mixture of land uses in the proposed incorporation area.

**Table 4
NEMAC Existing Land Use**

Land Use	NEMAC (Acres)	NEMAC (Percent of Total)	Miami-Dade County (Acres)	Miami-Dade County (Percent of Total)
Residential	828.7	40.7	112,619.9	8.9
Commercial, Office, and Transient Residential *	73.5	3.6	14,199.6	1.1
Industrial	11.2	0.6	19,458.8	1.5
Institutional	96.1	4.7	15,496.4	1.2
Parks/Recreation	255.4	12.5	834,283.5	65.9
Transportation, Communication, Utilities	391.4	19.2	87,383.4	6.9
Agriculture	0.0	0.0	63,012.0	5.0
Undeveloped	37.4	1.8	82,062.0	6.5
Inland Waters	343.0	16.8	37,798.6	3.0
Total	2,036.7	100.0	1,266,314.2	100.0

* Transient Residential includes Hotels and Motels

Source: Miami-Dade County Department of Regulatory & Economic Resources, Planning Research and Economic Analysis Section June, 2017.

GUIDELINES ANALYSIS

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

- 1. Does the NEMAC incorporation divide a U.S. Census Designated Place (CDP) or a historically recognized community, to the extent feasible?**

The incorporation does not divide a historically recognized community or a CDP. The proposed incorporation contains the Ojus CDP.

- 2. Does the NEMAC area include any adjacent areas of ethnic minority and lower income residents in which a majority of those residents have so petitioned?**

No adjacent areas have petitioned to be included in the NEMAC incorporation area.

- 3. Does the boundary change enhance contiguity and not create any unincorporated enclave area(s)? An unincorporated enclave area is defined as an area that would be surrounded on more than eighty (80) percent of its boundary by one (1) or more municipalities, and of a size that could not be serviced efficiently or effectively?**

As shown in the map in Exhibit 1, the proposed incorporation area is not an enclave. However, incorporation of the proposed area would result in the creation of a smaller unincorporated enclave of approximately 3.8 square miles, which would be bounded on the west by the City of Miami Gardens, on the south by the City of North Miami Beach and on the east by the proposed incorporation area. The area to the west of the NEMAC incorporation effort will continue to be serviced as it currently is from the same County departments and is of a size than can be

serviced efficiently and effectively therefore in accordance with 20-23. (B)(c) of the Code, the unincorporated area to the west is not an enclave.

4. Does the area have natural or built barriers as boundaries?

The boundaries are mostly logical and generally follow municipal boundaries, built barriers or rights-of-way. The proposed incorporation area is generally bounded on the North by County Line Road (NE 215 Street), on the West by Interstate 95, on the South by the City of North Miami Beach city limits, NE 174 Street and NE 183 Street, and on the East by Biscayne Boulevard and Old Federal Highway. It is important to note that while the southern boundary follows the North Miami Beach City limits, a portion of North Miami Beach's northern boundary is surrounded by the proposed municipality between NE 22 and 19th Avenue from NE 185 Street to NE 196 Street as noted in the map (Exhibit 2).

5. Is the evidence of area residents' and property owner support, sufficient to warrant the costs of balloting electors?

As required by the Ordinance establishing the NEMAC, two public hearings were held on June 21, 2016, and July 21, 2016, to discuss the proposed incorporation of Northeast Dade. Notices for both public hearings were mailed to all property owners within the proposed incorporation area, and 600 feet thereof in accordance with the Code, additionally all NEMAC meetings were advertised in the newspaper. The NEMAC Board took into consideration the citizen comments at the public hearings and at regularly scheduled MAC meetings when making their recommendation.

6. What is 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 per capita taxable value within the incorporation area is \$75,407, which is higher than that for UMSA (\$61,274). The millage rate for UMSA is 1.9283, substantially lower than the millage rates for comparable municipalities. Municipalities in Miami-Dade County with similar per capita taxable values to the proposed incorporation area are found below with their corresponding millage rates for fiscal year 2017-2018:

**Table 5
 Comparable Per Capita and Millage Rates**

Area	Per Capita Taxable Value	Millage Rate
El Portal	\$66,932	8.3000
West Miami	\$72,016	6.8858
NEMAC	\$75,407	1.9283
Sweetwater	\$77,749	4.2151
Miami Springs	\$78,917	7.3575

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

The proposed Northeast Dade incorporation area's boundary is in common with that of the City of Aventura to the east, the City of North Miami Beach to the south, and an area of UMMA to the west. The proposed incorporation area could be annexed by either city, however the cities have not expressed formal interest in doing so. The remaining alternative for the area would be to remain part of UMMA.

8. **Is the NEMAC area totally contained within the Urban Development Boundary (UDB) depicted on the future Land Use Plan map of the Miami-Dade County's CDMP?**

The NEMAC area is entirely located inside the 2020 UDB of the Adopted 2020 and 2030 Land Use Plan (LUP) map of the CDMP.

Contained within the proposed boundaries of the NEMAC is the County's Ojus Urban Area District (OUAD). The OUAD is one of the County's designated Urban Centers that is located along the Northeast Corridor one of the County's SMART corridors. As previously stated, the County should retain planning, zoning and building jurisdiction of the area encompassed by the Ojus Urban Area District as shown in Exhibit 6.

The Miami-Dade County Comprehensive Development Master Plan (CDMP) establishes the County's overall land uses, growth pattern and urban form. Among other things, the Land Use Plan Map of the CDMP depicts the County's Urban Development Boundary (UDB) and the land use designations for properties inside and outside of said boundary. The CDMP policies restrict urbanization to the area inside the UDB while allowing agriculture, mining or environmental preservation outside the UDB. The policies the CDMP identify the need to intensify development within the UDB in order to address our future growth by promoting a more compact and efficient urban form that is guided by transit and pedestrian-oriented urban centers and the mixed-use corridors that connect them. To implement this vision, the County has embarked in a multi-disciplinary implementing effort that includes the area planning and subsequent rezoning of the designated urban centers and mixed-use corridors.

The Board established the OUAD regulations in 2006, and rezoned all properties within the district in 2007. The OUAD area consists of the unincorporated portion of the CDMP-designated Ojus/Aventura Metropolitan Urban Center. The OUAD regulations provide for the densities, intensities and mix of uses necessary to support the redevelopment of the area as one of the main transit/pedestrian-oriented developments along the Northeast Corridor. With allowed densities up to 82 units per acre and heights up to 12 stories -- highest densities and intensities located along the West Dixie Highway Corridor and the areas abutting the Northeast Corridor - the OUAD regulations are also designed to address the diverse housing and business needs of the area. The implementation of the OUAD regulations is of paramount importance to the County for multiple reasons, including, as previously stated, the implementation of the regional vision laid out in the CDMP as well as assuring that development along this corridor remains supportive of the SMART plan goals.

In order to ensure the County's intensification efforts along the Northeast SMART Corridor continue, the County should retain planning, zoning and building jurisdiction of the OUAD.

9. **Is the NEMAC area compatible, to the degree possible, with existing planned land uses and zoning of the areas surrounding the proposed municipality?**

Yes, the existing and planned uses and zoning of the NEMAC area are compatible with the existing and planned land uses and zoning of the areas that surround it, as most of these areas have been planned and developed concurrently.

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

County staff conducted a financial analysis to determine the impact the incorporation of this area will have on the remainder of the UMSA budget. Table 6 below is the Impact to UMSA analysis that estimates revenues and expenses for a particular area, the revenue and expense ratios are based on the FY 2017-18 budget. The assumptions in preparing the Impact to UMSA do not include: State Revenue Sharing revenue; local option gas tax revenue and expenditures; canal maintenance revenues and expenses; proprietary activities such as building, zoning, and solid waste; and fire and library districts. The revenues and expenditures are based on budgetary estimates, not actuals.

As noted in the Impact to UMSA (Table 6), the proposed incorporation area generates approximately \$7 million in UMSA revenue, and the County spends approximately \$5.9 million providing services to the area. The incorporation of Northeast Dade area will have a negative impact on the remaining unincorporated area of approximately \$1.1 million.

It is recommended that should the area incorporate, the new municipality should mitigate 50 percent of the excess revenues as noted in the Impact to UMSA for seven years. This would equate to a millage equivalent of .39 mills that would be applied to the tax roll for the area in the first year of incorporation. The practice of paying mitigation for seven years is consistent with what the Board has approved for previous incorporations that were revenue positive.

Table 6
Impact to Unincorporated Municipal Service Area (UMSA)

Based on FY 2017-18 Budget	Assumptions	
Property Tax Revenue	<i>Allocation based on tax roll & millage</i>	\$2,709,283
Franchise Fees	<i>Allocated based on tax roll/population</i>	\$482,159
Sales Tax	<i>Allocation based on \$76.37 per person</i>	\$1,497,841
Utility Taxes	<i>Allocated based on tax roll/population</i>	\$1,660,023
Communications Tax	<i>Allocated based on tax roll/population</i>	\$578,142
Alcoholic Beverage License	<i>Allocation based on \$0.23 per person</i>	\$4,627
Occupational License	<i>Allocation based on \$1.15 per person</i>	\$4,627
Interest	<i>Allocation based on .058% of total revenue</i>	\$4,032
Sheriff and Police Fees	<i>Allocation based on population</i>	\$57,003
Miscellaneous Revenues	<i>Allocation based on \$0.79 per person</i>	\$15,642
Revenue to UMSA		\$7,013,381
Cost of Providing UMSA Services		
Police Department		\$4,347,650
UMSA Police Budget (without specialized)		
Parks, Recreation and Open Spaces Dept.	<i>Based on cost of parks</i>	\$438,683
Right-of-Way Maintenance	<i>Centerline Miles Centerline miles times cost per lane mile</i>	\$213,887
Policy Formulation	<i>Commission, Mayor, County Attorney Direct Cost multiplied by 3.31%</i>	\$165,507
Internal Support	<i>Information Technology, Internal Services, Human Resources Communications, Audit and Management, Management and Budget Direct Cost multiplied by 8.36%</i>	\$418,018
Planning and Non-Departmental	<i>Regulatory and Economic Resources, Rec. and Culture, Economic Development, Neighborhood Infrastructure Direct Cost multiplied by 1.5%</i>	\$75,003
QNIP Debt Service Payment	<i>Utility Taxes as a % of debt service 12.4%</i>	\$ 205,843
Cost of Providing UMSA Services		\$ 5,864,592
Net to UMSA		\$1,148,789
<p>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</p> <p>Disclaimer: These calculations do not represent a projected or suggested municipal budget. They indicate only the fiscal impact of this area's incorporation on the remaining UMSA.</p>		

CURRENT SERVICE LEVEL INFORMATION

The NEMAC proposed incorporation area encompasses an approximately 3.18 square miles. The 2016 population estimate is 19,613.

Miami-Dade Police

The MDPD currently patrols approximately 410.04 square miles in UMSA and approximately 3.18 square miles within the proposed incorporation area. In the event the incorporation application is successful, the total service area within UMSA will be reduced. In the event the incorporation application is successful, the service area for MDPD within UMSA will be reduced.

The incorporation area is located within the Intracoastal Police District. Statistical information was extracted from the Crime Data Warehouse database for Calls-for-Service, Part 1 and 2 Crimes and public safety response times within the proposed incorporation area and UMSA for the last three calendar years and is summarized below in Tables 7 - 9.

**Table 7
 NEMAC and UMSA, Calls-for-Service**

Year	Calls-for-Service			
2014 UMSA	571,865	31,349	23,411	626,625
2014 NEMAC	7,542	431	281	8,254
2015 UMSA	565,555	35,563	24,649	625,767
2015 NEMAC	7,562	447	358	8,367
2016 UMSA	559,850	37,049	25,754	622,653
2016 NEMAC	6,828	490	354	7,672

Source: Report 57E - CFS by Signal by Call Type, NEMAC, 2014, 2015 and 2016. Report 57E - CFS by Signal by Call Type, UMSA, 2014, 2015 and 2016 (sl 3/1/17).

**Table 8
 NEMAC and UMSA, Part I and II Crimes**

Year	Part I & II Crimes		
2014 UMSA	44,995	20,098	65,093
2014 NEMAC	636	282	918
2015 UMSA	43,390	17,603	60,993
2015 NEMAC	619	201	820
2016 UMSA	42,250	16,614	58,864
2016 NEMAC	663	211	874

Source: Report 85A - Part 1 & 2 Crimes 2 Years Comparison, UMSA. Report 60B - Part 1 & 2 Crimes - NEMAC (sl 3-1-2017).

**Table 9
NEMAC and UMSA, Response Times**

Year	Response Times		
2014 UMSA	8:00	7:38	21:44
2014 NEMAC	8:15	7:58	19:23
2015 UMSA	8:04	7:49	23:06
2015 NEMAC	8:53	8:27	22:23
2016 UMSA	8:31	8:17	25:35
2016 NEMAC	9:47	9:33	25:29

Source: Report 58B - Overall Summary of Response Times - Total UMSA, 2014, 2015 and 2016. Report 58B - Overall Summary of Response Times - NEMAC Grids Only, 2014, 2015 and 2016 (3/1/17).

Miami-Dade Fire Rescue

Section 20-26 of the Code requires new municipalities to remain in the MDFR District, resulting in no operational or fiscal impact to the District. The proposed incorporation is not expected to negatively impact response times to the area.

**Table 10
Service Calls for the Last Three Calendar Years**

	2014	2015	2016
Travel Time:			
Life Threatening Emergencies	6:44	7:16	7:34
Structural Fires	5:29	5:01	5:34
Incidents:			
Life Threatening Emergencies	1,198	1,223	1,204
Structural Fires	42	39	36
Total Alarms	1,240	1,262	1,240

Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90 percent of all incidents. Travel time to the vicinity of the incorporation area complies with this performance objective.

**Table 11
Existing Service**

Fire Station	Address	Equipment	Staff
63	1655 NE 203 Street	Engine	4
8	2900 Aventura Boulevard	Engine, Rescue & Battalion	8
33	2601 Point East Drive	Rescue	3
31	17050 NE 19 Avenue	Rescue, Aerial	7
32	358 NE 168 Street	Rescue, Engine	7
38	575 NW 199 Street	Rescue, Aerial	7

MDFR has no new planned services in the vicinity of the incorporation area.

If the incorporation is approved, fire protection and emergency medical services will continue to be provided by MDRF served by the same stations and resources.

Parks Recreation and Open Spaces

The proposed incorporation will result in the conveyance of two local community parks. Highland Oaks Park located at 20300 N.E. 24th Avenue (39.09 acres) and Ojus Park located at 18995 West Dixie Highway (1.73 acres). The operating maintenance expenses at Highland Oaks average \$94,800 and Ojus Park average \$18,400. Both parks operate after school and access programs at a combined annual net operational cost of \$116,300.

As noted earlier, Greynolds Park located at 17530 W Dixie Highway is partially within the boundaries of the proposed municipality. The County should retain jurisdiction of Greynolds Park.

Transportation and Public Works

There are approximately 37.6 centerline miles in the proposed incorporation area. Approximately 30.1 centerline miles will be transferred to the new municipality. The County is proposing to keep the following roads (approximately 7.5 centerline miles):

**Table 12
Roads to Remain Under County Jurisdiction**

Street Name	From	To
NE 18 th Road	NE 183 rd Street/NE 19 th Avenue	NE 185 th Street
NE 18 th Avenue	NE 185 th Street	NE 194 th Terrace
	NE 194 th Terrace	NE 199 th Street
NE 199 th Street	NE 18 th Avenue	Highland Lakes Boulevard
Highland Lakes Boulevard	NE 199 th Street	NE 203 rd Street
Highland Lakes Boulevard	NE 203 rd Street	NE 215 th Street
NE 19 th Avenue	NE 183 rd Street	NE 185 th Street
NE 26 th Avenue	West Dixie Highway/NE 193 rd Street	NE 215 th Street
West Dixie Highway	North Mimi Beach City Limits (theoretical NE 175 th Street)	NE 215 th Street
NE 203 rd Street	I-95	NE 26 th Avenue

Water and Sewer Department

The incorporation will have no impact on WASD's ability to provide water and sewer services in WASD's service area.

The proposed incorporation area's water is provided by WASD and North Miami Beach, the incorporation area sewer service is provided by WASD. Requests for future water and sewer service within the incorporation area shall be determined at the time of development and will be based on the adequacy and capacity of the water and sewer systems at that time.

11. **What potential revenue sources and facilities will be made available to the proposed municipality upon incorporation?**

All the eligible municipal revenues will be available to the NEMAC incorporation area. The local parks in the area will be conveyed to the proposed municipality of Northeast Dade, UMSA residents will continue to use the parks without being required to pay fees for services above those charged to municipal residents.

12. **Does the per capita taxable value in the NEMAC area fall between \$20,000 and \$48,000?**

No, the per capita taxable value in Northeast Dade proposed incorporation area is \$75,407.

13. **Will the area, if currently qualified, continue to be eligible for any benefits derived from inclusion in federal or state enterprise zones, or targeted area assistance provided by federal, state and local government agencies?**

The NEMAC is not located within an enterprise zone, empowerment zone or targeted urban area and does not currently qualify to receive any associated benefits. Additionally, this proposed incorporation area is not located within a Neighborhood Revitalization Strategy Area and does not qualify for targeted area assistance provided by federal, state, or local government agencies.

The population in the NEMAC area is 19,613, and does not qualify as a Community Development Block Grant entitlement city under the Housing and community Development Act of 1974, which requires a minimum threshold of 50,000 persons.

14. **Will the incorporation impact public safety response times?**

Fire and Rescue:

The proposed incorporation will not impact MDFR's service delivery and/or response time. The area is served as part of the Unincorporated Municipal Service Area (UMSA). If the incorporation is approved, fire protection and emergency medical services will continue to be provided by MDFR and will continue to be served by the same stations and resources within the Fire District in an efficient and effective manner.

Police:

In the event the incorporation application is successful, the service area for MDPD within UMSA will be reduced. As this area is a donor area, a determination would have to be made regarding the provision of existing services in the UMSA area.

15. **Are there any 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 Northeast Dade area will introduce any new barriers to municipal traffic flow. There are existing walls (Table 12) and guard gates (Table 13) in this incorporation area which currently affect traffic circulation.

**Table 13
Existing Walls**

District Name	Walls (Linear Feet)
Highland Lakes	2,600
Oak Forest	250
Enchanted Lake	200

**Table 14
Existing Guard Gates**

Guard Gate Number	Name	Location
G-194	Highland Gardens	21050 Highland Lakes Boulevard
G-203	Coventry	1799 NE 198 th Terrace
G-217	Oak Forest	19901 NE 21 st Avenue 2330 NE 201 st Street
G-218	Oak Forest Roving Patrol	Highland Lakes Boulevard & NE 199 th Street
G-220	Highland Lakes	20400 Highland Lakes Boulevard 2551 NE 209 th Terrace
G-221	Enchanted Lake	2210 NE 192 nd Street 19831 NE 23 rd Avenue

16. Has the area been identified by the federal government as a flood zone or by emergency planners as an evacuation zone?

A portion of the proposed annexation 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 within any County-designated hurricane evacuation zone and residents of the area are not obligated to evacuate when hurricane warnings are issued.

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

The proposed incorporation area is contained within the same school district boundaries as the adjoining municipalities and the unincorporated area of Miami-Dade County.

The public schools serving the proposed incorporation area are: Virginia A. Boone Highland Oaks Elementary, Ojus Elementary, Aventura Waterways K-8 Center, John F. Kennedy Middle, Highland Oaks Middle, North Miami Beach Senior and Dr. Michael M. Krop Senior.

18. **Will the NEMAC area continue to participate in the County's Fire-Rescue and Library Districts?**

As a condition of incorporation, the new municipality will be required to stay within the County's Fire-Rescue and Library Districts.

19. **Will the NEMAC area contract with the County for other municipal services?**

As a condition of incorporation, the NEMAC area will be required to contract with the Miami-Dade Police Department for a minimum of three years for local patrol services.



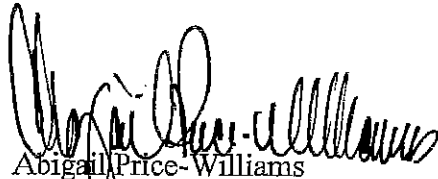
MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: June 5, 2018

FROM:


Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(E)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(E)
6-5-18

RESOLUTION NO. _____

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION ON NOVEMBER 6, 2018, FOR THE PURPOSE OF SUBMITTING TO ELECTORS RESIDING WITHIN THE PROPOSED NEW MUNICIPALITY IN UNINCORPORATED NORTHEAST MIAMI-DADE THE QUESTION OF WHETHER THE BOARD OF COUNTY COMMISSIONERS SHOULD BE AUTHORIZED TO CREATE THE NEW MUNICIPALITY WITH THE FOLLOWING GENERAL OUTERMOST BOUNDARIES: COUNTY LINE TO THE NORTH; THE CITY LIMITS OF THE CITY OF AVENTURA TO THE EAST; THE CITY LIMITS OF THE CITY OF NORTH MIAMI BEACH TO THE SOUTH; AND INTERSTATE 95 TO THE WEST; AND DESIGNATING GREYNOLDS PARK, WATER AND SEWER PUMP STATIONS, AND THE OJUS URBAN AREA DISTRICT AS AREAS OF COUNTYWIDE SIGNIFICANCE

WHEREAS, Section 6.05(A) of the Miami-Dade County Home Rule Charter (Charter) and Chapter 20 of the Code of Miami-Dade County (Code) establish a framework by which new municipalities may be created in Miami-Dade County (County); and

WHEREAS, in accordance with the Charter and Code, this resolution proposes calling a special election for area resident electors to authorize the Miami-Dade County Board of County Commissioners (Board) to take additional actions necessary to create a new municipality in the Northeast Miami-Dade area with the following outermost boundaries: County line to the north; the City Limits of the City of Aventura, to the east; the City Limits of the City of North Miami Beach, to the south, and as is generally set forth in the map attached as **Exhibit A** and incorporated in this resolution; and

WHEREAS, the Board created the Northeast Area Municipal Advisory Committee (MAC), which was comprised of a group of area residents appointed by the Board to study the possible creation of the new municipality; and

WHEREAS, upon the conclusion of its study, the MAC submitted a resolution requesting that the Board call an election in the area to create a municipality based on the terms set forth in the MAC's Conceptual Agreement Report (MAC Report); the resolution and the MAC Report are attached to this resolution as **Composite Exhibit B** and incorporated in this resolution; and

WHEREAS, as required by the Code, the MAC Report provides that the new municipality will, among other things: (a) contract with the Miami-Dade Police Department for patrol police services for an initial period of three years; (b) contribute to the County's Municipal Service's Trust Fund (MSTF) in an amount which shall be determined by the Board; (c) agree to remain a part of the Miami-Dade Fire Rescue District, the Miami-Dade Public Library System, and the Miami-Dade Solid Waste collection system; (d) contract and pay for specialized police services from the Miami-Dade County Police Department, provided however, the new municipality will not be required to additionally pay for specialized police services beyond the countywide taxes paid by its residents; (e) be responsible for and pay its respective share of debt service payments associated with any debt service issuance made on behalf of the unincorporated area during the time such area was within the unincorporated area; (f) agree that the Board will retain authority over any declaration of restrictive covenant or development agreements in place at the time of incorporation; and (g) agree that the County will retain regulatory jurisdiction over certain identified facility or facilities of countywide significance within the boundaries of the proposed municipality, as may be revised by the Board from time to time; and

WHEREAS, if the Board is authorized to create the new municipality as a result of the election proposed by this resolution, these commitments as set forth above will be included in the proposed municipal charter as pre-agreed conditions of incorporation which “can only be changed if approved by an affirmative vote of two-thirds (2/3’s) of the members of the Board of County Commissioners then in office, prior to a vote of qualified municipal electors,” as set forth in section 6.05(A) of the Charter; and

WHEREAS, in accordance with the Code, the MAC report and certain required information were referred to the Planning Advisory Board (PAB), which recommended that the Board approve the proposed incorporation “on a modified basis that the new municipality retain regulatory control of the Ojus area but not interfere with the implementation of the SMART Plan,” as shown in the PAB resolution that is attached as **Exhibit C** and incorporated in this resolution; and

WHEREAS, in the memorandum accompanying this resolution, the Mayor has also provided a recommendation related to the proposed incorporation, in accordance with the Code; and

WHEREAS, the Mayor has recommended that, in addition to requiring the proposed new municipality to comply with provisions of the Code, the Board should additionally require the proposed municipality to mitigate the fiscal impact of the proposed incorporation on the unincorporated area by making seven annual payments as follows: (a) a first annual payment equivalent to 50% of the net loss to the Unincorporated Municipal Service Area, as determined in the Office of Management and Budget's "Estimated Impact on UMSA Budget," which equates to 0.39 mills that would be applied to the area's preliminary tax roll during the first year of operation of the municipality; and (b) six subsequent annual payments to be increased each year by the Consumer Price Index for the Miami Urban Area or three percent, whichever is lower; and

WHEREAS, these recommendations by the Mayor shall also constitute pre-agreed conditions to the incorporation of the proposed new municipality; and

WHEREAS, the Mayor has also recommended that the Board designate the Water and Sewer pump stations located at 2621 NE 207 Street, 2459 NE 204 Street, 20460 NE 20 Court and 19720 NE 18 Avenue, as well as the Ojus Urban Area District and Greynolds Park as shown on the maps included as **Exhibits D and E**, respectively, which are incorporated in this resolution, as Areas of Countywide Significance pursuant to sections 20-8.6 and 20-28.1 of the Code, which would allow the County to retain regulatory jurisdiction over such areas for purposes of comprehensive planning, zoning and building and other development approvals; and

WHEREAS, the special election which is the subject of this resolution is the first of two elections required by the Charter, and this Board is calling such election in reliance upon the inclusion of the representations contained in the MAC Report and acceptance of the Mayor's recommendations; and

WHEREAS, if the majority of the resident electors vote affirmatively to approve the ballot question proposed in this resolution, section 6.05(A) of the Charter requires the Board to create a charter committee consisting of five electors residing within the proposed boundaries to propose a municipal charter; and

WHEREAS, it is anticipated that that the foregoing recitals, representations, and required commitments of the proposed municipality will be included as special conditions in any municipal charter that is presented to this Board for consideration; and

WHEREAS, upon submittal of the proposed municipal charter containing the required special conditions, a second special election is to be called to submit the proposed charter to the area resident electors as provided in section 6.03 of the Charter, which requires the election or special election on the proposed municipal charter to occur not less than 60, nor more than 120, days after the draft charter is submitted,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The matters contained in the foregoing recitals are incorporated in this resolution by reference.

Section 2. The matters contained in the accompanying Mayor's memorandum and attached exhibits are incorporated in this resolution.

Section 3. The legal description of the proposed new municipality is as follows:

Those portions of Sections 3, 4, 5, 6, 9, and 10 Township 52 South, Range 42 East, together with those portions of Sections 32, 33, and 34 Township 51 South, Range 42 East, Miami-Dade County, Florida being described as follows:

BEGINNING at the Northwest corner of said Section 33, Township 51 South, Range 42 East, thence East, along the North line of said Section 33 to the point of intersection with the "Centerline Survey" line of State Road 9 as shown and delineated on State of Florida, State Road Department, Right of Way Map, Section 87270-2404 State Road No. 9,

according to a plat thereof, as recorded in Plat Book 83, Page 58 of the Public Records of Miami-Dade County, Florida; thence continuing East, along said North line of Section 33 and portion of Section 34, Township 51 South, Range 42 East, to the intersection with the Westerly right of way line of the Florida East Coast Railway, as shown and delineated on STATION MAP FLORIDA EAST COAST RAILWAY CO., dated November 22, 1938; thence Southerly and Southwesterly, along said Westerly right of way line, through Section 34, Township 51 South, Range 42 East, and Sections 3, 4 and 9 Township 52 South, Range 42 East, to the point of intersection with the South line of the NE 1/4 of said Section 9 being also the theoretical centerline of NE 175 Street; thence West, along the South Line of the NE 1/4 of said Section 9 to the Southwest corner of said NE 1/4, being also the theoretical centerline of NE 22 Avenue and the North Miami Beach and Miami-Dade County Municipal Limits; thence North, along the West line of the NE 1/4 of said Section 9, being also the theoretical centerline and centerline of NE 22 Avenue, to a point on the South Line of Section 4, being also the Southeast corner of the SE 1/4 of the SW 1/4 of said Section 4, Township 52 South, Range 42 East; thence continuing North, along the East line thereof, to the Southeast corner of the NE 1/4 of the SE 1/4 of the SW 1/4 of the said Section 4, being also the centerline of NE 185 Street (Miami Gardens Dr.); thence West, along the South line of the NE 1/4 of the SE 1/4 of the SW 1/4 of said Section 4 to the Southwest corner being also the centerline of NE 21 Avenue; thence North, along the West line of the NE 1/4 of the SE 1/4 of the SW 1/4 of said Section 4, to the intersection with the Westerly extension of the South line of GREYNOLDS PARK WEST according to a plat thereof, as recorded in Plat Book 67, Page 138 of the Public Records of Miami-Dade County, Florida; thence East, along said Westerly extension line and South line of said GREYNOLDS PARK WEST to the centerline of NE 22 Avenue, being also the East Line of the SW 1/4 of said Section 4; thence North, along the centerline of NE 22 Avenue being also the East line of the SW 1/4 of said Section 4, to the point of intersection with the Easterly extension of the North line of said GREYNOLDS PARK WEST; thence West, along said Easterly extension line and North line of said GREYNOLDS PARK WEST and its Westerly extension, to a point of intersection with the centerline of NE 21 Avenue; thence North, along the centerline of NE 21 Avenue, to the point of intersection with the Westerly extension of the South line of Block 8 of SKY LAKE according to a plat thereof, as recorded in Plat Book 60, Page 8 of the Public Records of Miami-Dade County, Florida being also the Northwest corner of the NE 1/4 of the SW 1/4 of said Section 4; thence East, along said Westerly extension line and South line of said Block 8 and its Easterly extension, to the point of intersection with the centerline of NE 22 Avenue being also the Center Section Point of said Section 4; thence North, along said centerline of NE 22 Avenue and the East line of the NW 1/4 of said Section 4 to the point of intersection with the Southeasterly extension of the Eastern most southeasterly line of Block 11 of said SKY LAKE; thence Northwesterly, along said Southeasterly extension line and the exterior boundary lines of the aforementioned Block 11, Northwesterly, Northerly, Westerly and Southerly, to the point of intersection with the centerline line of NE 196 Terrace; thence Westerly and Southwesterly, along the centerline of said NE 196 Terrace, to the point where it becomes NE 19 Place; thence Southerly and Southeasterly, along the centerline of NE 19 Place, to the point where it becomes NE 191 Drive; thence Southeasterly along the centerline of said NE 191 Drive, to its point of intersection with the centerline of NE 20 Avenue; thence Southerly, along the centerline of NE 20 Avenue, to its point of intersection

with the centerline line of NE 188 Street; thence Westerly and Southwesterly, along the centerline line of said NE 188 Street, to the point where it becomes NE 19 Avenue; thence Southerly, along the centerline of NE 19 Avenue to its point of intersection with the centerline line of NE 187 Street; thence Westerly, along the centerline of NE 187 Street, to its point of intersection with the West line of said Section 4 being also the Northwest corner of the NW 1/4 of the SW 1/4 of the SW 1/4 of said Section 4; thence South, along the West line of said Section 4 to the point of intersection with the centerline of NE 185 Street (Miami Gardens Dr.) being also the Northwest corner of the SW 1/4 of the SW 1/4 of the SW 1/4 of said Section 4; thence East, along said centerline of NE 185 Street (Miami Gardens Dr.) and North line of the SW 1/4 of the SW 1/4 of the SW 1/4 of said Section 4 to its Northeast corner, being the point of intersection with the centerline of NE 19 Avenue; thence South, along said centerline of NE 19 Avenue and East line of said SW 1/4 of the SW 1/4 of the SW 1/4 of said Section 4, to its Southeasterly corner, being also the point of intersection with the centerline of NE 183 Street; thence West, along the centerline of NE 183 Street, being also portions of the South line of Sections 4 and 5, Township 52 South, Range 42 East, to the Southwesterly right of way line of Snake Creek, Canal No C-9; thence as described, in Resolution No. R85-45, dated 6-18-1985 and in Ordinance No. 85-92, dated 10-15-1985, thence following the boundaries described in said Resolution and Ordinance, verbatim, as follows: “thence northwesterly along the southwesterly right of way line of Snake Creek Canal, Canal (C-9) to the intersection with said base line of Miami Gardens Drive; thence run north-easterly along set baseline of Miami Gardens Drive to the intersection of the north line of the south half of the southwest quarter of the southwest quarter of said Section 5; thence run westerly along the north line of the south half of the southwest quarter of the southwest quarter of said Section 5 to the northeast corner of the south-west quarter of the southwest quarter of the south-west quarter of said Section 5; thence run south 87 degrees 39 minutes 37 seconds west, along the north line of the southwest quarter of the south-west quarter of the southwest quarter of said Section 5, for 116 feet; thence run south 67 degrees 53 minutes 49 seconds west for 98.98 feet; thence run south 83 degrees 38 minutes 24 seconds west for 120.6 feet; thence run northerly along the west line of the east half of the southwest quarter of the southwest quarter of the southwest quarter of said Section 5, to the intersection with the north line of the southwest quarter of the southwest quarter of the southwest quarter of said Section 5; thence run westerly along the north line of the southwest quarter of the southwest quarter of the southwest quarter of said Section 5;” to its Northwest corner, “ also being the northeast corner of the southeast quarter of the southeast quarter of the southeast quarter of Section 6; thence run westerly along the north line of the southeast quarter of the southeast quarter of the southeast quarter of Section 6, to the inter-section with the southwesterly right-of-way line of Snake Creek Canal (C-9); thence run northwesterly along the southwesterly right-of-way line of Snake Creek Canal (C-9) to its intersection with the southeasterly right-of-way line of State Route 9”; thence continuing Northwesterly, along the Northwesterly extension of said Southwesterly right of way line of Snake Creek Canal (C-9) to its point of intersection with the Southeasterly right of way line of CSX RAILROAD, as shown and delineated on a florida department of transportation RIGHT OF WAY MAP Section 87270-2477, dated March 19, 1990; thence Northeasterly, along said Southeasterly right of way line, to its point of intersection with the West line of Section 33, Township 51 South, Range 42 East; thence North, along said West line of Section 33 being also the

Easterly right of way line of said CSX RAILROAD, to the Northwest corner thereof and the POINT OF BEGINNING.

A map that generally depicts the boundaries of the proposed new municipality is attached to this resolution as Exhibit A.

Section 4. Having considered the applicable guidelines, the Board hereby calls a special election to be held in conjunction with the General Election in Miami-Dade County, Florida, on November 6, 2018, for the purpose of submitting to the qualified electors residing within the boundaries of the proposed new municipality in the area of Northeast Miami-Dade, as set forth herein, the question of whether or not the Board of County Commissioners should be authorized to create a new municipality in the area of Northeast Dade pursuant to Section 6.05 of the Charter.

Section 5. The special election is called in reliance upon the representations of the Northeast Area Municipal Advisory Committee contained in the MAC report, as well as agreement to conditions for incorporation recommended by the Mayor.

Section 6. Notice of such a special election shall be published in accordance with Section 100.342, Florida Statutes (2000).

Section 7. The results of such special election shall be determined by a majority of the qualified electors residing within the legal description of the proposed new municipality in the area of Northeast Miami-Dade, as set forth herein, voting upon the question. The polls shall be open as set forth in general election law from 7:00 a.m. until 7:00 p.m. on the day of such special election. All qualified electors residing within the boundaries of the proposed new municipality in the area of Northeast Miami-Dade County, Florida, shall be entitled to vote at said special election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections as set forth in General Election law.

Section 8. The question that shall appear on the ballot shall be in substantially the following form:

NEW MUNICIPALITY IN NORTHEAST MIAMI-DADE

SHALL THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS BE AUTHORIZED TO CREATE A NEW MUNICIPALITY IN THE AREA OF NORTHEAST MIAMI-DADE WITH THE FOLLOWING OUTERMOST BOUNDARIES:

NORTHERN BOUNDARY: County line

EASTERN BOUNDARY: City limits of Aventura (Biscayne Blvd.)

SOUTHERN BOUNDARY: City limits of North Miami Beach

WESTERN BOUNDARY: Interstate 95

YES

NO

Section 9. Such question shall appear on the ballot as a separate question or proposal. Those electors desiring to adopt or approve such proposal shall be instructed to select "YES" as set forth in general law. Those qualified electors desiring to reject or disapprove the question shall be instructed to select "NO" as set forth in general law.

Section 10. Vote by mail ballots may be used by qualified electors residing within the boundaries of a proposed new municipality in the area of Northeast Miami-Dade for voting on this question at said special election as permitted by general law. The form of vote by mail ballot shall be in accordance with the requirements prescribed by the general election laws, and shall have printed thereon the question or proposal hereinabove set forth, with a proper place for voting either "YES" or "NO," following the statement of the question or proposal aforesaid.

Section 11. A sample ballot showing the manner in which the question or proposal aforesaid will appear on the ballot at this special election shall be published and provided in accordance with the applicable provisions of the general election laws. The County Mayor or County Mayor's designee, the Finance Director, the Supervisor of Elections, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this Resolution.

Section 12. The special election shall be a nonpartisan election. Election Inspections Boards, inspectors and clerks to serve as elections officials in connection with this special election shall be appointed in accordance with the provisions of the general election laws.

Section 13. This special election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Charter.

Section 14. This Board hereby designates the Water and Sewer pump stations located at 2621 NE 207 Street, 2459 NE 204 Street, 20460 NE 20 Court and 19720 NE 18 Avenue, and Ojus Urban Area District and Greynolds Park, as shown on the maps included as **Exhibits D and E**, as Areas of Countywide Significance pursuant to sections 20-8.6 and 20-28.1 of the Code.

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

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Daniella Levine Cava	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
District 5 - Vacant	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of June, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Cynthia Johnson-Stacks
Abbie Schwaderer-Raurell

MIAMI - DADE COUNTY
 Northeast Proposed Municipality Boundaries

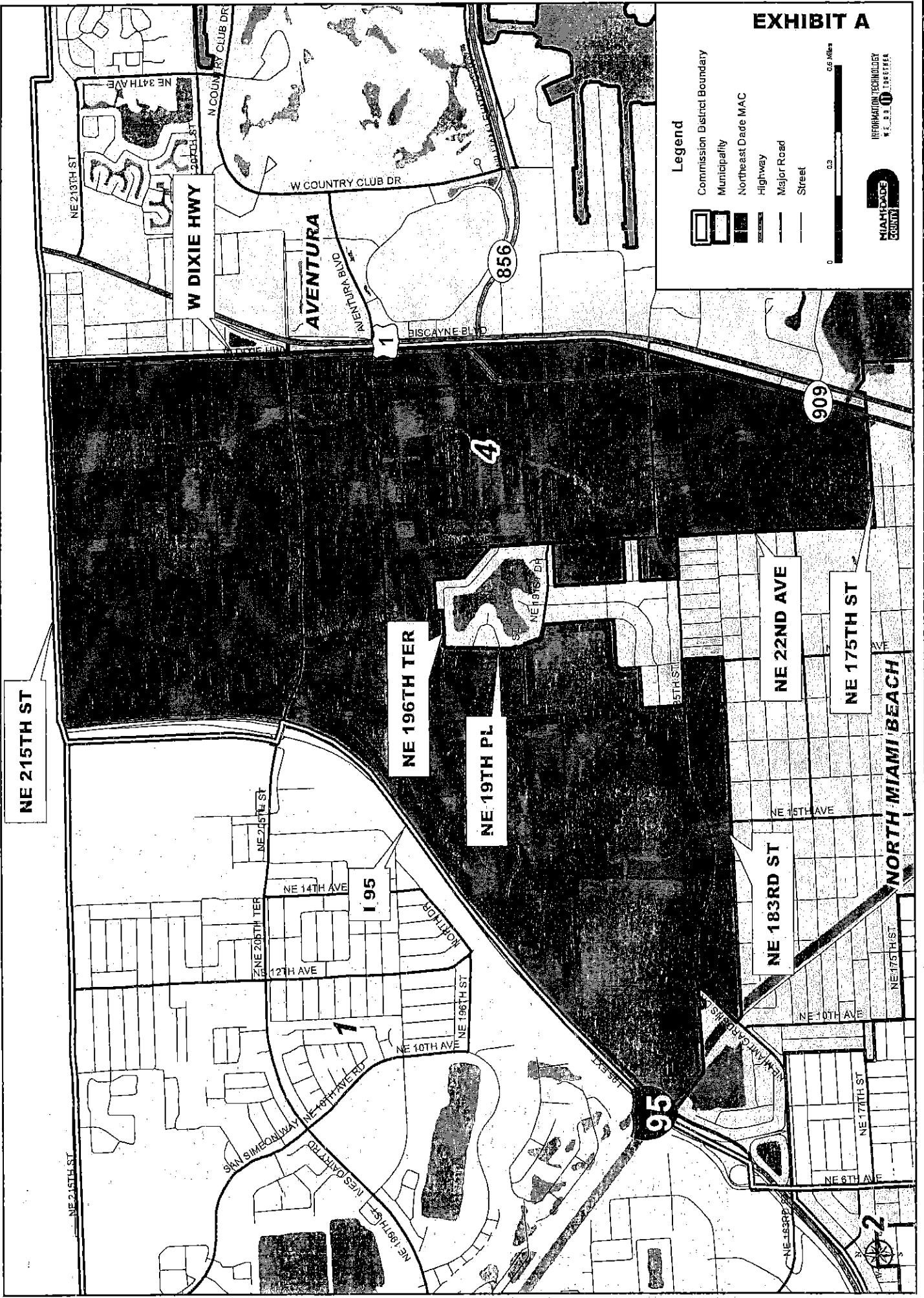
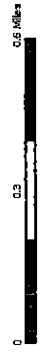


EXHIBIT A

Legend

- Commission District Boundary
- Municipality
- Northeast Dade MAC
- Highway
- Major Road
- Street



**RESOLUTION APPROVING THE
NORTHEAST DADE
MUNICIPAL ADVISORY COMMITTEE REPORT**

WHEREAS, the Northeast Dade Area Municipal Advisory Committee (NEMAC) was established on April 8, 2003, by the Board of County Commissioners (Board) pursuant to Resolution No. 341-03, created by Ordinance No. 04-104, adopted by the Board on May 21, 2004, and allowed to continue in existence for a prescribed period of time to complete its responsibilities pursuant to Ordinance No. 15-22 adopted by the Board on April 21, 2015; and

WHEREAS, the Committee was charged with studying the feasibility of creating a new municipality whose boundaries are generally described as the unincorporated area bounded by Interstate 95 (Westernmost); Dixie Highway/Biscayne Boulevard (Easternmost); City of North Miami Beach Limits (Southernmost); and the County line (Northernmost); and

WHEREAS, the Committee has met with County staff and discussed mutually agreeable conditions for the incorporation of the Northeast Dade Area; and

WHEREAS, the Committee has conducted two duly advertised public hearings on June 21, 2016 and July 21, 2016 to discuss with the Northeast Dade residents the proposed conditions to incorporate the Northeast Dade area; and

**NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE
NORTHEAST DADE AREA MUNICIPAL ADVISORY COMMITTEE THAT:**

Section 1. The Committee adopts by this resolution the terms and conditions outlined in the Northeast Dade Municipal Advisory Committee Conceptual Agreement was adopted on January 27, 2016 and the *Northeast Dade Municipal Advisory Committee Final Budget Review*, was adopted on April 7, 2016 copies which are attached and incorporated herein by reference,

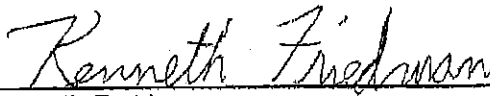
Section 2. The Northeast Dade Area Municipal Advisory Committee requests that the Board of County Commissioners adopt a resolution calling for an election in the Northeast Dade area based on the terms proposed in the attached report which is hereby submitted to the Board of County Commissioners.

Section 3. The Committee wants to express its appreciation to County staff for the time and effort during the completion of the incorporation feasibility study.

The foregoing Resolution was offered by Jonathan Morton, who moved its adoption. The motion was seconded by Jaap Donath and upon being put to a vote, the vote was as follows:

Jaap Donath	Yea
Kenneth Freidman	Yea
Richard Golden	Yea
Jeffrey Levinson	Yea
Rochelle Matza	Nay
Jonathan Morton	Yea
Eric Moss	Yea
Gerard Moss	Nay
Peggy Stroker	Yea
Janette Valdez Darnell	Yea
Roslyn Weisblum	Yea

The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of August 2016.



Kenneth Freidman
Chairperson
Northeast Dade Area Municipal Advisory Committee

**NORTHEAST MUNICIPAL ADVISORY COMMITTEE (NORTHEAST MAC)
CONCEPTUAL AGREEMENT**

The following offers a conceptual incorporation agreement for the proposed municipal government of the northeast area 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 northeast area can proceed with its incorporation process.

Background

The Northeast Municipal Advisory Committee, a group of northeast area residents appointed by the Board of County Commissioners (Board), was created under the sponsorship of Commissioner Sally A. Heyman (Commission District 4) to study the possible creation of a new municipality in the area of Northeast Dade. The group met with local officials, private government consultants and County staff from various departments.

The following is a conceptual agreement proposed by the Northeast Municipal Advisory Committee.

CONCEPTUAL AGREEMENT

WHEREAS, the outermost boundaries of the proposed municipality of the northeast area (hereafter referred to as "proposed municipality ") are as follows and as depicted on the attached map:

- Westernmost** — Interstate 95
- Easternmost** — Dixie Highway/Biscayne Boulevard
- Southernmost** — City of North Miami Beach Limits
- Northernmost** — Countyline

WHEREAS, the Northeast Municipal 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 northeast 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 for Miami-Dade County, Chapter 20, Sections 20-25 and 26, and Chapter 15, Section 15-3, the proposed municipality of the northeast area will remain a part of the Miami-Dade Fire Rescue District, the Miami-Dade Library System, and the Miami-Dade Solid Waste Collection Service Area in perpetuity.

The proposed municipal government of 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 (Interlocal Agreement)

between the northeast area 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 northeast area 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 Miami-Dade County Code requires that the proposed municipality of the northeast area shall pay from its municipal funds, for specialized law enforcement services to be exclusively provided by the Miami-Dade Police Department in perpetuity. The Board allowed the municipalities of Miami Lakes, Doral, Miami Gardens, Palmetto Bay and Cutler Bay to amend their respective charters and remove the requirement to pay for specialized police services. However, the Code has not been amended to remove the requirement that municipalities contract and pay for specialized police services, thus the Board has the ability to require the new municipality to pay and contract for specialized police services. Should the Board require that the new municipality contract, payment amounts and other pertinent terms relating to the provision of specialized police services shall be set forth in a contract between the northeast area 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 northeast area shall receive a credit equivalent to any payment made through the countywide millage.

The incorporation of the proposed municipality of the northeast area will have an adverse financial impact on the remainder of the unincorporated municipal service area (UMSA). While the requirement that certain existing municipalities pay mitigation to the County was phased out after paying into the Municipal Services Trust Fund (MSTF) for seven years, the Code currently requires new municipalities to mitigate the adverse impact on UMSA. At the time of incorporation, the Miami-Dade County Code requires that the proposed municipality contribute some amount of its property tax revenues after municipal incorporation to the County into a MSTF, the amount of which shall be determined by the Board. The amount contributed to the MSTF at the time of incorporation, shall be based on a millage rate. If required, the dollar amount to be paid, based on that millage rate will be set at a dollar value during the first year of operation of the new municipality, based on the preliminary tax roll for the new municipality for that year.

The Northeast Municipal 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 northeast area are Highland Oaks Park and Ojus Park. Additional terms and conditions regarding the proposed municipality's responsibilities to operate, develop and maintain the conveyed parks will be set forth in an Interlocal agreement between Miami-Dade County and the new municipality in the northeast area at the time the parks are transferred to the new municipality.

The Northeast Municipal Advisory Committee members understand and agree that the County shall convey local roads within the boundaries of the proposed municipality in as-is condition. Additional terms and conditions regarding the new municipality's responsibilities to maintain the conveyed roads will be set forth in an Interlocal agreement between Miami-Dade County and the new municipality of the northeast area at the time the roads are transferred to the new municipality. There are approximately 75.1 lane miles in the Northeast Dade Area. Approximately 56.7 lane miles will be transferred to the new municipality in Northeast Dade. The County is proposing to keep approximately 18.4 lane miles consisting of the following roads:

- NE 18 Road, from NE 183 Street/19 Avenue to NE 185 Street

- NE 18 Avenue, from NE 185 Street to NE 194 Terrace
- NE 18 Avenue, from NE 194 Terrace to NE 199 Street
- NE 199 Street, from NE 18 Avenue to Highland Lakes Boulevard
- Highland Lakes Boulevard, from NE 199 Street to NE 203 Street
- NE 19 Avenue, from NE 183 Street to NE 185 Street
- NE 26 Avenue, from West Dixie Highway/NE 193 Street to NE 215 Street
- West Dixie Highway, from theoretical NE 175 Street to NE 215 Street
- NE 203 Street, from Interstate 95 to NE 26 Avenue

The municipality of the northeast area will receive all municipal revenues to which it is entitled. 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 Quality Neighborhood Improvement Program (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 within cities under the countywide budget.

The proposed municipality of the northeast area 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 set forth in a separate provision of the municipal charter article entitled "Special Conditions" and as may be provided otherwise in the Miami-Dade County Home Rule Charter or this conceptual agreement.

In recognition of the fact that the development of a new municipality requires considerable effort and a period of transition during which The northeast area can benefit from a strong mentoring relationship with the current service providers and administration, and in recognition of the fact that both the northeast area and the County desire to have an ongoing, cooperative relationship, the County will provide municipal assistance to the proposed municipality of the northeast area as established in interlocal agreements between the municipality and the County.

Section 2. - Continuing Obligation as to County Bonds

The County issued Public Service Tax Revenue Bonds, Series 1999 and Series 2002 prior to the area'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 new 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

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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.

On September 16, 2013, in accordance with Resolution No. R-681-13, the Miami-Dade County Florida Stormwater Utility Revenue Refunding Bonds, Series 2013 (the "Stormwater Bonds"), refunded all of the outstanding Miami-Dade County Stormwater Utility Revenue Bonds, Series 1999 and Series 2004, except for the Miami-Dade County Stormwater Utility Revenue Bonds, Series 2004, maturing on April 1, 2014 and April 1, 2015.

The outstanding total debt service amounts on the Stormwater Bonds are payable from the stormwater utility fees collected in the unincorporated area and within the municipalities that exempted from the Miami-Dade County Stormwater Utility after 2004. The County assesses and collects the stormwater utility fees (the "Stormwater Utility Fees") pursuant to Sections 24-51 through 24-51.5 of the County Code, and in accordance with Section 403.0893, Florida Statutes.

The proposed municipality agrees that until the Stormwater Bonds have been paid or provision made for their payment pursuant to Article IX of Ordinance No. 98-187, enacted by the Board 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 within the unincorporated area, within the boundaries of the proposed municipality, and within all municipalities that exempted from the Miami-Dade County Stormwater Utility after 2004, and also within any municipal annexations approved after 2004.

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 due 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 due 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 due (based on Equivalent Residential Unit) within the boundaries of the proposed incorporated area and the denominator of which will be the total amount of Stormwater Utility Fees due (based on Equivalent Residential Unit) in the unincorporated area of the County, and within the municipalities that exempted and any annexations approved after 2004.

Following the County's reservation (through a Water & Sewer Department (WASD) Stormwater Billing Agreement) of the proposed municipality's pro-rata share of Stormwater Utility Bonds debt service due 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, unless such debt service is collected directly through an interlocal agreement or other County approved means.

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 (CDMP) as it may be amended from time to time, pursuant to the Statement of Legislative Intent of the CDMP and specifically as applied to the sites listed below:

<u>DEPARTMENT/FACILITY</u>	<u>LOCATION</u>
Miami-Dade County Water and Sewer Department Regional Pump Station 0423	2451 NE 203 Street

The list of facilities may be revised by the Board 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 of the northeast area. Additionally, the proposed municipality of the northeast area shall pass no ordinance or regulation that would limit or impede the operation of the aforementioned County facilities. Jurisdiction over the listed sites for purposes of comprehensive planning, zoning and building approvals (including but not limited to site plan approvals, issuance of building permits, building inspections, compliance with the 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, currently being performed by the Miami-Dade County Department of Regulatory and Economic Resources), water and sewer installations, compliance with environmental regulations, and utility regulation shall be and is hereby vested in Miami-Dade County regardless of any municipality code, or ordinance provision to the contrary.

The proposed municipality of the northeast area shall not institute, intervene or otherwise participate, 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, or a county contractor on behalf of Miami-Dade County

The proposed municipality agrees to include language in its municipal charter agreeing that the Board of County Commissioners retains jurisdiction over the modification or deletion of declarations of restrictive covenants accepted by either the Board of County Commissioners or a Community Zoning Appeals Board in connection with a Comprehensive Development Master Plan application or zoning application, regardless of whether such declaration provides for modification or deletion by a successor governmental body.

1. April 2003-04 Appl. No 2 (Small - Scale) Ordinance No. 03-244 November 5, 2004
Official Record OR 21909 pgs. 3307 - 3321 Date 12/17/2004
2 Folio List: 3022030780010 & 3022030780020
(Blue Green Commercial Corp.)

2. April 2012-13 Appl. No 1 (Small - Scale) Ordinance No. 12-98 November 12, 2013.
Official Record OR 28487 pgs. 1465 -1471 Date 02/13/2013
32 Folio List: From 3012340030740 - through – 3012340031100
(Weitzer Aventura LLC)

Section 4. - Conditions of Incorporation

The proposed municipality agrees to include in its municipal charter language adopting Miami-Dade County's workforce housing development program established at Chapter 33, Article XIA of the Code of Miami-Dade County, as amended, provided, however, that any municipality may establish and enforce more stringent regulations as necessary to ensure provision of workforce housing units within its jurisdiction.

Section 5. - Favored Nation Status

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 of the northeast area will not be required to receive that particular service from the County.

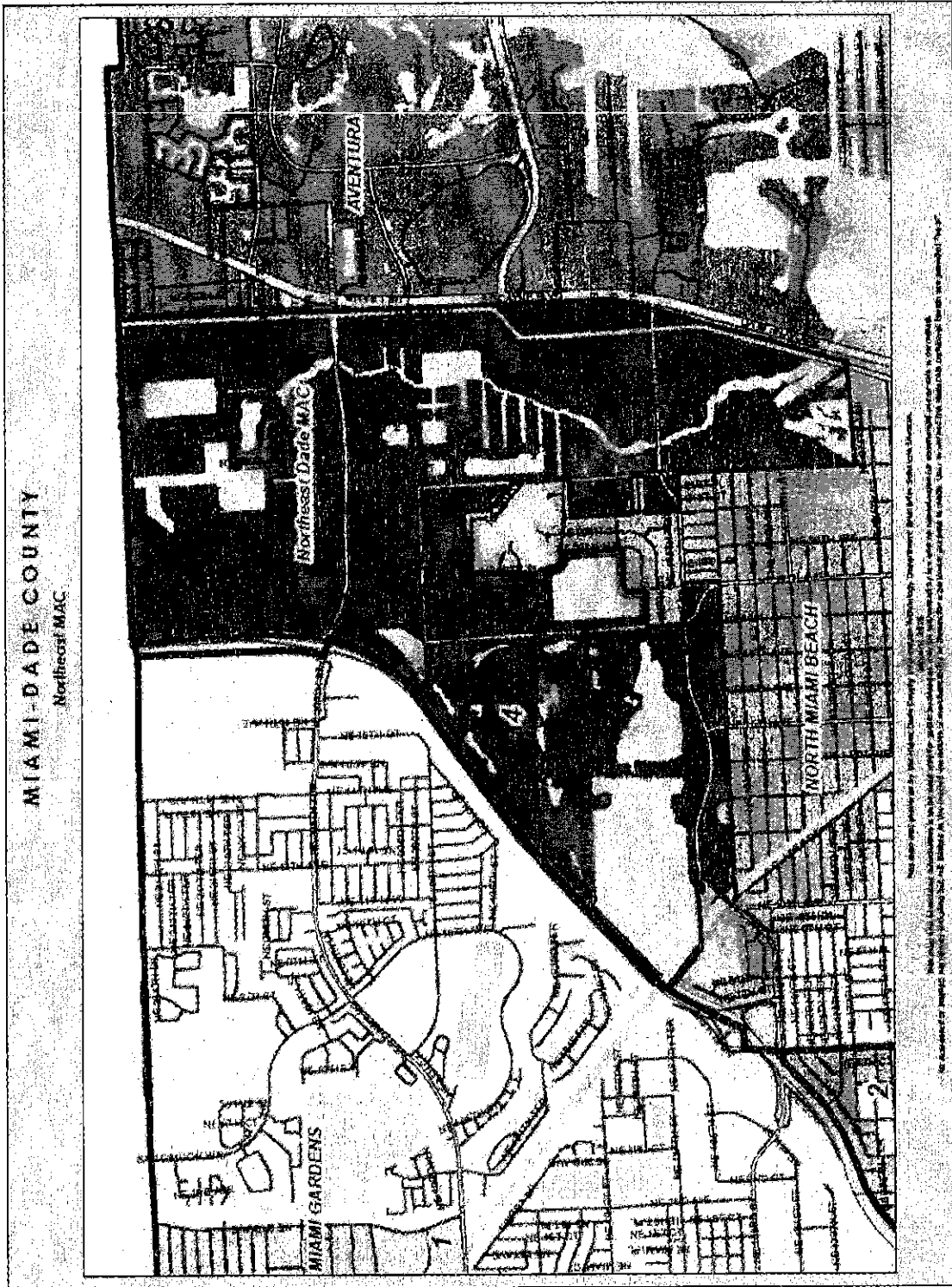
Should the Board require the proposed municipality to contribute to the MSTF, and allow a subsequently incorporated donor community, defined as one where the revenues generated from the area are more than the cost of providing services to the area, more favorable terms related to the MSTF than the proposed municipality, the proposed municipality's contribution will be adjusted accordingly.

The provisions of this section, apply only to the service or services listed in this Section 5 and in no way alter the agreement regarding the remaining services.

ACRONYMS

- Board - Board of County Commissioners
- CDMP - Comprehensive Development Master Plan
- Home Rule Charter - Miami-Dade County Home Rule Charter
- MAC - Municipal Advisory Committee
- MSTF - Municipal Services Trust Fund
- PST - Public Service Tax Bonds
- QNIP - Quality Neighborhood Improvement Program
- UMSA - Unincorporated Municipal Service Area
- WASD - Water & Sewer Department

Northeast Dade MAC Area Map



**RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING
ADVISORY BOARD RECOMMENDING APPROVAL OF THE
NORTHEAST DADE MUNICIPAL ADVISORY COMMITTEE
INCORPORATION PETITION.**

WHEREAS, the Board of County Commissioners (Board) approved Resolution No. 341-03 on April 8, 2003 and by Ordinance No. 04-104 on May 11, 2004, creating and establishing the Northeast Dade Municipal Advisory Committee (NEMAC) and directing County staff to prepare a study of the possible incorporation of a new municipality; and

WHEREAS, on April 24, 2015, the Board adopted Ordinance No. 15-22 to extend the NEMAC for additional time; and

WHEREAS, the proposed incorporation area is generally bounded by the County Line to the north, the City of North Miami Beach to the south, the City of Aventura to the East and Interstate 95 to the west; and

WHEREAS, On August 8, 2005, the Planning Advisory Board held a public hearing in the incorporation area and recommended the Board approve the NEMAC incorporation effort, thus allowing it to move forward for a vote of the electorate; and

WHEREAS, on November 1, 2005, the Board adopted Ordinance No. 05-192 suspending consideration of all annexation and incorporation proposals and consequently the NEMAC incorporation petition was not presented to the Board; and

WHEREAS, on April 3, 2012, the Board adopted Ordinance No. 12-24, lifting the moratorium on annexations and incorporations; and

WHEREAS, in February 2013, the NEMAC reconvened for the purpose of updating the information for the NEMAC incorporation effort; and

WHEREAS, the NEMAC adopted a pro-forma budget as part of their process which includes the revenue and expenditure estimates of the proposed municipality and an independent consultant hired by the County to review the NEMAC pro-forma budget concluded that the area is financially viable as a municipality; and

WHEREAS, the NEMAC public hearings were held on June 21, 2016, and July 21, 2016, where the NEMAC considered input from the community; and

WHEREAS, on August 25, 2016, the NEMAC adopted a resolution to forward the incorporation petition to the Board requesting the incorporation effort move forward and allowing the area residents to vote on the creation of a new municipality; and

WHEREAS, the Board at its meeting on January 24, 2017, referred the NEMAC Report to the Planning Advisory Board to conduct a public hearing in the community and provide the Board with a recommendation; and

WHEREAS, the Planning Advisory Board, is to consider the incorporation proposal as referred by the Board pursuant to Section 20-21 of the Miami-Dade County Code (the "Code"); and

WHEREAS, the Planning Advisory Board is required to formulate its recommendation to the Board regarding the Northeast Miami-Dade incorporation, after a public hearing, pursuant to Section 20-22 of the Code; and

WHEREAS, on September 26, 2017 the Planning Advisory Board held an advertised public hearing, concerning this application within the proposed incorporation boundaries; and

NOW THEREFORE BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD, that:

Section 1. The Planning Advisory Board recommends that the Board approve the petition on a modified basis that the new municipality retain regulatory control of the Ojus area but not interfere with the implementation of the SMART Plan, essentially a form of shared jurisdiction.

Section 2. The Planning Advisory Board recommends that the Board examine the proposed municipal budget.

The forgoing resolution was offered by Board Member Marin, who moved its adoption and was seconded by Board Member Tapia, and upon being put to a vote the vote was as follows:

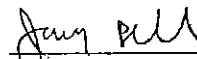
Carla Ascencio-Savola	No	Wayne Rinehart	Yes
Jose Bared	Absent	Georgina Santiago	Absent
Peter DiPace	Absent	Tom Sherouse	No
Horacio C. Huembes	Absent	Richard Tapia	Yes
Raymond Marin	Yes	Jesus Vasquez	Yes
Perley Richardson, Jr.	No		

Roberto Ruano, Vice Chair, Yes

William A. Riley, Chair, Yes

The Chair thereupon declared the resolution duly passed and adopted this 26th day of September 2017.

I hereby certify that the above information reflects the action of the Board.

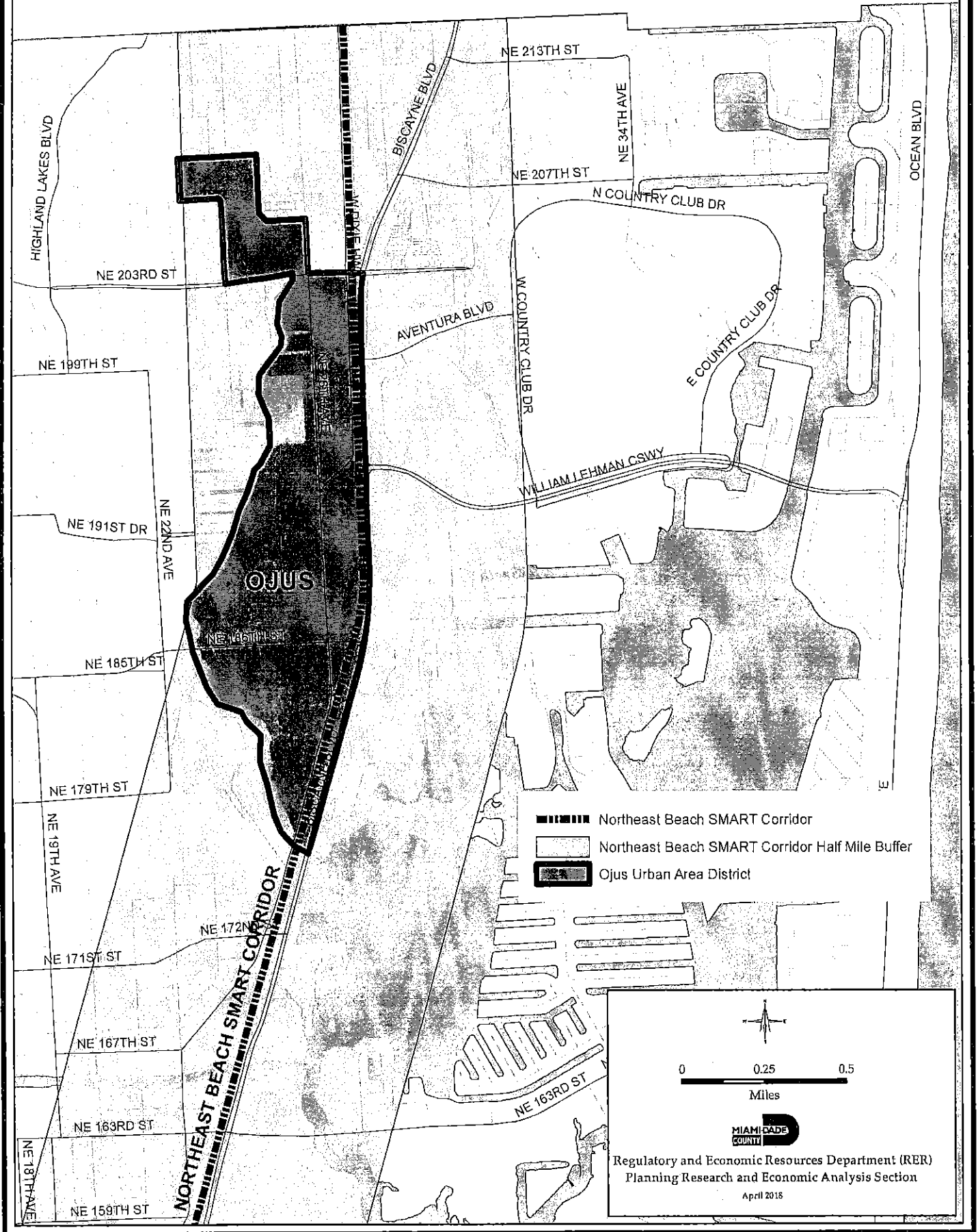


Jerry Bell, Assistant Director for Planning
Department of Regulatory and Economic
Resources

EXHIBIT D

OJUS URBAN AREA DISTRICT AND NORTHEAST BEACH SMART CORRIDOR

MIAMI-DADE COUNTY, FLORIDA



MIAMI - DADE COUNTY
 Northeast Proposed Municipality Boundaries

EXHIBIT E

