

SOUTH A MUNICIPAL ADVISORY COMMITTEE CONCEPTUAL AGREEMENT

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

The proposed municipality of the South A area will be granted all rights, powers and privileges afforded to all municipalities and provided under the Miami-Dade County Home Rule Amendment and Charter (Home Rule Charter) and applicable general laws of the State of Florida, subject 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 of Incorporation".

In recognition of the authority of the Board of County Commissioners (Board) under the Home Rule Charter to carry on a central metropolitan government, the municipality shall be subject to the Miami-Dade County's exercise of countywide jurisdiction under the Home Rule Charter and ordinances adopted pursuant to the Home Rule Charter. Additionally, the municipality will continue to receive all services that are provided within cities under the countywide budget.

A Community Redevelopment Agency (CRA) is created to carry out community redevelopment activities, as permitted by Part III, Chapter 163, Florida Statutes, as may be amended (Applicable Law). The CRA annually receives a tax increment payment funded by each taxing authorities as defined by Applicable Law (unless exempted by Applicable Law) to finance community redevelopment activities. If the proposed municipality is incorporated, the tax increment remains an obligation that must be paid to the CRA trust fund established pursuant to Section 163.387, Florida Statutes, from the municipal millage, as well as the millage of other non-exempt taxing authorities. The West Perrine Community Redevelopment Agency was established by the Board on June 5, 2007 and exists within the boundaries of the proposed incorporation area. The continued governance of the CRA will be determined by the Board at that time, subject to powers retained by the Board as the governing body of Miami-Dade County, under applicable law. The new municipality will acknowledge that the CRA has the power to function within the community redevelopment area boundaries which are wholly or partially within the boundaries of the proposed municipality, in accordance with the Community Redevelopment Agency Plan that was in

effect on the date of incorporation of the municipality. If required, the proposed municipality shall adopt a resolution ratifying the redevelopment plan, which was approved by the Board.

Background

The South A Municipal Advisory Committee (MAC), a group of South A area residents appointed by the Board, was created by Ordinance No.13-77, adopted by the Board on September 4, 2013, and extended by Ordinance No. 15-84 on September 1, 2015, to review the concerns raised by both members of the County Commission and County staff and the manner in which those concerns may be alleviated in the event that the South A area is incorporated as a municipality. The MAC began meeting June 24, 2014. The group met with local officials, private government consultants and County staff from various departments.

The following is a Conceptual Agreement proposed by the South A Municipal Advisory Committee.

CONCEPTUAL AGREEMENT

Whereas, the boundaries of the proposed municipality of South A (hereafter referred to as "proposed municipality ") are shown in Attachment A and are generally described as follows:

Northern most.	SW 120 th Street
Southern most.	SW 232 nd Street
Eastern most.	US 1
Western most.	SW 157 th Avenue

***Boundaries only include areas within County Commission District 9 for proposed municipality.**

Whereas, the South A 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 South A area has certain unmet needs that can be addressed by the incorporation of the area into a new municipality,

**The South A Municipal Advisory Committee
Conceptual Agreement 04/18/2016**

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

Section 1. – County Services

Pursuant to the Code of Miami-Dade County, Chapter 20, Sections 20-25 and 20-26, and Chapter 15, Section 15-3, the proposed municipality of the South A 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 South A will also contract by interlocal agreement with the Miami-Dade Police Department for an initial three-year period for a specific level of patrol staffing. 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 South A 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 South A 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 proposed municipality of the South A area shall pay from its municipal funds, for specialized law enforcement services to be exclusively provided by the Miami-Dade Police Department in perpetuity. Payment amounts and other pertinent terms relating to the provision of specialized police services shall be set forth in a contract between the South A 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, the municipality in South A area shall receive a credit equivalent to any payment made through the countywide millage.

The incorporation of the proposed municipality of the South A 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 members of the South A Municipal Advisory Committee 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 South A area are:

- Chuck Pezoldt Park,
- Colonial Drive Park
- Deerwood Bonita Lakes Park
- Eureka Park
- Goulds Park & Pool
- Sgt. Joseph Delancy Park & Pool
- West Perrine Park
- Roberta Hunter Park
- Ben Shavis Park
- Richmond Triangle Park
- Caribbean Park
- Eureka Villas Park
- Kings Grant Park
- Serena Lakes Park
- Sharman Park
- South Miami Heights Park
- Walter A. White Park
- Domino Park
- Three Lakes Park
- West Perrine Senior Center
- Quail Roost Park
- Losner Park
- Lincoln Estates Park
- Fairwood Park
- Goulds Wayside Park
- William Randolph Community Park
- Cutler Ridge Skate 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 proposed municipality of the South A area at the time the parks are transferred to the new municipality.

The South A 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 proposed municipality's responsibilities to maintain the conveyed roads will be set forth in an Interlocal Agreement between Miami-Dade County and the proposed municipality of the South A area at the time the roads are transferred to the new municipality. There are approximately 363.7 centerline miles in the proposed study area, of which, approximately 299.3 centerline miles will be transferred to the proposed municipality. The County is proposing to keep the following roads, which total approximately 64.4 centerline miles:

- SW 157 Avenue from SW 184 Street to SW 152 Street
- SW 147 Avenue from SW 184 Street to SW 152 Street
- SW 137 Avenue from SW 184 Street to SW 128 Street
- SW 127 Avenue from SW 224 Street to SW 184 Street
- SW 127 Avenue from End of Road to SW 120 Street
- SW 122 Avenue from Busway to SW 168 Street
- SW 117 Avenue from SW 112 Avenue to SW 142 Street
- SW 112 Avenue from SW 184 Street to SW 117 Avenue
- SW 107 Avenue/SW 102 Avenue from to SW 142 Lane
- SW 102 Avenue from SW 152 Street to SW 146 Street
- SW 97 Avenue from SW 152 Street to End of road
- Bailes Road from US-1 to SW 232 Street
- SW 232 Street from US-1 to SW 112 Avenue
- SW 224 Street from US-1 to SW 107 Avenue
- SW 220 Street from US-1 to SW 107 Avenue
- Old Cutler Road from SW 112 Avenue to SW 102 Avenue
- SW 216 Street from SW 127 Avenue to SW 103 Avenue
- SW 200 Street from Quail Roost Drive to US-1
- SW 184 Street from SW 157 Avenue to US-1
- SW 168 Street from SW 157 Avenue to SW 147 Avenue
- SW 168 Street from SW 122 Avenue to US-1
- SW 160 Street from SW 157 Avenue to SW 137 Avenue
- SW 152 Street from SW 157 Avenue to HEFT
- SW 136 Street from SW 137 Avenue to SW 127 Avenue
- SW 128 Street from SW 137 Avenue to HEFT

- SW 120 Street from SW 137 Avenue to HEFT
- Busway from SW 232 Street to SW 160 Street

The County will retain traffic engineering jurisdiction over all public streets, driveway connections and sufficiently extending on-site that impacts public rights-of-way that are otherwise conveyed to such new city, to include all traffic signals, signs, pavement markings, and roadway and traffic geometric design standards as it pertains to any proposed modification or closure. The County also retains authority over traffic impact to the extent of reserving the right to require traffic studies for impact to public streets caused by new developments as well as to require mitigation of such impacts.

The County also maintains canals and other drainage infrastructure that serves as drainage to roadways, and provides flood protection to the South A area. At the time of incorporation, an interlocal agreement based on the relative areas of the drainage basins would be required between the proposed municipality and the County to cost share the maintenance of these drainage systems.

Section 2 – Municipal Revenues

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

Section 3. - Continuing Obligation as to County Bonds

The County issued Public Service Tax Revenue Bonds, Series 1999 and Series 2002, as subsequently refunded by the Public Service Tax Revenue Refunding Bonds, Series 2011, prior to the Municipality's incorporation, which are currently outstanding in the respective principal amounts of \$71,295,000 and \$55,275,000 (collectively the "PST Bonds"). The PST Bonds are payable from Public Service Taxes (defined below) collected in the unincorporated area and in the municipalities incorporated within the County since July 2, 1996. The County receives Public Service Taxes pursuant to Section 166.231, Florida Statutes, and as of October 1, 2001, from a communications service tax assessed pursuant to Chapter 202, Florida Statutes and Section 29 of the County Code (collectively, "Public Service Taxes"). Within 30 days of the adoption of the municipal charter, the new municipality agrees to enact an ordinance, pursuant to Section 166.231, Florida Statutes, authorizing the levy of the public service tax at a rate no less than the rate established by the County for electrical water and gas services prior

to the incorporation of the municipality. The 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 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.

At the time the municipality creates its Stormwater Utility and is exempted from the Miami-Dade stormwater Utility, the municipality will enter into an interlocal agreement or agreements for the payment of Stormwater Bonds, for as long as the Bonds are outstanding, and canal maintenance for as long as the County provides for canal maintenance on canals that are part of the County's Stormwater System.

The proposed municipality agrees that until the Stormwater Bonds have been paid or provision made for their payment pursuant to Article IX or Ordinance No. 98-187, enacted by the Board 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 of portion thereof following incorporation shall be its pro-rata share of such debt service obligation. The proposed city'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 which the numerator 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 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.

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 fee (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.

Following the County's reservation (through a 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 4. - 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, as applied to the sites listed below.

Pursuant to Section 20-28.1 of the Code of Miami-Dade County pertaining to Facilities of Countywide Significance, as may be amended, the Board of County Commissioners reserves the right to designate additional lands as an Area or Facility of Countywide Significance, by resolution of the Board of County Commissioners.

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

This provision shall not alter or affect the legal rights of any person residing or owning real property within the proposed municipality. The proposed municipality shall not institute, intervene or otherwise participate in, 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 below, if there has been an official determination by the Board of County Commissioners of Miami-Dade County that a site will no longer be designated a Facility of Countywide Significance by Miami-Dade County.

Compliance with provisions of this section pertaining to Facilities of Countywide Significance shall be considered a condition of incorporation and shall be included in the municipal charter.

The county shall retain full jurisdiction, regulatory and proprietary authority on any properties owned or managed by EEL and any additional EEL parcels that may be approved by BCC in the future.

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

DEPARTMENT/FACILITY

LOCATION

Miami-Dade County Fire Rescue Department

Stations and Rescue Facilities

Station 43	Richmond 13390 SW 152 nd Street
Station 52	S. Miami Heights 12105 Quail Roost Drive
Station 53	Turnpike 11600 SW Turnpike Highway

Miami-Dade County Parks, Recreation, and Open Spaces

Black Creek Trail (Along C1 Canal) (Greenway Park)	SW 184 th Street to Black Creek Canal
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Larry & Penny Thompson Park (Metropolitan Park)	12451 SW 184 th Street
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Nixon Smiley Pineland Preserve (Natural Area Preserve)	13200 SW 124 th Street
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North South Trail (Greenway Park)	US 1 From SW 31 th Street to SW 216 th Street
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Southridge Park (District Park)	19355 SW 114 th Avenue
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Zoo Miami (Special Activity Park)	12400 SW 152 nd Street
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Zoo Miami Entertainment Area I	12400 SW 152 nd Street
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Zoo Miami Entertainment Area II	12300 SW 152 nd Street
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Miami-Dade County Solid Waste Management

Trash & Recycling Centers

Richmond Heights	14050 Boggs Drive
West Perrine	16651 SW 107 th Avenue
South Miami Heights	20800 SW 117 th Court

Miami-Dade County Transportation and Public Works Department

Miami-Dade Transit/Park-and-Ride	Busway and SW 112 th Avenue
Miami-Dade Transit/Park-and-Ride	Busway and SW 184 th Street

Miami-Dade Transit/Park-and-Ride Busway and SW 200th Street

Miami-Dade Transit/Park-and-Ride Busway and SW 168th Street

Miami-Dade County Water and Sewer Department

Treatment Plants

South Miami Heights WTP 11800 SW 208th Street
(Proposed)

Pump Stations

20820 SW 117th Avenue (0522)
20820 SW 117th Avenue (0698)
15840 SW 127th Avenue (0681)

Miami-Dade County Regulatory and Economic Resources Department

All properties owned or managed by Miami-Dade County Environmentally Endangered Lands Program

Regulatory and Economic Resources Department

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

- a) County records identifies that the CDMP covenants listed below are in effect on properties within the proposed municipal area (copies of these covenants are attached). Additional CDMP covenants that encumber property within the proposed municipal area, but are not listed herein, shall also be subject to the jurisdiction of the Board, pursuant to Section 20-8.8 of the Code of Miami-Dade County.

1. April 2004 Cycle CDMP Application No. 10, Covenant recorded 12/31/2007 in Official Record Book 26135 pages 3385-3398
Folios: 3059250000015, 3059250000025, 3059260000035, 3059260000060, 3059260000080, & 3059260000090.
2. April 2005 Cycle CDMP Application No. 15 Covenant recorded 06/06/2006 in Official Record Book 24597 pages 0116-0123.
Folio: 3059330340010.

3. October 2005 Cycle CDMP Application No. 12, Covenant recorded 07/19/2006 in Official Record Book 24734 pages 3216-3222.
Folio: 3060050010290
4. April 2007 Cycle CDMP Application No. 10, Covenant recorded 12/17/2007 in Official Record Book 26111 pages 1302-1309.
Folios: 3060050010150, 3060050010160, 3060050010170, 3060050010180, 3060050010190, 3060050010200, 3060050010210, 3060050010220, 3060050010230, 3060050010240, 3060050010250, 3060050010260, 3060050010270, 3060050010280, 3060050010300, & 3060050010320
5. October 2011 Cycle CDMP Application No.3, Covenant recorded 1/17/2013 in Official Record Book 28449 pages 1200-1219
Folios: 3059250000015, 3059250000025, 3059260000035, 3059260000060, 3059260000080, & 3059260000090.
6. October 2012 Cycle CDMP Application No. 2, Covenant recorded 11/04/2013 in Official Record Book 28896 pages 2020-2025.
Folios: 3059140800050, 3059140800060, & 3059140800070

Section 4. – Additional Conditions of Incorporation

The proposed municipality agrees to include in its municipal charter language adopting the Miami-Dade County's workforce housing development program established at Chapter 33, Article XIIA 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 South A area will not be required to receive that particular service from the County.

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
CRA - Community Redevelopment Agency
CDMP - Comprehensive Development Master Plan
EEL - Environmentally Endangered Lands
HEFT - Homestead Extension of Florida Turnpike
BCC - Miami-Dade County Board of County Commissioners
Home Rule Charter - Miami-Dade 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
WTP - Water Treatment Plants